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1 Introduction

What is the Statement of Community Involvement (SCI)?

1.0.1 This Statement of Community Involvement (SCI) outlines how North Devon Council will involve the community and other stakeholders⁽¹⁾ in the preparation and revision of local development documents (including the Local Plan) and in decision making on planning applications.

1.0.2 Planning is place shaping, so it is right that those interested in and potentially affected by the process outcomes have an opportunity to be effectively involved. By enabling the local community, business and service providers to be involved in the planning process the District Council can ensure the delivery and implementation of a development strategy that meets the aspirations and needs of the widest possible range of people, communities, organisations and businesses interests.

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1.0.4 The SCI provides a flexible framework for future consultation and community engagement in the plan making and development management processes. Certain consultation requirements are mandatory in respect of plan-making and planning application determination. The SCI sets out the associated requirements and how and when, within the scope of available resources, such will be expanded upon. It is important to note that resource availability will influence the form and scope of consultation and engagement.

1.0.5 It is important to note that whilst the Council will always consider appropriately made comments in response to a development plan document or a planning application, it will not always be possible or appropriate to determine the matter in accordance with the comment (s) received. There may be other material considerations, such as legislative requirements, or national or local policies, which the Council must consider, and of course differing views may be presented in response to the matter subject to consultation.

1 [1] **Stakeholders**

A combination of statutory consultees, as identified in legislation and Government guidance, and other organisations which are identified by the Council as having a 'stake' or interest in the preparation of a development plan or planning application

What is the status of the SCI?

1.0.6 Producing the SCI is a legal requirement set out in Section 18 of the Planning and Compulsory Purchase Act 2004. This SCI was adopted by the Council in January 2015 and its provisions in relation to plan-making are binding on the Local Planning Authority.

Relationship to other Council Communication and Consultation Strategies

1.0.7 Local authorities need to have regard to the **Public Sector Equalities Duty**, as referred to in the **Equalities Act 2010**, in respect of engaging with people with ‘protective characteristics’. Ensuring the SCI is up to date will ensure that the Planning Service has due regard to this statutory duty in terms of public consultation on emerging planning documents and planning applications.

1.0.8 The SCI follows the principles of the Council’s **Joint Inclusive Equality Scheme 2012-15**, which sets out the Council’s commitment to equality, making services responsive and increasing participation. This requires steps to be taken to ensure that appropriate consideration is given to the views of ‘hard to reach’ groups who do not take part in consultation through choice, circumstances or lack of opportunity. Traditionally, these groups have been based around age, disability, gender, sexual orientation, faith/belief and ethnicity. These six communities are not the only ones to benefit from this scheme; this scheme is intended to:

- a. remove discrimination and harassment;
- b. promote equality of opportunity;
- c. promote good relations between persons of different backgrounds; and
- d. encourage participation in public life for people of different backgrounds.

1.0.9 The Council must comply with both the Data Protection Act 1998 and the Freedom of Information Act 2000, which protects the privacy of personal data and is concerned with the openness of public information, respectively. The challenge for local authorities is to comply with both Acts, which will require careful handling of requests for information and consultation responses. Details of the Council’s policies under both Acts can be inspected on the Council’s website.

Duty to Co-operate and the National Planning Policy Framework

1.0.10 Section 110 of the Localism Act 2011 amended the Planning and Compulsory Purchase Act 2004 to introduce a “Duty to Co-operate” for local planning authorities and other public bodies. As a result, local planning authorities are required to work with neighbouring authorities and other prescribed bodies (including: the Environment Agency, English Heritage, Natural England, Civil Aviation Authority, Homes and Communities Agency, NHS Primary Care Trust/Northern, Eastern and Western Devon Clinical Commissioning Group, Office of the Rail Regulator, Centro - the Integrated Transport Authority and the Highways Agency) when preparing their development plan documents for ‘strategic matters’. In particular, the duty:

- relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a County Council;
- requires that Councils set out planning policies to address such issues;
- requires that Councils and public bodies to engage constructively, actively and on an ongoing basis to develop strategic policies; and
- requires Councils to consider joint approaches to plan making.

1.0.11 Government guidance issued in March 2012, and more recently in March 2014, reinforced the duty to co-operate requirement on planning issues that cross administrative boundaries, particularly those which relate to ‘strategic priorities’. Subsequently, local planning authorities are required to work collaboratively with other bodies to ensure that strategic priorities across administrative boundaries are properly coordinated and reflected in development plan documents. The National Planning Policy Framework (NPPF) adds that local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross boundary impacts when their Local Plans are submitted for examination.

1.0.12 Operational details in relation to the legislative and national guidance provisions are discussed later in the report.

What level of Community Involvement will we aim for?

1.0.13 The International Association for Public Participation has developed a Public Participation Spectrum (see Table 1) that shows different levels of public participation and the impact on both the community at large and on the practitioner promoting the participation. The Council has made use of the Spectrum to develop its approach to effective consultation and engagement.

Level of Community Involvement	Objective	Promise to the Public	Example Tools
INFORM	To provide the public with balanced and objective information to assist them in understanding the issue, alternatives and/or solution.	We will keep you informed.	<ul style="list-style-type: none"> • Fact sheets • Website • Newspaper advert
CONSULT	To obtain public feedback on analysis, alternatives, and / or decisions.	We will keep you informed, listen to and acknowledge concerns, and provide feedback on	<ul style="list-style-type: none"> • Public comment • Focus groups • Surveys

Level of Community Involvement	Objective	Promise to the Public	Example Tools
		how public input influenced the decision.	<ul style="list-style-type: none"> Public meetings
INVOLVE	To work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered.	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	<ul style="list-style-type: none"> Workshops Deliberate polling
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum possible extent.	<ul style="list-style-type: none"> Citizen Advisory Committees Consensus building Participatory decision-making
EMPOWER	To place the final decision-making in the hands of the public.	We will implement what you decide.	<ul style="list-style-type: none"> Citizen Juries Ballots Delegated decisions

Table 1 Public Participation Spectrum

2 The profile of the community and meeting the challenges presented

2.0.1 North Devon Council is working jointly with Torrington District Council on a new Local Plan, consequently it is considered appropriate to focus on both North Devon and Torrington communities and their future challenges.

2.0.2 The North Devon and Torrington area comprises about 1,903 square kilometres and has a population of around 157,000 (2011 Census) people living in a network of historic market towns, rural settlements and coastal resorts. About half the area's population live around the Taw and Torrington estuaries, in Barnstaple, Bideford, Braunton, Fremington and Northam. The pattern of development across northern Devon reflects maritime influences and the rurality of the area.

2.0.3 Exmoor National Park lies to the northeast and Dartmoor forms a barrier to the south. The area includes the catchments of the Rivers Taw and Torrington and their tributaries, which define the extent of the North Devon Biosphere Reserve, and to the west the headwaters of the River Tamar. The coastline is defined as an Area of Outstanding Natural Beauty and Heritage Coasts, which adjoins Exmoor National Park. The North Devon Coast Areas of Outstanding Natural Beauty covers 9% of northern Devon. Only about 5% of the area is urbanised.

2.0.4 The estuary towns contain the majority of housing and jobs. The economy comprises traditional agricultural and maritime sectors supplemented by light industrial activity, a large service sector and a growing green economy. Tourism related employment is also significant, but principally on a seasonal basis; during holiday seasons there is a threefold increase in the area's population.

2.0.5 The rural area has displayed some diversification trends but overall growth levels have been historically low. In marked contrast, significant growth has occurred within the towns of northern Devon. Almost 70% of housing development in Torrington and 61% in North Devon occurred within the districts' towns over the period 2001-2011.

2.0.6 Experienced demographic change and housing trends have been driven mainly by high net in-migration and the urban concentration strategy of past development plans. The area's population is projected to increase by almost 11% 2011-2031, during which time the age profile of the population is expected to change dramatically. Limited growth is projected in those aged under 15 with very small growth in those aged 25-34 and 55-64. Significant growth is projected in all pensionable ages; ranging from a 30% increase in those aged 65-74 and 67% in those aged 75-85 to a 114% increase for those aged 85+.

2.0.7 Any meaningful and practical programme of community engagement, in addition to reflecting on the area's population characteristics, must have regard to its physical and development characteristics. The dispersed and polycentric settlement pattern means that there is a population density of about 64 people per square

kilometre, which compares to 410 people per square kilometre for England⁽²⁾. Connectivity across the district is further constrained by the nature of the area's highway network.

2.0.8 Within the rural area of North Devon there are 63 individual parishes and so the parish councils provide an important point of contact with local communities. The use of customer service centres in the main urban areas, together with greater use of electronic communication, provide increased options for contact across the rural areas. The Council is also represented on SPARSE, which is a national representative group of local authorities seeking to address problems associated with having low density and widely dispersed rural populations.

2.0.9 Overall, the physical and social nature of the area gives rise to the following issues for effective consultation:

- the need to consider developing and using different consultation mechanisms in urban and rural locations, tailored to meet specific needs and opportunities;
- the need to consider the dispersed nature of the population, many of whom live outside of the main centres of Barnstaple, Ilfracombe, Braunton and South Molton;
- to consider the widest range of possible consultation mechanisms to deliver a meaningful response;
- where appropriate and possible, offer decision makers options with respect to consultation measures to be undertaken, identifying the potential resource implications for each option;
- how to consult the relatively small numbers of ethnic residents, where English may not be understood;
- how to engage effectively with the socially excluded, including those people whose health or disability does not enable them to use traditional methods of involvement;
- how to engage young people in the consultation process and ensure that responses are balanced by input from young people;
- how to consult and involve a population that is relatively elderly and getting older; and
- broadband is not universal, especially in more rural locations, meaning some communities find it more difficult to access electronic information and communication.

2 2011 Census: Usual resident population and population density, local authorities in the United Kingdom.

3 Plan-making

3.01 This section sets out how, in the preparation of local development documents, the Council will involve the local community, business and stakeholders at each of the main preparation stages. The legal requirements for consultation are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012, which will subsequently be referred to as ‘the 2012 Regulations’. The Council may exceed these requirements where it considers this would improve engagement and where resources allow.

3.1 What are Local Development Documents?

3.1.1 Local Development Documents (LDDs) is the collective term used to describe the Statement of Community Involvement, Development Plan Documents (such as North Devon and Torridge Local Plan) and Supplementary Planning Documents.

Local Development Scheme (LDS)

3.1.2 The Local Development Scheme sets out the plan making timetable for North Devon and Torridge Councils’ for the three years up to 2017. It identifies the Councils’ intended delivery programme for DPDs, this SCI and the Community Infrastructure Draft Charging Schedule.”

Development Plan Documents (DPDs)

3.1.3 Development Plan Documents are formal plans that, together with any minerals and waste plans at county level and any adopted neighbourhood plans, make up the ‘development plan’. It is in accordance with the development plan that planning applications should be determined unless material considerations indicate otherwise. The term “Local Plan” is most often used to describe the DPDs produced by local planning authorities.

3.1.4 The North Devon and Torridge Local Plan is a jointly prepared Development Plan Document which, together with the proposed Traveller and Travelling Showpeople Site Allocations DPD, will make up the new Local Plan for North Devon and Torridge districts.

Supplementary Planning Documents (SPDs) and Other Planning Documents

3.1.5 Supplementary Planning Documents and other planning documents such as conservation character appraisals do not form part of the development plan. Such documents provide more detailed guidance on the implementation of policies in the Local Plan, for instance in relation to the development of specific sites or on particular issues such as design. SPDs and other planning documents can be a material consideration in planning decisions. Following the adoption of the North Devon and Torridge Local Plan the Council intends to update a number of currently adopted SPDs.

Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment

3.1.6 A Sustainability Appraisal provides an assessment of the environmental, social and economic effects that would result from the implementation of the DPDs contained policies or the effects of not having the policies.

3.1.7 All DPDs must be subject to a Sustainability Appraisal and all DPDs and some SPDs to a Strategic Environmental Assessment and Habitats Regulations Assessment, the latter two assessments normally being incorporated into the former in the form of a combined ‘Sustainability Report’. The Scoping Report, which sets out the methodology for the appraisals, will be updated as necessary and be the subject of consultation with relevant stakeholders each time a DPD is prepared to ensure that it provides for an up-to-date and appropriate appraisal of the document in question. The Council will publish Sustainability Reports alongside the relevant DPD.

3.2 Preparing Development Plan Documents (The Local Plan)

3.2.1 The following outlines the key stages and associated engagements required in the preparation of a development plan.

Level of community engagement	STAGE	PROCESS AND REQUIREMENTS
INFORM	1. PRE-PRODUCTION	<ul style="list-style-type: none"> Collect evidence and establish wider the policy framework, this is on-going up to and including stage 4.
INFORM CONSULT INVOLVE COLLABORATE	2. INFORMAL AND EARLY ENGAGEMENT	<ul style="list-style-type: none"> Informal consultations may be carried out and the nature/extent of these will be determined by the specific requirements of evidence gathering or subject matter; Consider issues and alternatives; and Consult on the Scope of the SA/SEA.
INFORM CONSULT INVOLVE COLLABORATE	3. CONSULTATION <i>“Draft Local Plan”</i>	<ul style="list-style-type: none"> Prepare draft document and consult over six week period in line with Regulation 18; and Council to consider the comments made and make amendments where necessary.

Level of community engagement	STAGE	PROCESS AND REQUIREMENTS
INFORM CONSULT INVOLVE COLLABORATE	4. PUBLICATION <i>“Proposed Submission Plan and Sustainability Report”</i>	<ul style="list-style-type: none"> • Statutory stage where a minimum of six weeks is provided to make ‘representations’ on the plan, its SA/SEA, Consultation Statement and supporting evidence (Regulations 19 and 20); and • The Inspector at the Examination will consider these ‘representations’.
INFORM CONSULT INVOLVE	5. EXAMINATION <i>“Submission of the Plan for Independent Examination”</i>	<ul style="list-style-type: none"> • Main issues raised in the representations at Regulation 19/20 summarised by the Council and made publicly available; • Plan submitted to Secretary of State for independent examination in line with Regulation 22; • Independent Examination (notice given six weeks in advance to people who have requested to appear Regulation 24); • Examination likely to involve public hearing sessions; and • Planning Inspector issues Report.
INFORM	6. MAIN MODIFICATIONS	<ul style="list-style-type: none"> • Optional Stage - subject to Council agreement, the Inspector can propose changes or ‘main modifications’ to the Local Plan, (including addition of new sites put forward by objectors to the DPD) to avoid the Local Plan being found ‘unsound’; • Inspector considers representations on main modifications and the hearings may be re-opened.
INFORM	7. ADOPTION	<ul style="list-style-type: none"> • Plan adopted by the Council if agreed as ‘sound’ by Inspector (Regulation 26).
INFORM	8. MONITOR & REVIEW	<ul style="list-style-type: none"> • Monitor Plan to make sure it is achieving its aims;

Level of community engagement	STAGE	PROCESS AND REQUIREMENTS
		<ul style="list-style-type: none"> Plan to be reviewed where and when necessary.

Table 2 Process for producing a Local Plan

* References to 'regulations' refer to The Town and Country Planning (Local Planning) (England) Regulations 2012

The Preparation Stages in more detail:

Stage 1. Pre-Production

3.2.2 This is the evidence gathering stage where the Council will collect relevant social, economic and environmental data and review the national policy framework and its requirements. There may be informal meetings and discussions with consultees and identified stakeholders at this stage to consider any specific issues arising during the evidence gathering process. This stage will often be informed by issues identified by the monitoring and review of previous Local Plans.

Stage 2. The Informal Consultation Stage

3.2.3 At this stage consultation will be informal. This will normally involve informal meetings to discuss issues and options with relevant groups and public sector bodies. The aim of this stage is to 'front load' the process of community and stakeholder involvement to allow such interests to participate in developing the document. An issues and options document, papers or leaflet may additionally be produced to introduce wider public engagement.

3.2.4 At this stage, the outcomes of any previous relevant consultations will be taken into consideration in the development of the draft Local Plan.

Stage 3. Consultation on a Draft Local Plan

3.2.5 This stage includes a formal six week consultation period on the draft Local Plan. The availability of the document and how to get involved in the process will be advertised, and promotional material prepared to encourage participation, displays and exhibitions may also be undertaken. Notification of the consultation exercise, including how to participate and by when will be provided to relevant consultees and others who have requested to be informed at key stages of the document's progression.

3.2.6 At this stage there will also be consultation on a Scoping Report for the Sustainability Appraisal and Strategic Environmental Assessment, if this has not already occurred at an earlier stage.

3.2.7 The Council will consider all the comments received in response to this public consultation and amend the document in the light of these, as appropriate. It is important to note that any comments made at this stage, or earlier stages, will **not** be carried forward to the Independent Examination (stage five). If anyone is not satisfied that their comments have not been taken on board, they must comment again at the Publication (stage 4) in order to have their comments considered by the Inspector.

Stage 4. Publication of the Proposed Submission Document

3.2.8 The amended Local Plan now called the 'Proposed Submission Document', will be published and subject to a further formal six week consultation. During the advertised dates final representations can be made to the Local Plan. The Sustainability Report and a Consultation Statement will be published alongside the Local Plan.

3.2.9 Following this six week period, the Council will submit the Proposed Submission Document together with all other relevant reports, the representations received and a Statement of Representations to the Secretary of State if the Council consider that no main changes" are required to ensure the Plan is 'sound.' If main changes are required, a further formal six week consultation will be required before the Proposed Submission Document, a list of the main changes and responses, together with the documents outlined above are, submitted to the Secretary of State.

Stage 5. Examination

3.2.10 All representations will be considered by an Independent Inspector appointed by the Secretary of State, who will conduct an Examination into the 'soundness' of the Local Plan (see the Planning Inspectorate's guide to Examinations). The Inspector will consider most comments by way of written submissions and these will carry equal weight as appearances in person at an oral 'Hearing'.

3.2.11 At least six weeks before the opening of the hearing the Council will notify all interested parties who have not withdrawn a representation (made at Stage 4) to the Local Plan of the date, time and place at which the Hearing is to be held and the name of details of the person appointed to carry out the independent examination.

3.2.12 There may be Pre-Hearing Meeting (PHM) conducted by the Inspector at which the management of the Examination will be outlined. Alternatively the Inspector may disseminate such information in a Guidance Note. An Exploratory Meeting may also be called by the Inspector prior to the PHM to address or clarify any outstanding issues and explore how best to proceed with the Examination.

3.2.13 The Council will send the following documents to the Inspector in electronic and paper form:

- a. the Sustainability Report;

- b. a submission Policies Map, if the adoption of the Local Plan would result in changes to the adopted Policies map;
- c. a statement setting out:
 - I. the Council's compliance with the Duty to Co-operate provisions found in Section 33A of the Planning and Compulsory Purchase Act 2004 (PCPA) (inserted by Section 110 of the Localism Act 2011);
 - II. which bodies and persons were invited to make representation on the content of the plan (Preparation stage);
 - III. how those bodies were invited to make representations;
 - IV. a summary of the main issues raised in those representations;
 - V. how any of those representations have been taken into account;
 - VI. if representations were made at the publication stage, the number of representations made and a summary of the main issues raised;
 - VII. if no representations were received a statement that none were received;
 - VIII. copies of any representations made at the publication stage; and
 - IX. any supporting documents the local planning authority consider relevant.

Stage 6. Main Modifications

3.2.14 During the Examination, the Inspector may ask the Council to allow him/her to propose changes, known as 'main modifications', to address issues of soundness or legal compliance. The Council will normally consult on any such main modifications for a time period agreed with the Inspector. Any further representations received would then be considered by the Inspector who may decide to reopen the Hearing sessions if he/she thinks this is necessary. Minor changes, such as typographical corrections, factual updates or other changes which taken together do not 'materially' affect the policies of the Local Plan, do not require further consultation.

Stage 7. Adoption

3.2.15 Following the Examination, the Council will receive an Inspector's report. Should the Councils wish to adopt the Local Plan they must follow the Inspector's recommendations and if any main modifications are proposed, amend the Local Plan accordingly. There is a short period during which the Council can seek to clarify factual matters. Following consideration of the Inspector's report by the Full Council, the final Local Plan can be adopted. There will then be a six-week period for the submission of any legal challenge to its adoption. The Council must publish the Local Plan, Adoption Statement, Sustainability Appraisal Report and details of where these can be inspected, in accordance with Regulation 26 of the 2012 Regulations.

3.3 Producing a Supplementary Planning Document (SPD)

3.3.1 The procedure for preparing and adopting Supplementary Planning Documents is shorter than for Development Plan Documents. SPDs are not subject to Independent Examination on the basis that they supplement policies in Development Plan Documents which have been subject to examination.

3.3.2 Initial consultation on SPDs will be targeted at groups and individuals depending on the subject matter or location dealt with by the SPD. Consultation techniques will vary depending on the nature of the SPD. This informal consultation will seek to influence the scope and content of the SPD. At this stage, any previous relevant consultation outcomes will be taken into account.

3.3.3 Following initial consultation, a draft SPD will be prepared and this will then be the subject of formal public consultation as required by Regulation 13 of the 2012 Regulations. Parish and town councils, charitable and voluntary bodies who may have a particular interest in the SPD, and all others who have requested to be notified, will be advised of the availability of the draft document and the means by which comment on the document can be made.

3.3.4 The draft SPD will be made available through the Council's website. This publicity will offer an opportunity for individuals and bodies to contribute their views. Depending on the nature of the SPD, the consultation may be further publicised through a local exhibitions or displays, and meetings may be held to discuss the draft document.

3.3.5 All comments received will be considered and the SPD amended as appropriate in the light of these comments from which the final document will be adopted.

STAGE	PROCESS AND REQUIREMENTS
1. INVOLVE	<ul style="list-style-type: none"> • Collect evidence. Informal consultations may be carried out and the nature/extent of this will be determined by the subject matter of document; • Work with relevant groups and organisations; • Consider issues and alternatives in the production of a draft SPD; • Screen to determine whether a SEA and HRA required; and • Report on the consultation undertaken is summarised within a Consultation Statement (Regulation 12).
2. CONSULT	<ul style="list-style-type: none"> • Statutory stage where a minimum of 6 weeks* will be provided to comment on draft SPD and any supporting evidence, including the Consultation Statement (Regulation 13); • Documents made available for inspection including on the Council's website; • Notifications will sent to relevant groups and organisations and all those who have requested to be notified; • Parish and town councils will be notified; and • Comments considered by officers and SPD amended.

STAGE	PROCESS AND REQUIREMENTS
3. ADOPT	<ul style="list-style-type: none"> • Amended SPD (and summaries of consultation responses received) presented to Community and Resources Committee for adoption under Regulation 14; and • Adoption statement produced and relevant people notified.
4. MONITOR	<ul style="list-style-type: none"> • Final SPD is monitored, to make sure it is achieving its aims; and • SPD may be reviewed, where and when necessary.

Table 3 Process for producing a Supplementary Planning Document

3.4 The scope and methods of consultation

3.4.1 This section sets out who will be consulted, how they will be consulted and how the Council will accept and respond to the comments received for all Local Development Documents (LDDs).

Who will be consulted?

3.4.2 The minimum legal requirements for consultation and public participation for Local Development Documents are set down in the Town and Country Planning (Local Planning) (England) Regulations 2012. Specified bodies must be consulted where the Council considers that the body may be affected by what is proposed. These '**specific consultation bodies**' are defined as:

- Devon County Council;
- Parish and Town Councils (within the plan area);
- adjoining Local Planning Authorities and Councils (County, District, National Park, Unitary and Parish/Town);
- The Police and Crime Commissioner;
- adjoining Police and Crime Commissioners;
- The Coal Authority;
- The Environment Agency;
- English Heritage (Historic Buildings and Monuments Commission for England);
- Marine Management Organisation;
- Natural England;
- Network Rail Infrastructure Limited;
- The Highways Agency;
- relevant telecommunications companies;
- relevant Clinical Commissioning Group(s);
- NHS Commissioning Board;
- relevant electricity and gas companies;
- relevant water and sewerage companies; and
- The Homes and Communities Agency.

3.4.3 The Council will also consult other bodies it believes may be affected by what is proposed in its Development Plan Document that are not identified by the Town and Country Planning (Local Planning) (England) Regulations 2012, these include:

- The Heart of the South West Local Enterprise Partnership;
- North Devon Biosphere and AONB Partnership;
- Sport England; and
- Local Nature Partnership.

3.4.4 The Regulations also require consultation with other interest groups, which cover a whole range of voluntary, community, special interest, amenity and business interests, referred to as '**general consultation bodies**'. These are defined as:

- voluntary bodies some or all of whose activities benefit any part of the authority's area; and
- other bodies who represent, in the authority's area, the interests of different racial, ethnic or national groups; different religious groups; disabled persons; and persons carrying on business in the authority's area.

3.4.5 Natural England, English Heritage and the Environment Agency are also 'SEA Consultation bodies' that will be specifically consulted on the requirement for and on the scope of any Strategic Environmental Assessments (SEAs).

3.4.6 In addition to the above, the Council maintains a commitment to both formal consultation and informal discussions with other local authorities and non-governmental organisations. North Devon and Torridge District local planning authorities maintain a database of contact details of organisations and individuals who have requested to be kept informed of planning policy documents in northern Devon. This is kept up to date and can be amended subject to a written (including emailed) request from the individual, business or organisation to which the existing or new record relates.

3.4.7 If you want to be added to this database, or alternatively no longer wish to receive consultations, please let us know.

Consulting everyone

3.4.8 Consultation documents will be made available in electronic and hard copy format for inspection, with all associated material accessible through the Council's website. Copies of the document will be made available at the Council's offices, provided to local libraries and town and electronic copies sent to town and parish councils.

3.4.9 The Council will direct comments to be made online, which will assist administration and analysis although all written comments will be registered. Representations made by telephone will not be registered. Petitions will be accepted, however they will be considered as only one individual response. Consultation letters and emails may be accompanied by specially designed comments forms to assist

people with their responses, and to ensure necessary information is provided. Officers will be available throughout the consultation process to provide guidance and assistance.

Dealing with your comments

3.4.10 For all LDD submitted comments (referred to as ‘representations’) the respondents’ contact details will be entered into the Council’s Local Plan database. At early and informal consultation stages for DPDs and for SPDs the Council will not acknowledge receipt of comments other than through automated responses to emails confirming receipt. At the proposed submission stage for DPDs (see Table 1) the Council will acknowledge receipt of electronically received representations. Letters and petitions received by post or hand delivered will not generally be acknowledged.

3.4.11 All LDD duly made comments will be analysed and carefully considered. How they are considered and reported will depend on the stage the document has reached. Those who have commented will be able to see how their comments have been addressed, as set out below.

3.4.12 At early and informal stages, comments will be reported to the Joint Local Plan Working Group and/or relevant committees, as summaries or as a summary report. All comments will be made available online via the consultation portal. Other than names and postal addresses, representors’ contact details will not be published on the Council’s website.

3.4.13 At the draft DPD stage, or following consultation on a draft SPD, comments will be reported to the Local Plan Working Group as summaries or as a summary report. These summaries or summary reports will be considered alongside an officer report and recommendations, which will be made available through the Council’s website. Other than names and postal addresses, representors’ contact details will not be published on the Council’s website.

3.4.14 For DPDs, the Council is required to prepare a **Consultation Statement** for publication alongside the Proposed Submission DPD. The Statement provides a summary of the consultation that has been undertaken in connection with the preparation of the DPD.

3.4.15 For SPDs the Council will also prepare a **Consultation Statement** for publication alongside the Draft SPD.

3.4.16 For DPDs at the Proposed Submission stage, representations will be assessed and a summary of the key issues raised presented in a **Statement of Representations**. All comments, as submitted will be sent to the Inspector when the Plan is submitted for Examination and will be published through the Council’s website in full. Signatures, private telephone numbers and email addresses will be redacted from material made available through the Council’s website. All comments will however be available to inspect in full on request.

What are 'duly made' comments?

3.4.17 For comments to be considered 'duly made' they must:

- a. be received within the timescales set out;
- b. relate to the document, its content, or its preparation;
- c. not be anonymous; and
- d. not be offensive, libellous or otherwise breach the law (i.e. inadmissible).

3.4.18 If comments are not duly made the Council will respond explaining why such a judgment has been made and if there is an opportunity to resolve the issue. Late submission cannot however be resolved, comments must be received within the prescribed time period.

3.4.19 Whilst all duly made comments will be welcomed and considered, not all comments may be able to be taken on board. For DPDs, only soundness or legal compliance issues can be addressed by the Inspector at the Examination.

Publicity and availability of documents

3.4.20 All formal draft and final documents will be available through the Council's website and for inspection at the Council's main and area offices. Documents will also be available for purchase in hard copy form or CD on request.

Charges for documents

3.4.21 All consultees and interested parties are encouraged to use the Council's website for viewing or downloading documents, although it is appreciated that this is not appropriate for everyone.

3.4.22 Consultation notifications will normally be sent by email with a link to the relevant document(s) on the Council's website. Where access to email is not available or suitable as the means of communication, a letter will be sent. The Council are however moving away from this method of communication due to the additional costs involved.

3.4.23 Local development documents and other associated material will be available as printed documents. A scale of reasonable charges for documents including postage will be published on the Council's website. The charges will be subject to periodic review.

3.5 Neighbourhood planning

3.5.1 Communities (usually parish/town councils) with the support of the Council can take Neighbourhood Development Plans forward. Neighbourhood Development Plans can allocate land or establish policies for the development of land in a neighbourhood if the majority of persons voting in the associated referendum indicate

approval. The plans must be in conformity with the strategic policies in the Local Plan and have regard to national planning policy. Once adopted the Neighbourhood Development Plan will form part of the statutory development plan.

3.5.2 Consultation procedures for Neighbourhood Development Plans and Development Orders are set out in the Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012. Further information on neighbourhood planning is available on the Council's website.

4 Development Management - Planning application determination

4.0.1 The SCI sets out standards of consultation to be achieved by the Council in making decisions on planning applications. Planning applications can range from modest house extensions to major schemes for settlement extensions. Devon County Council is the planning authority in respect of development involving mineral extraction and waste disposal and its own SCI will set out arrangements for the processing of such applications.

4.0.2 Involvement of the community and stakeholders at an early stage is more likely to deliver development that meets their needs and aspirations, whilst ensuring the statutory function of the local planning authority is adhered to. The SCI is an important tool for involving the wider community in the planning process, particularly in the decision making process for significant planning applications.

4.0.3 Planning legislation sets out a minimum standard of publicity and notification of applications, depending on the nature of the application. The Council will meet the minimum requirements associated with statutory requirements, as set out within Table 4.

Nature of development	Statutory provisions	Publicity and Timescales
Applications accompanied by an Environmental Statement	Article 13, Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010	Site notice on/near land related to the application for at least 21 days; and notice in a locally circulated newspaper.
Proposal departs from the Development Plan		
Development affecting a Public Right of Way		
Major development	Article 13, Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010	Display site notice on/near land related to the application for at least 21 days; or serving the notice on any adjoining owner or occupier; and notice in a locally circulated newspaper.

Nature of development	Statutory provisions	Publicity and Timescales
Minor development	Article 13, Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010	Display site notice on /near the land subject to the application (for at least 21 days); or neighbour notification when directly affected.
Applications for the approval of reserved matters	Article 13, Part 2 of the Development Management Procedure Order, which are set out in Table 4, 2010	As per 'major' and 'minor' development categories.
Development affecting the setting of a listed building	Regulation 5A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)	Advertisement in the Local press; and for not less than 21 days display a site notice on or near the subject building.
Development affecting the character or appearance of a Conservation Area	Regulation 5A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)	Advertisement in the Local press; and for not less than 21 days display a site notice on or near the subject building.
Applications for listed building consent	Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)	Advertise in the local press; and display site notice providing at least 21 days for comment; and neighbour notification for at least 21 days. N.B. Site and press notices are not required if the works only affect the interior of a grade II listed building.

Nature of development	Statutory provisions	Publicity and Timescales
Applications for certificates of lawfulness or existing use or development	No statutory requirement	No statutory minimum requirement.
Applications for certificates of lawfulness of Proposed Use or Development	No statutory requirement	None, as applications are determined purely on factual evidence rather than planning merits.
Applications for discharge of details required by a planning condition	No statutory requirement	No publicity will be undertaken.
Prior approval applications – Electronic communications	Class A, Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)	Display site notice for at least 21 days; and neighbour notification providing at least 21 days for comment; and Press advert also required by legislation in certain circumstances.
Prior approval applications - House extensions	Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)	Adjoining neighbour notification providing at least 21 days for comment.
Prior approval applications - Change of use of building from B1(a) offices to C3 dwellinghouses	Class J, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)	Display site notice; or adjoining neighbour notification providing at least 21 days for comment.

Nature of development	Statutory provisions	Publicity and Timescales
Prior approval applications - Change of use of building from B1, C1, C2, C2A or D2 to use as a state-funded school	Class K, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)	Display site notice; or adjoining neighbour notification providing at least 21 days for comment.
Prior approval applications - Change of use of agricultural building to either A1, A2, A3, B1, B8, C1 or D2 use	Class M, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)	Display site notice; or adjoining neighbour notification providing at least 21 days for comment.
Prior approval applications - Change of use of agricultural building to C3	Class MB, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)	To be updated
Prior approval applications - Demolition	Class A, Part 31, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)	The applicant is required to display a site notice providing at least 21 days for comment.
Prior approval applications - Agriculture	Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)	Where the LPA requires the prior approval of details the applicant is required to display a site notice providing for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant.

Nature of development	Statutory provisions	Publicity and Timescales
Prior approval applications – Forestry Building and Operations	Class A, Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)	Where the LPA requires the prior approval of details the applicant is required to display a site notice providing for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant.
Applications for advertisement consent	No statutory requirement	Neighbour notification; and display site notice if located within conservation area (providing at least 21 days for comment).

Table 4 Standards of publicity and notification of applications

Pre-application discussions

4.0.4 The Council encourages any person contemplating development to undertake informal discussions in advance of submitting a planning application. Such discussions can assist in better quality applications and are more likely to have a better chance of a successful outcome.

4.0.5 Since 1 April 2014 the Council has made charges for pre-application advice for most types of development. The detail of the service is contained within the document: 'Pre-application advice from the Planning and Development Service at North Devon Council', which is available on the Council's website.

4.0.6 The Council also operates a Duty Planning Officer service at the Council Offices in Barnstaple 9am-1pm five days a week, where general planning and procedural advice can be obtained.

4.0.7 The chargeable pre-application service is intended to provide applicants with: an understanding of how policies and guidance will be applied to the development, the general acceptance, or not of the proposed development, with potential obstacles to a positive outcome being highlighted together with information that will be required to support a future planning application.

4.0.8 For large, complex or potentially controversial proposals it may be appropriate for them to be considered by a Pre-Application Panel. This may involve officers, Members and other parties that will be statutory consultees for any resulting application.

4.0.9 In accordance with good practice guidelines, a development team response will be available in response to major proposals, where significant or sensitive. A nominated case officer will co-ordinate the input of general and specialist advice on emerging proposals. The Council will encourage the use of **Planning Performance Agreements** to formalise the project management process and to establish the scope of community engagement, appropriate to the nature of the proposal.

4.0.10 The Council recognises that applicants may wish to keep pre-application discussion confidential and this position will normally be secure. However, under the provisions of the Freedom of Information Act 2000, the Council may have to make public any information it retains unless an exemption applies, such as personal or commercially sensitive information. Similarly, requests for Environmental Information (EI) Environmental Information held by the Council can be requested under the Environmental Information Regulations. This is a complementary, but separate piece of legislation to the Freedom of Information Act.

4.0.11 Additionally, to support the pre-application process information may be provided to key consultees to enable specialist advice to contribute to the Council initial response to emerging proposals.

Giving local communities a say before applications are submitted

4.0.12 Whatever the scale of development proposed, prospective applicants or developers are advised to discuss the proposals with the owners/occupiers of neighbouring land/premises prior to making an application. Pre-application discussion, undertaken by the applicant/developer should also include key consultees such as the Highway Authority and the Environment Agency. Such informal discussion can help to allay fears within the community on the nature and consequences of the development. An applicant, informed by pre-application discussions and engagement will have the opportunity to positively respond to concerns or advice that may avoid objection at the formal application stage.

4.0.13 For development proposals that are considered ‘significant development’⁽³⁾, the Council will expect applicants and developers to have carried out initial consultation with the local community. This is in line with Section 122 of the Localism Act 2011, which introduced a statutory requirement for prospective developers to consult local communities before submitting planning applications for very large-scale developments. As guided by the RTPI’s⁽⁴⁾ consideration of future requirements, the Council will expect applicants/developers to undertake pre-application consultation on the following basis:

- the type of developments to which this applies;
- publicity associated with the consultation;

3 E.g. Applications for ‘large-scale’ development, which will include applications that require an EIA or a full transport assessment, an application on a site allocated in the adopted Local Plan or departures from the adopted Local Plan that have to be referred to the Secretary of State; and for wind turbines for more than two wind turbines with a hub height exceeding 15 metres.

4 Development Management: Consultation and Commenting on Planning Applications (RTPI 2012).

- the form of consultation to be undertaken;
- collaboration between the developer and others on design; and
- the timetable for any consultation carried out under the measure.

4.0.14 Pre-application community consultation will give local people an opportunity to comment on and influence proposed developments before they are submitted.

4.0.15 Engagement should be proportionate to the scale and impacts of the draft proposal, but as a minimum should include a locally held public exhibition of the proposals that is advertised on site and in the local press. The local town or parish council should also be notified. Planning officers will normally be able to advise on any local community groups or user groups that should be involved. This approach should be proportionate to the scale of development. The Council will expect all major planning applications to be supported by a Statement of Community Consultation that outlines what consultation has been undertaken and how the results of the exercise have been taken into account in the submitted scheme. Generally, the Council recognises that over and above the legal requirements of the Localism Act 2011 pre-application consultation with the local community cannot be enforced, nor can an application be rejected in the absence of a supporting statement.

4.0.16 However, the Council recognises [2013 No. 2932](#) amendment of the Town and Country Planning (Development Management Procedure) (England) Order 2010 requires the applicant to carry out consultation on a proposed application for planning permission for any development involving an installation for the harnessing of wind power for energy production where:

- a. the development involves the installation of more than 2 turbines; or
- b. the hub height of any turbine exceeds 15 metres.

4.0.17 Furthermore, the additional notification and consultation that the Council will have to undertake as the result of no pre-application consultation may as a result delay the consideration of the application.

Notification and consultation arrangements for applications

4.0.18 As soon as a planning application has been submitted and validated, the Council will undertake notification and consultation with the local community (other than for applications considered by the County Council). The nature and type of publicity and consultation will be dependent on the nature of the proposal.

4.0.19 The Council's procedures for notification of the public are in excess of the minimum requirements (Table 4) laid down in planning regulations and comprise the following:

- the listing of the application details and plans on the Council's website and a facility to enable people to comment online through www.northdevon.gov.uk;
- a letter to the owners or occupiers of property adjoining an application site advising of an application and the period to make comments. The Council uses

the Development Management Order, which sets out the standards for notification of different types of development and in different locations such as built-up or rural areas;

- where the proposal is 'major' development as defined in the regulations, the application will be advertised in the local press and by means of a site notice displayed by the Council. For applications where development has off-site implications, such as wind turbines, consideration will be given to wider display of site notices within the area likely to be affected;
- where applicable, the Council will display a site notice explaining the nature of the proposal and the period for comments; and
- in the case of certain types of development, such as that affecting a Conservation Area, a Public Right of Way or a Listed Building, the application will be advertised in the local press and by means of a site notice displayed by the Council.

4.0.20 The Council will also undertake consultation⁽⁵⁾ with statutory and appropriate bodies, the Highway Authority and the Environment Agency. The consultation arrangements for all application types are shown in Table 4.

How your comments are dealt with

4.0.21 Councillors will have full access to all comments made in response to an application. Respondents are encouraged to provide comments within a 21 day period from the point of notification. Comments received after the 21 day period will be taken into account prior to determination, including the reporting of such at the Planning Committee if received following report preparation. The latter does not apply if the decision has been delegated to an Officer.

4.0.22 Comments made by individuals and groups, the local community, and specialist technical bodies will be taken into account before a decision is made. An initial assessment will be made by the application case officer prior to a formal recommendation or decision being made. Comments made up until the date a decision is formally issued will be taken into account in so far as they are material to the determination of the application. Comments will be balanced with all other material considerations in relation to the provisions of the Development Plan, where relevant, when a formal decision is made on an application. Application determination will be achieved either by the Council's Planning Committee or through delegated determination, to the Head of Strategic Development and Planning, as directed by the Council's adopted Scheme of Delegation.

4.0.23 Comments on planning and related applications will be held on the application file and made publicly available. Where an application is reported to the Planning Committee, comments will be summarised in the committee report. Every attempt will be made to ensure the intent of the comment is not diluted.

5 As set down in <https://www.legislation.gov.uk/uksi/2010/2184/contents/made>

Public speaking at Committee

4.0.24 Where applications are reported to Committee, the Council operates a public speaking scheme where an applicants, supporters and objectors can address the Committee for a specified time, details of which can be found on the Council's website. Where people have commented on an application, the Council will provide details on its website informing the public when and where the application will be considered and the arrangements for public speaking. Please note a request to address the Planning Committee is required prior to the meeting.

The role of District Councillors

4.0.25 District Councillors are an important source of local knowledge and advice on local issues. However, on planning matters, District Councillors must adhere to a code of conduct that directs that they do not have, or appear to have had, a determined position on a proposal which they may need to consider formally at a later stage. Therefore, whilst lobbying of Councillors can be appropriate, their main role in planning application discussions is providing information on procedures/policies and sign-posting to the community to sources of advice within the Council.

What happens after a decision is made?

4.0.26 As soon as a formal decision is made on an application, the decision notice will be published on the Council's website. Notification of any subsequent appeal will also be provided to any interests who commented on the application.

Applications that cross parish and district boundaries

4.0.27 If a planning application straddles parish boundaries, the relevant adjoining parish councils will be consulted. Where applications are received near to or adjoining the local planning authority boundary, the relevant neighbouring local planning authority will be consulted if the proposed development is likely to affect land in its area. The neighbouring authority will be given 21 days to make representations.

4.0.28 In some cases, an application site may fall within the boundary of more than one local planning authority. In such cases the applicant must submit the application to all planning authorities concerned. However, the fee is payable only to the authority in which the largest part of the site is located, in line with the Town and Country Planning Fees Regulations 2012. Local planning authorities have discretion as to how to determine cross boundary applications, and as such, each one will need to be considered on a case-by-case basis.

4.0.29 Government guidance encourages joint working between local planning authorities in relation to the use of their planning powers, it may be appropriate in certain cases to set up a joint decision-making committee, or alternatively, to devolve decision-making powers to the authority receiving the fee. Any such arrangements will need to be formally approved by the relevant councils.

5 Monitoring and further advice

Monitoring

5.0.1 In order to monitor the effectiveness of the SCI, the Council intends to develop a range of indicators through the Authority Monitoring Reporting (AMR) that will have regard to outputs such as:

- the number of people engaged in planning consultations;
- satisfaction ratings (of planning applications);
- participation in public speaking (evidence of engaging communities in relation to plan making); and
- seeking direct feedback on specific consultation exercises.

5.0.2 It is proposed not to establish a formal review period for the SCI. However, a review will be undertaken if the AMR indicates that there is a substantial level of dissatisfaction amongst parish/town councils and 'hard to reach' groups on the nature of involvement in the preparation of local development documents or decisions on planning applications. A review will also be triggered by material changes in government policy or advice, which affect the principles of the SCI as adopted.

5.0.3 The Planning Portal is the Government's website that offers guidance on the planning system and can be viewed at <https://www.planningportal.co.uk/>.

5.0.4 In addition, Planning Aid England (PAE) provides free, independent and professional advice on town and country planning issues to community groups and individuals. They believe everyone should have the opportunity to get involved planning their local area, and provide people with the knowledge and tools to do this. For further information on the services they offer visit their website: <https://www.rtpi.org.uk/planning-advice/about-planning-aid-england/>

5.0.5 Key contacts and addresses are set out on the back page of this document. During consultation exercises, the relevant contact addresses for responses and queries will be clearly stated;

- for queries on the North Devon SCI, once adopted, please contact the Council directly;
- for queries relating to planning applications within the North Devon District area please contact the Council directly; and
- for queries on the emerging joint Local Plan please contact either North Devon or Torridge District Council.



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