

# **Appendix 2 Eden District Council Statement of Community Involvement**



November 2019

Further information regarding the Statement of Community Involvement and the Review of the Eden Local Plan generally can be found on the Council's website [www.eden.gov.uk](http://www.eden.gov.uk)

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**This document can be made available in large print on request**

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## **1. Introduction**

This Statement of Community Involvement (SCI) sets out the Council's approach for involving people in both the preparation of the new Eden Local Plan and other development plan documents. This will cover the whole of Eden District that lies outside the recently extended Lake District National Park and the recently extended Yorkshire Dales National Park.

This document identifies:

- The types of groups and individuals that will be directly asked to comment on the Local Plan.
- The times that specific consultees and the general public can become involved.
- The ways that the Council will enable this community involvement.

Many of the activities identified within this Statement of Community Involvement are currently undertaken by the Council, and the document is designed to formalise the methods used and clearly demonstrate to the public and stakeholders that they will be involved, that their views will be taken into account and when and how they can become actively involved in the local planning process.

Production of a Statement of Community Involvement is also a legal requirement under Section 18 of the Planning and Compulsory Purchase Act 2004 and forms one of the tests of 'soundness' that a Local Plan must pass if it is to be adopted. This means we will have to demonstrate that we have complied with this document if we want to adopt our new Eden Local Plan 2020-2038.

## **2. The Council's principles for consultation**

- Eden District Council will endeavour to reach decisions in the light of appropriate and effective consultation, conducted on and off-line with service users and stakeholders.
- The Council will ensure guidance to on and off-line consultation processes is made available via the Internet, the website and social media; also via consultation seminars or 'drop in' events.
- We will seek efficient and cost effective methods of consultation which uphold quality standards.
- We will clearly identify who is being consulted.
- We will seek to identify barriers to effective consultation and prioritise inclusion of hard to reach groups, to enable engagement with all those whose views are often invisible to the normal process.
- We will explain to people why we are consulting and how their views will be taken into account.

- We will aim to provide effective information on consultation issues and matters of public information.
- We will seek to explain issues clearly to all the audiences we wish to reach and make responding easy, both on and off-line.
- In organising the consultation, we will provide a summary of the main issues, a clear set of questions, and ability to make comments.
- In relation to on-line consultations, we will provide a broad range of background information to ensure stakeholders have good opportunity to form opinions on the basis of balanced information.
- We will allow enough time within a clearly defined timescale for respondents to consider the issues and make their views known.
- We will ensure that all responses are carefully and open-mindedly analysed to reflect a range of views.
- We will link findings from the consultation process with decisions, and explain reasons for our decisions, in particular where these go counter to the views expressed during the consultation.
- We will use a database and introduce the use of emails for both staff and the public who register interest, to inform them about new consultations and/or of the published outcomes of completed consultations in their areas of interest.
- We will ensure evaluation of the effectiveness of the whole consultation process is a fundamental part of consultation design.
- The Council will support the promotion of the Local plan through a communications campaign including media releases, updating social media and local media outlets and co-ordinate drop-in events organised or supported by the Council in relation to the new Eden Local Plan and other Development Plan Documents.

### **3. Who we will consult**

- Other local authorities and Government agencies under the 'Duty to Co-operate'.
- Statutory organisations including infrastructure providers and as legally required or where considered appropriate and beneficial.
- Organisations representing local geographic, economic, environmental and social interests.
- Parish councils, town councils, parish meetings within the district.
- Local businesses.

- Voluntary groups.
- Others who have expressed an interest in the Local Plan.
- The general public.
- Anyone who has asked to be notified of any changes.

#### 4. How we will consult - methods of community involvement

Method	Audience	Reasons	Stage
Consultation documents available to view in public buildings	The whole community	To make formal proposals publicly available and allow formal comments to be received within specified time periods.	Each of the formal consultation stages required in the Local Plan Regulations.
Eden District Council website	The whole community	This will provide access to all relevant documents, and enable greater interactivity with the planning system. It will provide up-to-the-minute information. It will speed up the process.	This will provide up to date information for progress with all Local Plan documents and planning applications.  It is available at all stages of the Local Plan process and for all planning applications.
E-consultation software	The whole community	This will increase community engagement opportunities and streamline consultation procedures. It will provide opportunities to consult with people at a time and place suitable to them. It will be easier to provide background information, promote more meaningful commentary and provide feedback to people on what has happened as a result of their input. It will support a more transparent and co-ordinated approach across the Council and the region. It will be easier to support multi-agency approaches, sharing information and avoiding duplication of effort and consultation fatigue. It will be easier for officers of the Council and communities to engage with consultations.	Each of the formal consultation stages required in the Regulations.

Method	Audience	Reasons	Stage
Media Releases (to local newspapers, radio and television)	The whole community	To improve awareness and understanding of the planning process and specific issues among the public. To publicise consultation documents. To feedback on decisions made.	As a minimum, at each of the formal consultation stages required in the Local Plan Regulations and for appropriate stages in development plan documents.
Letters/Emails (and documents) to statutory consultees and other relevant stakeholders	Statutory consultees and other relevant stakeholders	This is targeted towards organisations and individuals who can offer their professional expertise about the issue and/or who will be directly affected by the proposal.	Each of the formal consultation stages required in the Regulations. Consultation stage for planning applications.
Via <a href="http://www.haveyoursay.org.uk">www.haveyoursay.org.uk</a>	The whole community	This is Cumbria's consultation and community engagement database.	Each of the formal consultation stages required in the Regulations.
Social media	The whole community	Updates will be made to the Council's Facebook page: <a href="http://www.facebook.com/EdenDistrictCouncil">http://www.facebook.com/EdenDistrict Council</a> and to its Twitter account:	Each of the formal consultation stages required in the Regulations.
Council produced newsletters, leaflets and posters	The whole community Leaflets can also be used to target specific groups	A useful mechanism for informing and feeding back information to all residents of Eden. Posters will be put up on public notice boards, including supermarkets.	Leaflets and posters will be produced as required.
Public meetings and drop in events across Eden	General public and targeted groups	To raise awareness and gather views in a public arena.	Pre-production of Local Plan documents and also possibly during the production stage.
Meetings with local communities across Eden	Specific groups of people connected by a geographical area or area of interest.	To give information about the document/application and explain it in detail. To gather detailed feedback from a particular community to inform the development of documents and proposals.	Pre-production of Local plan documents and also possibly during the production stage.

Method	Audience	Reasons	Stage
Exhibitions and public displays	General public/local communities.	To present proposals, increase understanding and gain informal feedback.	Pre-production of Local Plan documents and also possibly during the production stage.
Existing networks within the district	Local organisations and communities.	To maximise the Council's resources when giving and receiving information.	At each stage throughout the process.
Meetings with key stakeholder groups	Specific stakeholders, which may include statutory consultees and other departments in the Council.	To gather targeted views, and identify and resolve potential issues early in the process.	Pre-production and production of Local Plan documents.

## 5. When we will consult

Preparation of the new Eden Local Plan will be subject to rigorous rules. There are four stages for the Council to undertake in the preparation of each of these types of document. These are:

- Pre-production
- Production
- Examination
- Adoption

It will take approximately four years to complete the Local Plan, and there will be a number of consultations using a variety of methods, from those identified within the table above during this time.

### Stage 1: Pre-production

This is the scoping stage, during which the Council considers who needs to be involved at the different stages in the planning process and how different sections of the community might be represented. This is also the stage during which the evidence base will be developed.

## **Stage 2: Production**

All of the work during the pre-production stage will then be brought together to produce a preferred options Local Plan. Additional informal consultations and discussions may take place at this stage if required.

The 'preferred options' Local Plan will be made available to the public for formal comments during at least a six week consultation period. Notices of consultation will be placed on the Council's website [www.eden.gov.uk](http://www.eden.gov.uk) giving details of the locations and times that the documents are available. We will also:

- Make copies of the document available for consideration in Eden District Council offices and libraries in the district.
- Update social media to publicise consultation opportunities.
- Consult all appropriate consultation bodies together with each of the relevant authorities and powers that have been requested to be notified on our database to notify them that the documents are available together with a link to the document on the Council's website.

Any comments and representations that are received will be collated and made available to the public. The document will then be amended, taking account of the comments as appropriate to form the 'publication' version of the Local Plan.

## **Stage 3: Examination**

The 'publication' version of the draft Local Plan will then be made available to the public for formal comments during at least a six week formal consultation period, before it is submitted to the Secretary of State. We will consult for at least a further 6 weeks at this stage and:

- Place on the Council's website [www.eden.gov.uk](http://www.eden.gov.uk) a statement giving details of the locations and times that the Local Plan and comments are available for the public to view.
- Make copies of the Local plan and Sustainability Appraisal, together with the comments received, available for viewing in Eden District Council offices and libraries in the district.
- Place a copy of the documents on the Eden District Council website.
- Update social media to publicise the Examination.
- Notify all appropriate consultation bodies together with each of the relevant authorities to notify them that the Local Plan and comments have been submitted, together with a link to the document on the Council's website.
- Notify those persons who requested to be notified.



The draft plan is then submitted to the Secretary of State is then considered for 'soundness' during an Independent Examination.

## **Stage 4: Adoption**

Any changes that are recommended in the Inspector's report from the Examination will be made by the Council. Once the changes have been made, the final version of the new Eden Local Plan document will be adopted by Full Council.

Once the Council adopts the new Eden Local Plan it will be made publicly available, together with details of any saved plans it replaces:

- On the Council's website.
- For inspection at Council offices and libraries in the district.

## **6. Neighbourhood Plans**

Neighbourhood planning was introduced by the Localism Act in 2011. There are two main parts to neighbourhood planning: neighbourhood plans and neighbourhood development orders (including community right to build orders). Parish and town councils or neighbourhood forums (in unparished areas) can produce neighbourhood plans for their local areas, putting in place a strategy and policies for the future development of the area.

If successful at referendum, a Neighbourhood Plan will become part of the statutory development plan for the area. This statutory status gives Neighbourhood Plans far more weight than some other local documents, such as parish plans, community plans and village design statements.

A Neighbourhood Plan must meet certain specified 'basic conditions'. These ensure plans contribute to the achievement of sustainable development, have regard to national policy and guidance and are in general conformity with adopted strategic local planning policies. Despite the current negotiations on leaving the EU, the requirements to comply with EU obligations will continue to apply for the time being, but may be replaced with a requirement to meet UK law at some point in the future.

Prior to submitting a draft neighbourhood plan to the Council, consultation on a Neighbourhood Development Plan/Order is determined by the group producing the Plan/Order, however they must comply with the Neighbourhood Planning (General) Regulations 2012. We also strongly advocate they adhere with the principles set out in this SCI.

<p>Stage and relevant regulation of Neighbourhood Planning (General) Regulations 2012 (unless other regulations specified).</p>	<p>Consultation</p>
<p>Receipt of an application for a neighbourhood area or a neighbourhood forum. Regulation 6 and 9.</p>	<p>The council shall consult for not less than six weeks, as soon as possible after receipt of a complete application. We will publish the applications on our website and bring the applications to the attention of people who live, work or carry on business in the area to which the application relates.</p>
<p>Decision on application for a neighbourhood area or neighbourhood forum. Regulation 7 and 10.</p>	<p>If we approve the application, we will publicise the decision on our website and in such a manner to bring the designations to the attention of people who live, work or carry on business in the area to which the application relates.</p> <p>If refusing an area or forum application. We will publish:</p> <ul style="list-style-type: none"> <li>- a decision statement setting out the reasons for refusal; and</li> <li>- details of where the decision may be inspected.</li> </ul>

<p>Prior to submission of the plan to the Local Authority. Regulation 14.</p>	<p>The qualifying body (ie the parish council or designated neighbourhood forum) will publicise the following in such a manner to bring the proposals to the attention of people who live, work or carry on business in the area to which the plan relates for at least six weeks:</p> <ul style="list-style-type: none"><li>- details of the proposals for a neighbourhood development plan or any modifications proposed;</li><li>- when and where the proposals may be inspected; and</li><li>- how representations should be made.</li></ul> <p>If a modification is proposed, the qualifying body will publish a statement setting out whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion.</p>
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<p>Following submission of the plan to the Local Authority. Regulation 16.</p>	<p>We will publicise the following on our website and in such a manner to bring the proposals to the attention of people who live, work or carry on business in the area to which the plan relates for at least six weeks:</p>
	<ul style="list-style-type: none"> <li>- details of the proposals for a neighbourhood development plan or any modifications proposed;</li> <li>- when and where the proposals may be inspected; and</li> <li>- how representations should be made.</li> </ul> <p>If a plan proposal is submitted, we will publicise a statement that any representations may include a request to be notified of the local planning authority's decision to bring the neighbourhood development plan into force (regulation 19).</p>
<p>Publicising the examiner's report. Regulation 18.</p>	<p>Upon receipt of the examiner's report the Council will decide whether to progress the neighbourhood plan. As soon as possible after making this decision we will publicise the following on our website and in such a manner to bring the proposals to the attention of people who live, work or carry on business in the area to which the plan relates.</p> <ul style="list-style-type: none"> <li>- The decision and the reasons for it;</li> <li>- Details of when and where the decision statement may be inspected; and</li> <li>- The report made by the examiner.</li> </ul>

<p>Referendum. Regulation 4 of the Neighbourhood Planning (Referendum) Regulations 2012.</p>	<p>We will publicise the referendum in accordance with the Neighbourhood Planning (Referendum) Regulations 2012 requirements.</p> <p>At least 28 working days prior to the referendum date we will publish, on the Council’s website, at our main offices and any premises open to the public and under our control within the referendum area, together with village notice boards where available, the following information:</p> <ul style="list-style-type: none"> <li>– the date on which the referendum will be held;</li> <li>– the question to be asked in the referendum;</li> <li>– a map of the referendum area;</li> <li>– where the referendum area is not identical to the neighbourhood area, a map of the neighbourhood area;</li> <li>– a description of persons entitled to vote in the referendum;</li> <li>– the referendum expenses limit that will apply in relation to the referendum and the number of persons entitled to vote by reference to which that limit has been calculated; and</li> </ul>
<p>After the Neighbourhood Plan is made. Regulation 19.</p>	<p>If more than 50% of people voting in the referendum vote in support of the neighbourhood plan the plan can be made and will become part of the development plan.</p>
	<p>As soon as possible after the Council has decided to make a neighbourhood plan we will publish on our website and in such a manner to bring the designations to the attention of people who live, work or carry on business in the area to which the application relates.</p> <ul style="list-style-type: none"> <li>– a statement setting out the decision and the reasons for making that decision (“the decision statement”); and</li> <li>– details of where and when the decision statement may be inspected.</li> </ul> <p>We will also notify any person who asked to be notified of the decision.</p>

## 7. Planning Applications

### Introduction

The Development Management Team is responsible for assessing planning applications for development. They provide advice, determine applications and advise the Planning Committee on major and other types of applications. All decisions on planning applications must be made in accordance with the development plan and the NPPF unless there are other material considerations, such as site specific matters which relate specifically to the case, which justify a different approach to be taken.

### Advice

The Development Management Team provide, where requested, pre-application advice to those considering undertaking a development project for which there is a fee. They can provide information in respect of the suitability of a proposal such as conformity with the development plan, appropriateness of design etc, as well as being available to answer questions that you may have in respect of a current planning application. Should you wish to contact a planning officer to discuss your proposals you can do this in a number of ways:

- By phone: 0300 373 3300
- Email: [planning2@westmorlandandfurness.gov.uk](mailto:planning2@westmorlandandfurness.gov.uk)
- In Writing: Westmorland and Furness Council, Town Hall, Corney Square, Penrith, Cumbria CA11 7QF
- In Person at the Town Hall, Corney Square, Penrith, Cumbria CA11 7QF: a duty planner service is available on a daily basis between 10am and 1pm.

### Responding to planning applications

The publicity procedures that we are required to follow in relation to planning applications are laid down in government legislation and regulations (see table 1 following for details of the publicity methods used for different types of application). Planning applications (once submitted and validated by us) including all the supporting documentation can be viewed on our website at: <https://plansearch.eden.gov.uk/fastweb/>

Comments on planning applications must be based on material planning considerations and be made in writing within 21 days from the latest date of our notification letter, press notice or site notice appearing. Please note that comments submitted after this 21 day publicity period has expired, may not be considered because a decision may already have been made on the application.

### **Material objections exclude the following:**

- Devaluation of property;
- Loss of view;
- Effect on trade/commercial competition;
- Effect on private or civil rights;
- Personal or financial circumstances of the character of the applicant;
- Third party interests; or
- Matters covered by other legislation or controls such as building regulations or licensing.

### **Material objections can include but are not limited to:**

- Overlooking/loss of privacy;
- Loss of light or overshadowing;
- Parking;
- Highway safety;
- Traffic issues;
- Noise and Vibration;
- Effect on listed building and conservation area;
- Layout and density of buildings;
- Design, appearance and materials;
- Government policy;
- Disabled persons access;
- Proposals in the development plan;
- Previous planning decisions (including appeal decisions);
- Nature conservation.

## Planning Services Parish Charter

The Planning Services Parish Charter details the agreed mechanisms for engagement in the Development Management process between Eden District Council and the Parish Councils within the district and this is available on the council web site

<https://www.westmorlandandfurness.gov.uk/planning-and-building-control/planning/planning-applications>

These include:

- The Parish Council will be consulted on all applications for planning permission, listed building consent and advertisement consent. The parish council will not be informed of 'prior notification determinations' as these are notifications where the district council only has 28 days in which to provide a formal response and these developments have a 'deemed consent' and therefore do not require planning permission.
- The Parish Council will be consulted and given 21 days in which to reply. Responses received after the 21 day consultation period may not be taken into account as the application may have already been determined.
- The planning case officer can agree to extend the Parish Council consultation period, but this can only be agreed through a written request from the Parish Clerk.
- If the parish council require further information or advice, they are advised to contact the case officer for a particular application.
- If the view of the Planning Services Manager on a particular application differs from that of the Parish Council, the application will be referred to the Planning Committee for a decision.
- The Parish Council view will be reported in full to the Planning Committee.
- Where an application is being reported to Planning Committee, a representative of the Parish Council will be able to attend and explain their views and will be invited to attend any site visit undertaken by the Planning Committee within the parish concerned.
- The decision as to whether to hold a site visit rests with the Planning Committee.
- Whereas a decision is made by the Planning Committee against the view of the Parish Council, a written explanation will be given.

## Public Meetings and Exhibitions

Dependent upon the nature and potential impact of the development proposal on the local community, developers may need to carry out their own pre-application public consultation. These consultations should be carried out at an early stage in the design process to enable community views to be incorporated into the submitted proposal. The form of consultation will need to be tailored to suit the particular circumstances of the site, proposal and locality. To ensure that decisions are made in an independent manner without prejudice or bias, Eden planning officers would not normally participate in these public meetings or exhibitions.



## **Decision-Making and Planning Committee**

Minor applications are generally determined under delegated powers as set in the scheme of delegation within the Constitution. The planning committee makes decisions on applications under certain other circumstances as detailed in the Council constitution. The circumstances include where representations for and/or against a development proposal has been made and speaking rights have been requested in accordance with the rules for speaking at Planning Committee.

<https://www.westmorlandandfurness.gov.uk/your-council/councillors-and-committees/council-constitution>

For those applications determined by committee, member of the public or their representative will be allowed to speak if they have made a written representation to the planning application and have registered for their right to speak. Multiple speakers making representation for or against the same application will be requested to elect a spokesperson for the group, rather than all speak individually on the same issue.

## **Requests to speak at Planning Committee**

In accordance with Council Procedure Rules, any person (including Members, parish representatives, applicants, objectors and supporters) may seek to address the planning committee by making representations, responding to questions from the chair or give evidence at a meeting, in relation to any matter which appears on the agenda for that meeting.

Any person who wishes to address the committee should request to do so in writing to the Assistant Director Governance by no later than mid-day, one clear working day before the day of the meeting (that is not counting the day of the meeting or the day notice is given – so for a meeting on a Thursday, notice must be given by no later than mid-day on the preceding Tuesday).

The Planning Committee agendas are published on the council website five clear working days prior to committee. Planning Committee is always held on a Thursday and the agenda is published on the Wednesday of the week preceding. This provides clear details of the applications to be considered at the Planning Committee and includes officers' reports and recommendations. The minutes of the meeting are also published on our website.

## **Notifications of Decisions**

All applicants/agents and affected Parish Councils are notified of planning decisions either by email or letter. Neighbour Notification letters state that all planning application decision notices are published on the council's website and advise that any affected/interested parties should check the website to find out the outcome of any planning application or liaise directly with the case officer.

## **Planning appeals**

If an appeal is lodged against the Council's decision, notification is sent to all the consultees originally notified of the application, relevant ward members and Parish Councils along with any other third parties that made representations on the planning application. This provides an opportunity for them to make further representations to the Planning Inspectorate, although all previous representations are forwarded to the Planning Inspectorate for their consideration.

Appeals can take the form of Written Representations, Informal Hearings and Public Inquiries. Site notices will only be posted in the case of a Public Inquiry. Appeal decisions are reported to the Planning Committee and are published on our website.

## Notification Procedures for Planning and Other Applications

Application type	publicity normally undertaken		notes
	Site Notice	Press Neighbour Notice Notification letters	
Major Planning Applications	Yes	Yes Yes	Letters will be sent to any Parish Council(s), owners/occupiers of properties adjoining the application site where they can be identified. The extent of any wider written notification will depend on the scale of the proposal and will be assessed by the case officer on a case-by-case basis and may involve more than one site notice.
Minor and other Planning applications	Yes	No Yes	See above. Where there are no adjoining owner/occupiers, at least one site notice will be erected
Listed Building Consent	Yes	Yes Yes	For applications in conservation areas/affecting the setting of a listed building, site and press notices are only required when in the opinion of the local planning authority the proposed development will affect the character and appearance of the conservation area/the setting of a listed building
Certificates of lawfulness of existing use or development	No	No No	There are no statutory requirement to carry out publicity for these applications because they are judged on the factual evidence and not on planning merits.

Application type	publicity normally undertaken			notes
	Site Notice	Press Neighbour Notice	Notification letters	
Reserved Matters	Yes	Only Major App'n	Yes	The application will be subject to the publicity appropriate to a 'major', 'minor' or 'other application' as defined for those categories above.
Discharge of Condition	No	No	No	Generally no publicity is undertaken; however it may be carried out if the application related to details that were that were raised by neighbours at the original application stage.
Prior Approval – telecommunications	Yes	No	Yes	In some very specific circumstances, a press notice is required (see part 24, condition A.3, paragraph 5 (B) and (C) of the town and country planning (Gen Permitted Development) Order 1995 (as amended).
Prior Approval – Demolition	Yes	No	No	Publicity (for information purposes only) is undertaken by the applicant who shall display site notice on or near the land on which the building to be demolished is sited. It is to be displayed for no less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority.
Prior Approval Agriculture	No	No	No	
Prior Approval – Office to Residential	No	No	No	

Application type	publicity normally undertaken			notes
	Site Notice	Press Notice	Neighbour Notification letters	
Advertisement Consent	Yes	No	No	Generally no publicity is carried out, but where the amenities of neighbours appear to be affected, the case officer will take a view as to whether they should be notified by letter
Amendments to an Undetermined Application	No	No	No	There is no statutory requirement to undertake a reconsultation and generally no publicity is carried out. However, depending on the significance of the change, the case officer will take a view as to whether it should be re-advertised and require a new site notice, press notice and/or or neighbour notification by letter. If a reconsultation is undertaken and in this instance it is standard practice for this to involve a 14 day reconsultation period.
Non-Material Amendments	No	No	No	There is no statutory requirement for the local planning authority to consult upon a non-material planning application. Accordingly there will be no site notice, press notice or neighbour notification by letter. Application details can be viewed on the Council's online planning register

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