

**Proposed Decision to be taken by the
Portfolio Holder for Transport and Planning
on or after 20 June 2014**

**Review of the Adopted Statement of
Community Involvement**

Recommendation

That the Portfolio Holder authorises officers to carry out public consultation on the proposed revised Statement of Community Involvement appended to this report (with such minor modifications as the Strategic Director for Communities considers desirable).

1.0 Key Issues

- 1.1 The Statement of Community Involvement (SCI) is one of a portfolio of documents that make up the Local Development Framework, sitting alongside, amongst other documents, the Warwickshire Waste Core Strategy and Minerals Local Plan for Warwickshire. The SCI sets out the Council's approach to community involvement in planning, outlining the Council's commitment to consult on the preparation of its planning policy documents and planning applications at key stages within the process.
- 1.2 The County Council adopted its Statement of Community Involvement in 2005. Since this time there have been a number of changes to legislation and national planning policy guidance as well as changes at a County level to some of our procedures (eg. introduction of a revised scheme of delegated powers in respect of the determination of planning applications). Given these changes the time is now considered right to amend and update the SCI.
- 1.3 In this respect we have reviewed the existing SCI document and relevant planning policy and guidance framework. This in turn has led to the preparation of a draft revised SCI (Appendix A). We are now required to seek views on the draft document prior to adoption. It is therefore proposed to undertake a six week consultation exercise with relevant bodies and organisations as well as the general public. Any comments received would then be reviewed and where appropriate we would incorporate changes within the draft SCI. The draft SCI would then be referred to Full Council for adoption and publication.

2.0 Options and Proposal

- 2.1 Authorise Officers to carry out public consultation on the draft review Statement of Community Involvement.

3.0 Timescales associated with the decision and next steps

- 3.1 Carry out six week consultation exercise on the draft review Statement of Community Involvement.

Supporting paper

1. Draft Review Statement of Community Involvement.

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Statement of Community Involvement

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1. Introduction

1.1 The County Council adopted its Statement of Community Involvement (SCI) in 2005. Since this time there have been a number of changes to legislation and national planning guidance as well as changes at a County level to some of our structures and procedures. Given these changes it was considered appropriate to amend and update the SCI culminating in the preparation of this review document.

1.2 The purpose of the Statement of Community Involvement (SCI) is to specify how and when we will involve you in the development plan-making process and in making decisions on planning applications. We are keen to involve interested parties in the process at as early a stage as possible. To encourage early involvement we have highlighted in this document the particular stages at which involvement is sought. We also recognise that there are various levels of engagement ranging from merely informing you to involving you or even collaborating with you from the outset as we devise certain plans. Different levels of engagement are appropriate at different stages of the process and we have attempted to identify the range of methods we will use at different times.

1.3 We endeavour to engage interested parties in the plan-making and decision-making process and for such engagement to inform and shape our decisions as far as possible. However, those involved should be aware that due to the nature of community engagement, consensus and agreement cannot always be achieved.

Overview of the planning process

1.4 Warwickshire County Council has a responsibility for “County matter” planning i.e. primarily minerals and waste developments. The Council is therefore responsible for producing the planning policy framework for minerals and waste development as well as determining planning applications for minerals and waste proposals.

1.5 The Planning and Compulsory Purchase Act 2004 (as amended) requires Local Authorities to prepare new Local Plans. The new Local Plans will consist of several Local Development Documents (LDDs), some of which are Development Plan Documents (DPD). The policies of adopted DPDs form part of the statutory development plan for Warwickshire. These policies will then be used to determine planning applications. Supplementary Planning Documents (SPD) can also be produced in certain circumstances to supplement DPDs if they will assist with infrastructure delivery or enable applicants to submit successful planning applications.

1.6 A key aim of the planning system is to encourage the public to get involved at as early a stage as possible. The SCI highlights the early stages of public involvement where we would welcome constructive involvement so as to avoid unnecessary delay later on. This “front loading” should help resolve conflicts, thereby avoiding lengthy Examination in Public/public inquiries and revisions in the later stages. We are committed to involving our stakeholders and the local community in

decisions that will affect their quality of life. We will therefore involve and consult with all sectors of the community, to make sure that all people have an equal chance of having their voice and views heard and of influencing their future.

Policy context

1.8 In accordance with the 2004 Act, the Council is required to produce new style Local Plans to replace those adopted before 2004. The pre-2004 plans were:

- Minerals Local Plan (adopted 1995)
- Waste Local Plan (adopted 1999)

Although these were required to be replaced with new Local Plans, as an interim measure the pre-2004 Local Plans were saved until September 2007. Thereafter, the Council made a case to the Secretary of State to save certain policies beyond the September 2007 date¹. The saved policies have subsequently been the main minerals and waste development plan policies that have been used for determining planning applications for minerals and waste proposals.

1.9 However in recent years, the Council has been producing its new Waste Local Plan – the ‘Warwickshire Waste Core Strategy’. This was adopted at the meeting of Full Council on 9th July 2013. Once adopted, the Waste Core Strategy policies superseded the saved Waste Local Plan (1995) policies to form part of the statutory development plan for Warwickshire. Thereafter, the Waste Core Strategy policies will be used for determining planning applications for waste development.

1.10 The Council will now be focusing on producing its new Minerals Local Plan. Until this is adopted, the saved Minerals Local Plan (1995) policies remain part of the statutory development plan for Warwickshire.

1.11 Government guidance requires the Council to monitor and review its policies. In the event that plans need to be updated, plan reviews will follow the statutory requirements for consultation².

¹ Further information on the saved policy process and list of policies is available at www.warwickshire.gov.uk/wlp and www.warwickshire.gov.uk/mlp

² Currently The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

**Community Involvement in
emerging Minerals & Waste
Development Plan Documents**

2. When will we consult?

2.1 The opportunities for public involvement in the plan-making process are as set out in **Figure 1** below. Dates and timescales for this involvement will vary depending on the DPD in question but specific details for each DPD to be produced are provided in the Council's Minerals and Waste Scheme (MWDS). The MWDS sets out which documents the Council intends to consult on and when. This is available on our website³ and from the planning office. Where this information becomes out of date, more up-to-date information or timetables will be published on the Council's webpages.

2.2 Anyone can submit representations to emerging plans. All representations received will be held on file and are available for inspection at the Council's offices.

2.3 The minimum statutory requirements for consultation in respect of plan preparation are set out in Government legislation⁴. For any formal stages of DPD consultation prescribed in the legislation, this is normally a minimum period of 6 weeks.

2.4 Once periods of consultation are over, all representations on emerging plans will be passed to the Planning Inspector appointed by the Secretary of State to examine the soundness and legal compliance of the plan. The Inspector will consider the representations received (but particularly those made at the 'Publication' stage). The Inspector may then invite representors to speak at the Examination.

2.5 After the Examination in Public the Inspector produces a report, summarising his/her recommendations having heard all the evidence. Assuming the plan is found 'sound' by the Inspector (and subject to any necessary modifications being made), it is likely to then be adopted at the meeting of Full Council.

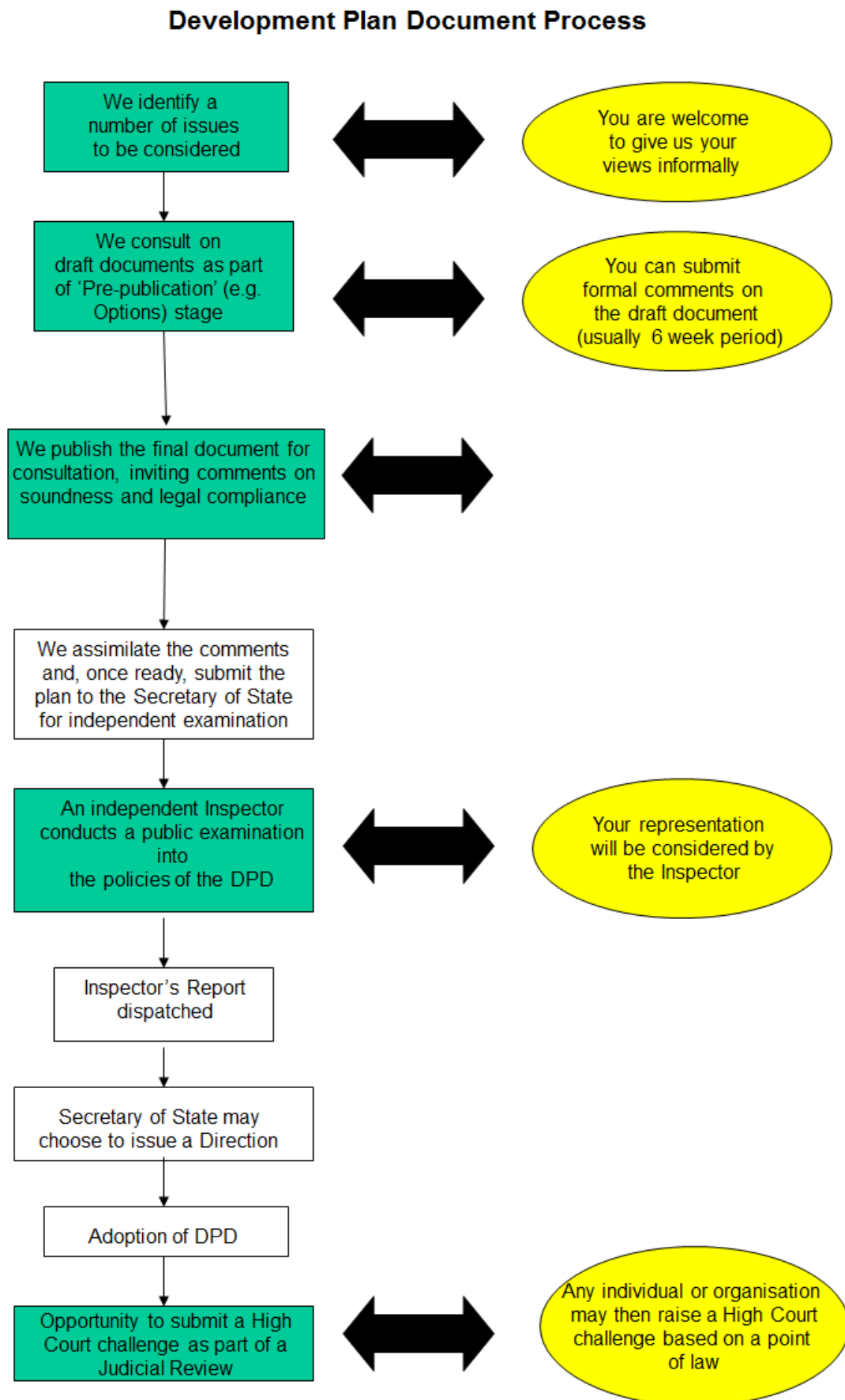
2.6 However, on occasions the Secretary of State may decide to intervene having reviewed the recommendations of the Inspector. In such instances the Secretary of State may choose to direct the County Council to adopt alternative recommendations from those in the Inspector's report.

2.7 An individual or organisation may also decide to challenge the plan in the High Court. This is known as a Judicial Review. It can only be based on a point of law i.e. a demonstration that any requirement of the Planning and Compulsory Purchase Act 2004 or any regulation made under it has not been complied with in relation to the adoption of proposals. There is a period of 6 weeks post-adoption whereby a person could make an application to the High Court. At this point there is no further opportunity to challenge the policies of the plan directly.

³ www.warwickshire.gov.uk/mwds

⁴ Currently The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Figure 1: Community Involvement in the DPD Process



3. How will we consult?

3.1 We intend to use a range of methods to maximise involvement in the plan-making process. As a minimum, the Council will undertake the statutory requirements for consultation as set in relevant legislation and planning guidance.

3.2 Over several years, the Planning Policy team has been compiling a database of individuals, groups and organisations that have shown an interest in the Local Plan process. At each consultation stage, the consultees will be contacted by email if we have an email address, or by letter. If you would like to be added to the consultation database, please contact the Planning Policy team on 01926 41 2391 or email planningstrategy@warwickshire.gov.uk.

3.3 It is important to distinguish between how we will consult on the formulation of a DPD and how we will consult on other LDDs. As mentioned earlier, DPDs form part of the Development Plan but the other LDDs do not. DPDs provide the development plan policies for the area and can include (but are not confined to) the main Local Plan DPD, a Site Specific Allocation DPD, the Proposals Map and/or an Area Action Plan DPD. These plans are subject to more extensive consultation than LDDs because they have a greater bearing on potential development. Other LDDs such as a Supplementary Planning Documents (SPD) will consist of less intensive consultation and some LDDs will not be consulted on at all such as the Local Development Scheme. For reasons of clarity the process for consulting on DPDs and SPDs has been set out separately below.

3.4 Each period of community involvement will be reported fully to the relevant committee as set out in the Council's constitution. Each representation is held on file at the Council offices for public scrutiny. A summary of the key issues raised during each period of consultation, together with officer responses, will be reported to the relevant committee for their consideration. The relevant councillors will consider the responses before agreeing the way forward on the plan.

The key stages in the preparation of Development Plan Documents are as follows:

First Stage of Development Plan Document (DPD) Engagement: 'Pre-Publication'

3.5 Referring to **Figure 1** there are 3 statutory stages at which your views can be made. During the first 'pre-publication' stage, we formulate what the issues are and suggest possible policy options to deal with these issues. As 'pre-publication' is any consultation before publishing the final plan, there is now additional flexibility in terms of what the Council is able to consult on. We also assess these options against a set of sustainability objectives. These sustainability objectives are produced by a Sustainability Appraisal Scoping Report which is used as a baseline to assess the sustainability of the new strategy and policies. In order to involve stakeholders from as early on in the process as possible, we will welcome feedback on relevant issues from the outset. We plan to involve a wide range of stakeholders and will use a number of means to do so. The specific nature of our plans however (i.e. Minerals

and Waste) will probably limit the contribution certain sectors may want to make, but we welcome views from all groups.

3.6 At this point in the process we would want to attract as many stakeholders as possible to get a feel for the range of issues that you would like to see addressed in the proposals. We suggest using a range of techniques in order to reach a large number of people as well targeting hard to reach groups. **Table 2** sets out a selection of methods we will use to communicate with you at this early stage, partly to inform you of the process of engagement and partly to gauge the range of issues. Throughout the consultation process we encourage consultees, and particularly developers, to give as much relevant information as possible at the earliest possible stage so that it can be considered thoroughly in the process. Consultees should however be aware that as this is a public consultation any information put forward will be made public.

Table 2: ‘Pre-Publication’ Engagement

Type of Consultee	Local Media	Displays/ Drop-ins’	Website	Forum meetings
Statutory bodies	✓	✓	✓	
Operators / Landowners	✓	✓	✓	✓
Central / Regional / Local government	✓	✓	✓	
Voluntary organisations	✓	✓	✓	✓
General public	✓	✓	✓	✓

3.7 As we are dealing with limited resources it is important that we target engagement exercises to areas/groups of people that are likely to be affected by the proposals. It is therefore necessary to target the location of library displays and/or drop in events to areas that are likely to be the focus of waste and mineral sites. Quarries are likely to be limited to where minerals occur geographically, but some waste management facilities are less constrained. The engagement process needs to take account of these differences.

Second Stage of Development Plan Document (DPD) Engagement: Publication

3.10 Once these draft proposals have been produced in consultation with stakeholders the County Council will publish its proposed final DPD and invite representations through a variety of media. There will be a minimum 6 week consultation period for you to submit any formal representations. We will make the ‘Publication’ version of the document and all other relevant materials available in the following ways:

- Copies of the document and supporting materials will be made available for inspection in Warwickshire's **libraries**, the **WCC Planning Offices** and at the **County** and **District/Borough Council offices** during normal office hours.
- Those who have already specified that they would like to be consulted will receive notification of the consultation by either email or letter.
- We will write to all of the statutory and non-statutory organizations and individuals held on our **mailing list** (see **Appendix 1** for details), giving them notification of the consultation and the exact location and time when the documents will be available to view.
- The document and all other supporting documentation will be available to view on our **website** at:

<http://www.warwickshire.gov.uk/planningstrategies>

Any comments can be made directly to us via the website. The website will also include details of the exact location and time when the documents will be available to view.

- Notice will be given through the **local media** of the proposals document and proposals matters as well as details of the exact location and time when the documents will be available to view.
- The information will also be available in **alternative formats** upon request e.g. Braille, large print, other languages, Minicom or in audio format.
- There will be a **clear point of contact** through the Planning Strategy e-mail address or postal address for submitting representations.

3.11 The Council will then consider all comments received during the 'Publication' stage. Officers will make available for public inspection all comments received and publish responses to the key issues raised.

Third Stage of Development Plan Document (DPD) Preparation: Submission of the DPD to the Secretary of State

3.12 Following Publication, the Council will then normally submit all materials to the Secretary of State for independent examination. The Council will repeat the public notification procedure as for the 'Publication' stage outlined above. Please note that significant amendments to the DPD cannot be made between Publication and Submission as the Inspector will consider the representations submitted at Publication.

If the Council considers that the consultation has raised legitimate issues of soundness and/or legal compliance, they may choose to undertake further work and

“re-Publish” the plan for comment. In such circumstances, the ‘Publication’ procedure set out above will be used.

Fourth Stage of Development Plan Document (DPD) Engagement: Public Examination

3.13 The Inspector will consider all representations received as part of the Examination process. The Inspector may write to all representors asking if they wish to be heard orally as part of formal examination hearings. Following the examination process, the Inspector will make recommendations to the Council. Such recommendations may require that Council to make modifications to the plan in order for it to be found ‘sound’. Again, for any modifications to be made, the Council will be required to consult on the modifications. Any responses will then be considered before the final plan is presented before Full Council for adoption.

Fifth Stage of Development Plan Document (DPD) Engagement: Judicial Review

3.14 This stage will only be invoked if an individual or organisation chooses to challenge the plan on a point of law.

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In some circumstances, the Council may consider that there is sufficient justification to produce a Supplementary Planning Document (SPD). Justification could be to allow applicants to make successful planning applications or to aid infrastructure delivery. The Council is not currently looking at producing any SPDs however if the situation changes, the updating process for SPDs as set out in legislation⁵ will be followed.

⁵ Currently The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

4. Who will we consult?

4.1 The County Council holds a database of all consultees relating to its planning activities. This consists of bodies and organisations at national and local level including Government departments, national interest groups, local interest groups, local government agencies and councils. The database consists of the statutory consultees set out in legislation, as well as other groups and individuals that have expressed an interest in plan preparation. This is constantly under review and updated when requested. We will consult all the consultees presently on our **mailing list**. Any groups, organisations or individuals who wish to be added to the consultation database should contact the Planning Policy team by telephoning 01926 412391 or e-mailing planningstrategy@warwickshire.gov.uk

4.3 **Parish Councils** are a vital means of obtaining views from local communities most directly affected by waste and minerals operations. The Council will seek to work with Parish Councils to find the best means of meeting the needs of all interested parties.

4.4 Certain groups of society are harder to involve than others. We will actively seek to engage with all organisations, groups and individuals across the County. In doing so, the Council will utilise a wide range of engagement methods and activities. We need to ensure that future engagement activities are held at convenient times and venues, thus facilitating the involvement of those with specific requirements. All the plans and documents that we produce in preparing our DPDs are available in different languages and different formats such as Braille, large print or audiotapes upon request. Members of the public with hearing difficulties are welcome to make use of our Minicom service. All our committee meeting rooms are fitted with loops for those with hearing difficulties and are accessible to those in wheelchairs.

4.5 **Warwickshire District and Borough Councils** need to be involved with the progress of the Waste and Minerals Local Plans, as these policies will directly impact on all their plan-making. There are established sub-regional planning officers groups that enable discussion on the key issues relating to plan preparation across the County. These sub-regional groups will be an important arena for engagement on emerging Minerals and Waste DPDs.

4.8 **Operators** and **Landowners** will play an important input into the delivery of the Minerals and Waste Development Plan Documents. A number of existing sites have a Resident Liaison Committee which we have made use of during our consultation exercises. These committees vary from site to site, but generally consist of operators, local residents (who are invited to attend), Local Authority officers and the Environment Agency.

5. Resources & Management

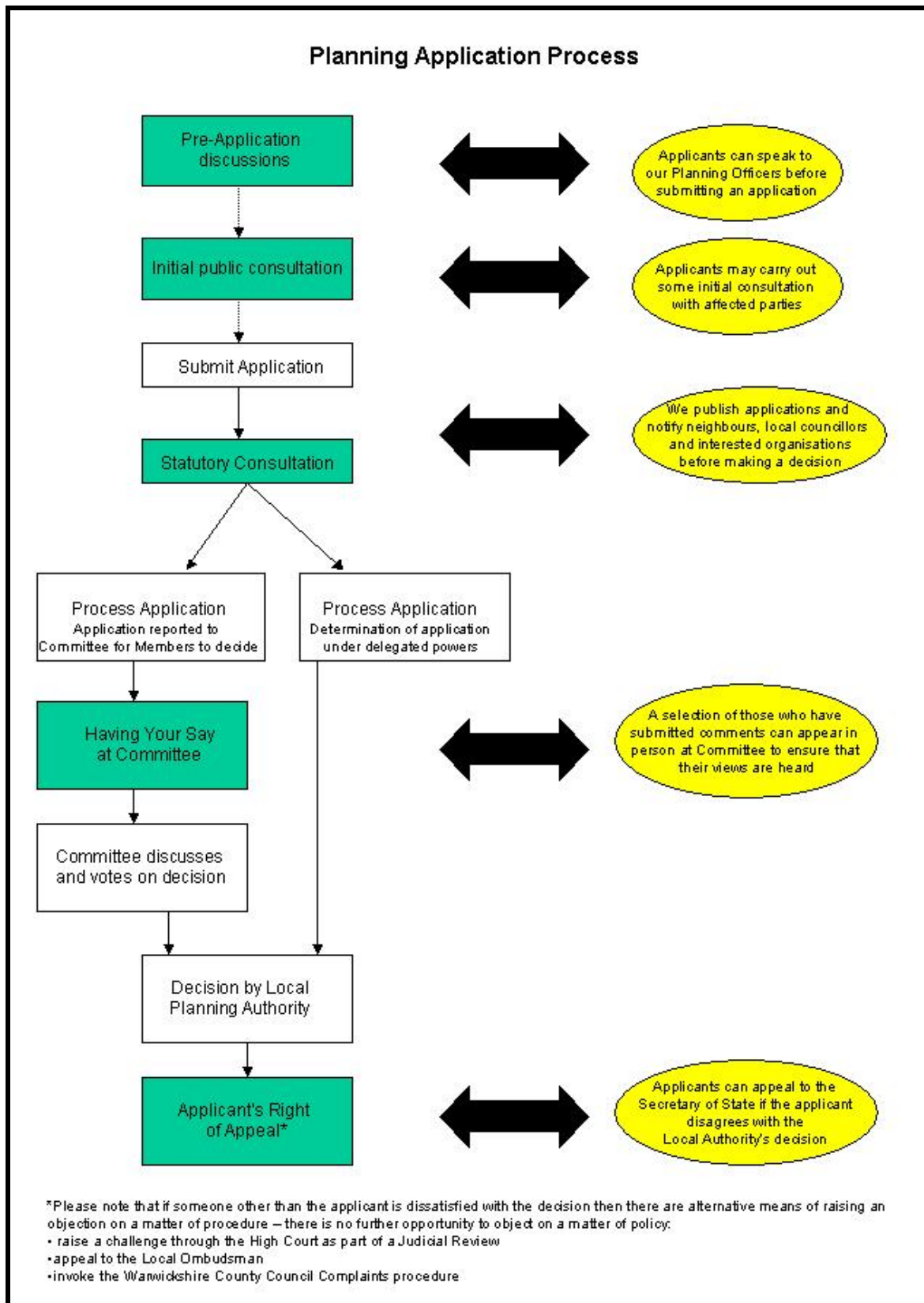
5.1 The work of involving the public in progressing the Minerals & Waste Local Plans will mainly be the responsibility of the Warwickshire County Council Planning Policy team. Additional support will be required as and when from other groups within the Council (e.g teams dealing with transport, ecology, archaeology, flood risk, waste management etc).

5.3 Member approval of the final DPDs and LDDs will rest with our County Councillors. Approval to consult on draft DPD documentation will be authorised by the relevant Committee (e.g. Cabinet) as set out in the Council's constitution. The adoption of the DPDs will have to be approved by Full Council.

Community Involvement in Planning Applications

6. When will we consult?

Figure 3: Community Involvement in the Planning Application Process



[NEEDS UPDATING]

6.1 Warwickshire County Council deals with two specific types of planning applications -County Matter applications, which deal with all waste and mineral proposals and County Council applications. The latter relate to developments the County Council intends to carry out itself (or jointly with another person or body). This includes: schools, roads, rail stations, waste facilities, gypsy and traveller sites, etc.

6.2 The County Council encourage potential applicants to engage in pre-application discussions before submitting any planning application. If the proposed development is significant in scale or of a controversial nature i.e. will have a significant impact on the environment or would impact upon sensitive receptors, then developers would be advised to carry out some initial consultation of their own with the affected community/parties prior to submitting the planning application. Applicants are also encouraged to discuss proposals with statutory consultees at an early stage. This may include; the Environment Agency for waste related developments or those that may affect surface or ground waters, the Highways Agency where development is expected to affect trunk roads and motorways, Natural England where development may impact upon SSSI's or the ecology of the area, etc.

6.3 For certain major applications there may, for example, be a requirement for an Environmental Impact Assessment (EIA) to be carried out. An applicant may seek a formal 'Screening Opinion' in this respect prior to submitting a planning application. The County Council has 3 weeks in which to carry out screening to determine whether an application would fall into this category. If an EIA is required the applicant may seek a formal 'Scoping Opinion' in respect of the issues and topic areas the EIA would need to cover. Once such a request is received the Council has 5 weeks in which to consult with groups and organisations who would be consulted on any application submitted to determine the scope of issues the EIA would need to cover. All the documentation associated with an EIA is available to the general public for inspection. All information relating to an EIA (including the summary report) will be available for the general public to view along with the planning application at the time of its submission. The EIA would provide detailed analysis of the impacts of a proposal and may provide very useful information for those intending to make representations on an application.

6.4 Legal agreements that may be proposed as part of a planning application are also available to view by members of the public. Such agreements, or 'planning obligations', generally relate to infrastructure works and management arrangements required outside of the application site. The County Council may choose to enter into agreements under either the Town and Country Planning Act 1990 (Section 106 Agreement) or Highways Act 1980 (Section 278 Agreement) with the developer. The aim of these 'obligations' is to ensure that developments are acceptable in planning terms. This may consist of measures including; highway improvement works, vehicle routing agreements, landscaping, etc. Unfortunately these agreements are often only finalised once an application has been approved in principle, thus may not be available to view by members of the public at an early stage.

6.6 Once the application has been received, the County Council has an obligation to publicise the proposed development, inviting representations from interested parties. The County Council applies the statutory minimum 21 day consultation period, but will endeavour to take into account any representations made prior to the date of determination.

6.7 Where applications are reported to the Regulatory Committee and you made comments on the application during the statutory consultation period, then you may be permitted to address the Committee and make your views known in person. The number of people permitted to address Committee is limited to three objectors and three supporters and each speaker is allowed 3 minutes in which to make their representations.

6.8 Once representations are received and acknowledged they are analysed and assessed by the planning officer responsible for the application (the Case Officer). Specific points or concerns which ask for, or require, a response will be responded to and if further information is requested from the Council it will, whenever possible, be supplied. Applicants seeking planning permission will be made aware of representations received so that they may have the opportunity to consider their contents.

6.9 If representations relate to matters of detail, then, when they can be resolved through discussion or negotiations these discussions will take place. Where representations relate to matters which cannot be resolved prior to the determination of the planning application these matters will be addressed within the Officer's Report. Our scheme of delegation requires that where four or more people have objected to a proposal on relevant planning grounds the application must be reported to the County Council's Regulatory Committee for determination. This enables elected Members to consider representations made against the merits of the proposal and relevant planning policy before deciding the application.

6.10 Where applications are reported to the Regulatory Committee, all representations that are received before the committee reports are prepared will be incorporated into the committee report in summary form with each point of concern identified for elected Members to consider. The committee report will then contain an analysis of the representations to assist elected Members in their deliberations and debate. Any representations received after the preparation of the written committee report will be reported verbally to the committee for Members to consider and debate. Where applications are dealt with by Officer's under powers delegated to them by Members all representations received will be incorporated within a report prepared by the Case Officer with each point raised analysed and assessed in determining the application.

6.11 All representations received in respect of planning applications will be carefully considered and where appropriate treated as material planning considerations. They will be taken into account before determining individual applications, when they will be assessed along with all other material planning considerations relevant to the individual case. Once an application is determined those parties who have made representations will be formally notified of the Council's decision.

7. How will we consult?

7.1 Notification and consultation regarding applications are carried out in accordance with the requirements of the National Planning Practice Guidance (NPPG) 2014 and the Town and Country Planning (Development Procedure)(England) Order 2010. All major developments and, those which are likely to have a wider than purely local impact, are publicised through **newspaper advertisements, site notices and neighbour notifications**. For minor developments we will always use site notices and where appropriate neighbour notifications. Site notices are as clear, noticeable and prominent as possible, and located near the site. The Neighbour Notification Notice is also accompanied by a **leaflet**, which explains the planning system and how it is operated by Warwickshire County Council.

7.2 As many of the development proposals dealt with by the County Council have a wider impact than merely adjacent properties, the authority does consider the advice in the NPPG to be very much a minimum standard.⁶ Properties adjoining the application site will normally be notified by letter if, in the opinion of the Case Officer, that property may be materially affected by the application proposals. Whether buildings that do not adjoin the application site should be notified, is a matter of judgement for the Case Officer. In relevant cases the County Council endeavours to engage adjoining Parish, District and County Councils. The Case Officer's decision takes into account likely traffic generation and the likely impact on amenity (e.g. noise or odour - where residents within a certain distance should be consulted). If traffic routes are likely to be affected by the development then the Case Officer will consider consulting residents along the access route to the site where appropriate.

7.3 A major development includes all waste and minerals applications, (i.e. County Matter applications) and also residential and industrial development above a floorspace threshold of 1,000 square metres or site area threshold of 1 hectare and the erection of 10 or more dwellings. As a County Council we are primarily responsible for waste and minerals applications – the District and Borough Councils are responsible for publicising applications for residential and industrial development.

7.4 A minor application would be a County Council application (i.e. relating to applications proposed by the County Council – whether solely or in partnership) beneath this threshold. For these applications we would usually consult with a more limited number of interested parties such as neighbours, Parish Councils, Members and other statutory consultees by writing to them directly.

7.5 In all such cases individual property notifications are tailored to the nature of the development. A minor proposal in an isolated location with no nearby properties may be advertised by a site notice alone, whereas a major proposal in an urban or semi-urban context may be advertised by a site notice, newspaper advertisement and a large number of property notifications distributed across a wide area.

⁶ As a minimum Warwickshire County Council consultation on planning applications meet the requirements of the Town and Country Planning (Development Management Procedure (Order) 2010 and the National Planning Practice Guidance 2014 .

7.6 Consultees are then given 21 days to respond to the submission. The government is fully committed to the provision of a speedy, efficient and effective planning system, in which planning authorities meet rigorous speed and efficiency targets. Warwickshire County Council are fully committed to meeting these targets and thus must strike a balance between the need to consult and involve stakeholders in the planning process and the need to determine planning applications quickly and efficiently. It is therefore important that consultees adhere to the 21 day timetable. The County Council will however accept and consider comments and representations received after the end of the consultation period provided the application has not already been determined. .

7.7 If an application is a departure from the development plan (i.e. granting permission for the application would go against policies in the development plan) then the application has to be advertised as such. If the Committee decides to approve such an application then it would have to be referred to the Secretary of State for Communities and Local Government (c/o The National Planning Casework Unit) under the provisions of Circular 02/09 : The Town and Country Planning (Consultation)(England) Direction 2009 and NPPG .

7.8 Full details of all planning applications submitted, including supporting documents and plans, can be viewed on our **website**: www.warwickshire.gov.uk/planning. The County Council keeps an up-to-date list of all applications received each week and publicises this weekly list on its **website**. Hard copies of all planning applications are also available to view in person upon request.

7.9 All committee reports that we produce will be available in different languages and different formats such as large print or audiotapes upon request. All our Committee meeting rooms are accessible to those with mobility impairments and are fitted with loops for those with hearing difficulties.

7.10 Warwickshire County Council, along with the NPPG, encourages applicants to involve interested parties and residents in the proposed development at an early stage (e.g. new quarries or waste sites or major extensions to either) by holding public meetings or exhibitions and inviting residents to take part in discussions. This will particularly be required if the proposed application is large in scale or of a complex and potentially controversial nature i.e. will have a significant impact on the environment. There are currently around a dozen Resident Liaison Groups covering a number of our larger minerals and waste sites located around the County. Membership these groups varies but can include a range of participants such as operators, local residents (who are invited to attend), local Councillors (County, District/Borough and Parish), Local Authority officers and the Environment Agency.

7.11 Warwickshire County Council also encourages applicants to enter into pre-application discussions where appropriate. A formal pre-application advice scheme sets out various levels of advice that developers may seek along with the relevant charges that apply. Developers may choose to seek pre-application advice in respect of any proposals, although they are likely to be particularly useful in respect of larger proposals with potentially complex issues. Such discussions can be wide

ranging covering matters including; relevant planning history, site specific planning constraints, identification of relevant planning policy, the nature and extent of supporting information required, etc. At this point, potential applicants may also be advised to carry out their own initial public engagement if the proposed development is likely to be controversial. Applicants are also advised at this stage of relevant bodies and organisations/consultees on any application submitted they may benefit from discussing their proposals with at an early stage. This may include; District/Borough Councils, Environment Agency, Natural England, County Highways, Highways Agency, etc

7.12 Where applications cannot be determined by officers under the County Councils scheme of delegation they are reported to Regulatory Committee for determination. This Committee determines whether to grant or refuse applications and meets every 6 weeks. Committee reports are available for the public to view 5 full working days⁷ before the meeting of Regulatory Committee. Members of the public are welcome to view the committee report and any other background papers before the meeting. Decisions from Regulatory Committee are published on our website through a decision notice. All those who submitted comments on an application will be notified of the decision.

7.13 The County Council's scheme of planning delegated powers allows certain applications to be decided by the Strategic Director of Communities and her officers. Under the scheme, officers may decide applications unless one or more of the following applies:

- four or more people have objected to the application on relevant planning grounds
- it is a major application subject to an environmental impact assessment
- the application is a departure from the development plan which would require referral to the Secretary of State before being granted
- a statutory consultee (e.g. the Environment Agency) has objected to the proposal
- officers are recommending refusal of the application
- the Strategic Directors responsibilities include any aspect of the management of the land or buildings to which the application relates
- an officer of the council or County Councillor has declared an interest in the matter
- the County Councillor for the constituency has requested that the application be referred to the Regulatory Committee.

Delegated decisions are published on our website through officer reports and a decision notice. All of those who have submitted comments on an application determined under delegated powers will be notified of the decision

7.14 Section 38(6) of The Planning and Compulsory Purchase Act 2004 sets out the basis for planning decisions. They "must be made in accordance with the plan unless material considerations state otherwise". The National Planning Policy Framework (NPPF) places a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking. Any objections or support for planning applications should be made on this

⁷ As detailed in Warwickshire County Council's *Constitution* (Standing Orders par. 27.4, April 2005)

basis. Material considerations are many and varied in nature but must specifically relate to the regulation of land in the public interest. They may include:

- Whether the proposals comply with the Development Plans for the area;
- Whether the proposed development will create noise, dust, odour or disturbance to local residents through vehicle movement or activities on site;
- The visual impact on the rural landscape or any other setting.

They do NOT include:

- The impact of a proposal on property values;
- Boundary or other legal disputes;
- Loss of view;
- Restrictive covenants affecting a property or area of land.

The County Council or the West Midlands Planning Aid Service can provide clarification on such considerations on a case-by-case basis. Planning Aid is a free and independent source of advice, helping people to understand, use and be involved in the planning system. Further details of this service are available at our planning office and on www.planningaid.rtpi.org.uk

7.15 The County Council also provides general advice on planning matters. There are guides on how to make a representation (“Making Your Views Known”) and how to speak at committee meetings (“Having Your Say at Regulatory Committee”). Planning officers are available to offer advice either by phone, e-mail or in person. General planning advice is also available on the Planning Portal website (www.planningportal.gov.uk) and within the National Planning Policy Guidance (NPPG)⁸.

7.16 Warwickshire County Council’s planning case officers are prepared to attend public meetings or to meet local community groups where appropriate to discuss a planning application before it is determined. Such meetings provide a useful opportunity to exchange information and enable residents to better understand the decision-making process.

7.17 The requirements for Local Authorities to consult on planning applications are set out in the Town and Country Planning (Development Procedure)(England) Order 2010 and National Planning Practice Guidance 2014 . These are our statutory requirements, which we consider to be a minimum standard. Where appropriate, we would go beyond the minimum standard in order to ensure that development proposals are drawn to the attention of all parties who may be interested.

How will we be consulted?

⁸ Available at <http://planningguidance.planningportal.gov.uk/>

7.18 The County Council is consulted on all applications where the application could have an impact on the highway. If the District or Borough Councils receive an application which impacts on the highway then they would have to consult with the County Council in its capacity as Highways Authority⁹. The County Council will have 21 days to respond to the consultation.

7.19 The County Council should also be consulted where a development may have mineral or waste planning implications such as sterilisation issues.

⁹ As detailed in Warwickshire County Council's *Planning Code of Practice* (par. 20.1, March 2005)

8. Who will we consult?

8.1 In the event of minor applications we consult adjoining neighbours, Parish Councils, County and District councillors and other statutory consultees e.g. Natural England, Environment Agency, Department for Environment, Food and Rural Affairs (DEFRA) as and when appropriate.

8.2 Major applications involve considerably more engagement. The Town and Country Planning (Development Management Procedure) Order 2010 sets out a list of statutory consultees (see **Table 5**) of which an amended version is presented below. The Case Officer will consult any number of these statutory consultees depending on their relevance to the application submitted.

Table 5: Statutory Consultees

Description of Development	Consultee
Development likely to affect land in a non-metropolitan county.	The district planning authority concerned
Development within an area which has been notified to the local planning authority by the Health and Safety Executive because of the presence of toxic, highly reactive, explosive or inflammable substances.	The Health and Safety Executive
Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a trunk road or using a level crossing over a railway.	Highways Agency and/or the operator of the railway network
Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway.	The local highway authority concerned
Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway.	
Development likely to prejudice the improvement or construction of a classified road or proposed highway.	The local highway authority concerned
Development which consists of or includes the laying out or construction of a new street.	The local highway authority concerned
Development which involves the provision of a building or pipe-line in an area of coal working.	The Coal Authority
Development involving or including mining operations.	Environment Agency
Development within 800 metres of any other royal palace or park, which might affect the amenities of that palace or park.	The Secretary of State for National Heritage
Development likely to affect the site of a scheduled monument.	English Heritage
Development likely to affect any garden or park of special historic interest which is registered and classified	English Heritage

as Grade I or Grade II.	
Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream.	Environment Agency
Development for the purpose of refining or storing mineral oils and their derivatives.	Environment Agency
Development involving the use of land for the deposit of refuse or waste.	Environment Agency
Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge.	Environment Agency
Development in or likely to affect a site of special scientific interest.	The Council which was notified of the land's special status and Natural England
Development involving any land on which there is a theatre.	The Theatres Trust
Development of good quality agricultural land, which is not for agricultural purposes and not in accordance with the provisions of a development plan.	Department for Environment, Food and Rural Affairs (DEFRA)
Development which is near land, which has been used for the deposit of, refuse or waste or has made provision for this purpose.	Environment Agency
Development likely to affect a playing field or any minerals application where there is a potential for leisure and recreation as part of its restoration.	Sport England
Development likely to affect any inland waterway or reservoir owned by British Waterways Board.	Canal and Rivers Trust
Development which involves the provision of a proposed or existing infrastructure project, which is likely to have a significant impact upon a policy in the Regional Development Agency's Strategy or is within an area which is likely to affect the implementation of a strategic regional investment or employment policy in the Regional Development Agency's Strategy.	Advantage West Midlands
Development involving a departure from the Development Plan.	Secretary of State for Communities and Local Government
Regionally significant planning applications.	Regional Planning Body
Proposals that may affect non-statutory nature conservation sites (Sites of Importance for Nature Conservation)	Warwickshire Museum Field Services
Proposals that may affect the activities or interests of the Forestry Commission.	Forestry Commission

9. Resources & Management

9.1 The work of determining planning applications is the responsibility of Planning and Development Group within the Economic Growth Division of the Communities Group.

9.2 As part of the engagement process Planning and Development Group may also require assistance from other teams within the department who cover areas including; transport planning, ecology and archaeology, flood risk management, waste management, etc.

Appendix 1

Stakeholders & Consultees

National Government & Agencies

Office of the Deputy Prime Minister
Department for Environment, Food and Rural Affairs
Department for Transport
Department for Trade and Industry
Ministry of Defence
Department for Education
Department of Health
Home Office
Environment Agency
Highways Agency
Natural England
English Heritage
National Trust
Department for Transport Rail Group
Network Rail Infrastructure Limited
Passenger Transport Authorities
Passenger Transport Executives
Canal and Rivers Trust
Health and Safety Executive
Homes and Communities Agency
Public Health Warwickshire
Bodies prescribed under the Electronic Communications Act
Coal Authority
Commission for Architecture and the Built Environment
Crown Estate Office
Skills Learning Agency and Young People's Learning Agency
The Forestry Commission

National Interest Groups

House Builders Federation
Electricity, Gas and Telecommunications Undertakers and National Grid Company
Council for the Protection of Rural England
Friends of the Earth
Royal Society for the Protection of Birds
Wildlife Trusts
Age UK
Equality and Human Rights Commission
Disabled Persons Transport Advisory Committee
Chemical Business Association
British Geological Survey
Centre for Ecology and Hydrology
Fields in Trust

Post Office Property Holdings

Sub-national Government & Agencies

Local Enterprise Partnership
Local Nature Partnership
Aggregates Working Party
Resource Technical Advisory Body
Severn Trent Water
Sport England
Civil Aviation Authority
Police and Crime Commissioner

Sub-national Interest Groups

Airport Operators (Birmingham International Airport; Coventry Airport)
Road Haulage Association
Freight Transport Association (Rail Companies/Rail Freight Group)
Church Commissioners
Mineral Products Association
Museum, Libraries & Archives West Midlands
Arts Council Midlands
MADE (Midlands Architecture and the Designed Environment)
WMPAS (West Midlands Planning Aid Service)
Cotswold Conservation Board

Local Government & Agencies

Local Transport Authority
Warwickshire County Councillors
Warwickshire District/Borough Councillors
County Field Services (Ecologist/Archaeologist/Geologist)
North Warwickshire Borough Council – Planning & Waste Collection
Nuneaton & Bedworth Borough Council – Planning & Waste Collection
Rugby Borough Council – Planning & Waste Collection
Stratford District Council – Planning & Waste Collection
Warwick District Council – Planning & Waste Collection
Parish Councils within Warwickshire and adjoining Parish Councils
Cross-boundary Local Authorities (Counties and Districts e.g. Leicestershire CC; Northamptonshire CC; Worcestershire CC; Gloucestershire CC; Oxfordshire CC; Solihull MBC; Coventry CC; Birmingham CC; Staffordshire CC; Lichfield District Council; South Northamptonshire Council; Blaby District Council)
Warwickshire Police
Fire and Rescue Services

Local Interest Groups

Chambers of Commerce, Local CBI
Warwickshire Wildlife Trust
LA21 groups

Gypsy Council (Traveller Law Reform Coalition)
Civic Societies
Community Groups
Local Transport Operators
Local Race Equality Councils
Representatives from Minerals & Waste Industry
Warwickshire Geological Conservation Group

Please note that this is not an exhaustive list, and will be updated as necessary.

Glossary of Terms

Annual Monitoring Report	AMR	Produced each December and relating to the previous financial year. It shows how the policies are performing.
Adopted Proposals Map		This illustrates all site specific policies and identifies areas of protection
Community Strategy		It sets out the broad vision for the future of the local authority area and proposals for delivering that vision. In Warwickshire it is known as the Strategic Plan.
Core Strategy		Sets out the long-term spatial vision for the local planning authority area and the strategic policies and proposals to deliver that vision.
Development Plan Documents	DPDs	Local Development Documents that are considered to be part of the Development Plan.
Inspector's Report		This will be produced by the Inspector following the Public Examination and will be binding on the County Council.
Local Development Document	LDD	All of the documents that make up the local development framework.
Local Development Framework	LDF	A collection of LDDs e.g. Core Strategy, Local Development Scheme, Statement of Community Involvement etc. (See Figure 1)
Local Development Orders	LDOs	This is made by a planning authority in order to extend permitted development rights for certain forms of development, and relate to a relevant LDD. The County Council's LDF is unlikely to contain these.
Local Development Scheme	LDS	It sets out the timetable for LDD production.
Local Strategic Partnership	LSP	This group consists of representatives from the private, public and voluntary sector. The LSP is responsible for producing the Community Strategy.
Minerals & Waste Development Framework	MWDF	A collection of LDDs relating to minerals and waste issues e.g. Core Strategy, Local Development Scheme, Statement of Community Involvement etc.
Minerals & Waste Development Plan Document	MWDPD	LDDs that are considered to be part of the development plan e.g. the Core Strategy, Site Specific Allocations and Area Action Plans.

Minerals & Waste Development Scheme	MWDS	It sets out the timetable for LDD production specifically in relation to minerals and waste plans.
Proposals Map		Illustrates the policies and proposals in the DPDs spatially on a map.
Regional Spatial Strategy	RSS	A spatial strategy for the whole region, in the case of Warwickshire this is the West Midlands. It guides the preparation of the LDF and Local Transport Plan for coherent regional development.
Simplified Planning Zones	SPZs	These are areas in which the local authority wishes to stimulate development and encourage investment. Again the County Council's LDF is unlikely to contain these.
Site Specific Allocations		Allocations of sites for specific land uses.
Statement of Community Involvement	SCI	It sets out how the authority will involve the public in the development plan-making process and in making decisions on planning applications.
Supplementary Planning Document	SPD	This document deals with one particular planning matter in more depth e.g. a design guide or affordable housing.
Sustainability Appraisal	SA	This assesses policies against sustainability objectives. These objectives are based on social, economic and environmental factors. A Sustainability Appraisal must be undertaken on all LDFs.
The Development Plan		Consists of the RSS and DPDs.