

**Appendix One – Schedule of Representations on Draft Revised Statement of Community Involvement and Proposed Changes to the Document**

<b>Respondent</b>	<b>Comments</b>	<b>ESCC Response</b>	<b>Proposed change</b>
<p>Marine Management Organisation</p>	<p>Chapter3: ‘County Council Planning’, paragraph 6 ‘Localism Act’ – the MMO would be keen for this paragraph to be more specific regarding the duty to cooperate in relation to other organisations, specifically MMO and marine plans.</p>	<p>Paragraph 3.8 states that under the Duty to Co-operate, the County Council “will work with neighbouring local authorities and other prescribed bodies on planning issues that are in the interests of all their local residents”. The MMO is a designated “prescribed body” under Part 2 of the Town and County Planning (Local Planning)(England) Regulations 2012 . The planning authority is already undertaking this co-operation with all bodies in accordance with the regulations and does not, therefore, consider it necessary to change the document.</p>	<p>No change proposed.</p>
	<p>Chapter 5: ‘Community Engagement in Planning Policy’ – we would advise that the Waste and Minerals Plan contain a statement on marine dredged aggregates, whatever their end use may be.</p>	<p>Consultation on the SCI is not the appropriate forum for suggesting amendments to the Waste and Minerals Plan.</p>	<p>No change proposed.</p>
	<p>Appendix 1: ‘Consultees for Local Development Documents’ – we were pleased to see the MMO included in this list. We would only expect to be consulted on</p>	<p>Comments are noted.</p>	<p>No change proposed.</p>

	projects that are taking place/include areas below the High Water Mean Springs mark or in any tidal section of river.		
Sedlescombe Parish Council	Regarding planning applications. I note that the applications will be advertised on the site and on your website and that neighbours will be notified. My Council is concerned that an application for Minerals and Waste Development could be made which is outside this parish but will affect local people, for example a landfill site where lorries travel through the parish to the landfill. If there are only about 35 planning applications each year for Minerals and Waste development, would it be possible to e-mail all Parish Councils in the County with a link to your website so that they can consider the application if they want to?	Para 6.20 states “the council will consider the appropriate consultation methods that should be used for each application received”. What is considered appropriate will vary depending on the perceived impact of the proposed development. Applications impacting on multiple parishes will be identified by the case officer when the application is submitted (if not before if pre-application discussions are held). It is not considered necessary, therefore, to consult all Parish Councils each time an application involving Waste and Minerals development (a County Matter) comes forward.	No change proposed.
Polegate Town Council	1. Could you clarify what actions are taken in cross boundary applications	As noted above, Para 6.20 states “the council will consider the appropriate consultation methods that should be used for each application received”. The case officer will identify those who should be notified and consulted on an application. In cross boundary	No change proposed

	<p>2. Although statutory periods are to be adhered to it is important to note that most parish/town councils have longer periods between decision making meetings than 4 weeks</p> <p>3. What is the process for extensions to be granted (page 15 5.10)</p>	<p>applications, this would include all appropriate parish and district councils, local members and local residents.</p> <p>Development management consultation periods of 21 days and 42 days adhere with government regulations and are considered appropriate. It is worth noting that representations can be received after these dates, however, these may not be considered in the determination of an application. Planning policy documents will have a consultation period of a minimum of 6 weeks.</p> <p>There are two references to extensions in this paragraph.</p> <p>Extensions to consultations will be made when they occur over Public and Bank Holidays, such as the summer or Christmas/New Year period.</p> <p>The extension of distribution points will depend on the nature of the document under consultation. For example, a</p>	<p>Add a footnote to para 6.6 regarding consultation responses received outside of the consultation period.</p> <p>No proposed change.</p>
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	<p>4. 6.3 (page 19) As email is widely available could clerks be sent a copy of the advertisement to be placed alongside notification.</p> <p>5. 6.8 (page 21) could guidance notes be given to developers to inform them that they should initially contact clerks and be prepared to meet with councillors and attend a public meeting and be available to answer all questions raised.</p>	<p>significant document such as the Waste and Minerals Plan or the Waste and Minerals Sites Document will be distributed to District and Borough Council offices and libraries. A document of significance to a smaller area may be distributed in fewer places but also at relevant Parish Council offices. The document is intended to offer flexibility in this regard.</p> <p>The local newspaper advertisement contains the same information as the notification letters. It is therefore considered unnecessary to duplicate this information when consulting Parish Councils.</p> <p>Comments are noted. The planning authority will continue to advise developers to contact Parish Councils during pre-application discussions where appropriate. If it is considered necessary at a later date to provide written guidance to developers, this suggestion will be considered.</p>	<p>No proposed change</p> <p>No proposed change to SCI</p>
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	<p>6. 6.15 (page 22) Certain areas are still predominately elderly with no access to internet or ability.</p>	<p>This is noted and the planning authority is aware that some elderly residents either have no access to the internet or are not comfortable using it. It should be noted that neighbour notifications will continue to be sent by post whilst guidance on how to use the council's planning website will be issued to libraries for general use. Hard copies of planning applications will continue to be available at the relevant District/Borough Council offices and can be posted to individuals on request.</p>	<p>No proposed change</p>
	<p>7. 6.16 (page 22) Although a trend towards e communication is acceptable, a paper copy (deposit point) should still be made available</p>	<p>Noted. Paper copies of planning applications and policy documents will continue to be available from the relevant district/borough council offices.</p>	<p>No proposed change</p>
	<p>8. 6.21 (page 24) at present I have been advised that one comment would take the application to committee rather than delegation. If this changes to more, public</p>	<p>Any changes to the Council's scheme of delegation will be publicised at the appropriate time. Petitions are treated</p>	<p>No proposed change.</p>

		<p>notices should be given in order that residents know 1 comment in the form of a petition (for example) would not be sufficient.</p> <p>9. At present there is no web system to allow notification of additions to an application. Wealden District Council planning portal has a subscribe facility. This would be a useful addition.</p>	<p>differently</p> <p>Comments noted.</p>	<p>No proposed change</p>
Wealden Council	District	<p>Whilst we support the Authority's commitment to sustainability by promoting and encouraging a shift from paper-based consultation to e-communication (Para's 6.16- to 6.17), it is our experience that an over reliance on electronic methods of communication can cause concern amongst interested parties whom do not have an email address or access to the internet. Within our own consultation exercises, whilst we now promote and encourage the use of electronic means, we have found that a number of residents interested in the development of our Local Development Documents are still reliant upon receipt of hard copy letters for the purpose of notification and updates.</p> <p>We support the recommendation of the widespread use of deposit points, and wish to confirm that from the 6<sup>th</sup> August 2012 Wealden District Council will gladly act as a deposit point from our offices at Vicarage Lane, Hailsham,</p>	<p>Comments noted.</p> <p>Whilst the Planning Authority will continue to promote e-communication as the favoured method of consultation and publicity of planning applications, it is important to note that information on planning applications and planning policy will not be restricted by this. Paper copies will continue to be made available at deposit points and individually on request.</p> <p>Comments and change of address is noted.</p>	<p>No proposed change</p> <p>No proposed change – this address is included in Appendix 2.</p>

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Rye Town Council	<p>It is not clear whether Parish/Town Councils will be advised of planning applications in their areas. It is important that Parish/Town Councils are notified directly rather than relying on notification in the press.</p> <p>Also as the County deals with planning applications for facilities that could impact parishes adjoining that directly impacted (i.e. waste facilities) it would be appropriate that neighbouring parish/town councils are advised. Perhaps there should be a distance criteria set for impacts e.g. a large waste facility could have impacts for traffic passing through a parish that is some distance from the actual site.</p> <p>With regard to access to documents, we would point out that many parish/town councils would</p>	<p>Parish/Town Councils and the relevant County Councillor will be consulted on virtually all planning applications.</p> <p>As noted above, “the council will consider the appropriate consultation methods that should be used for each application received”. The case officer will identify those who should be notified and consulted on an application. In cross boundary applications, this would include all appropriate parish and district councils, local members and local residents. It is not considered necessary to define an arbitrary distance criterion.</p> <p>Respondents from parish/town councils to the pre-consultation</p>	<p>A paragraph following para 6.3 explaining that parish/town councils and local members will be notified of virtually all applications in their areas. They may not be consulted on Non-Material Amendment applications if it is considered to have only a limited or no-impact (see other changes below relating to NMA applications).</p> <p>No proposed change.</p> <p>No proposed change.</p>

	<p>find it difficult to access documents on a website. There should be the option to have these supplied as CD/DVD or paper copies of important documents. Given the small number of applications that the County deal with this should not be an issue.</p>	<p>exercise for this document, advised us they wished to be kept informed of planning consultations via email. Therefore the planning authority will continue to consult electronically on planning applications and planning policy documents. As noted above, however, this is not intended to restrict the supply of information. Hard copies will continue to be supplied to appropriate deposit points and will also be available on request.</p>	
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<b>Additional Proposed Changes</b>	<b>Reason for Change</b>
<p>Page 20 – additional row to table one to include Non-Material Amendment applications</p>	<p>It has become clear through the consultation process that some clarification on Non-Material Amendment applications is needed in the SCI. Inserting a row in this table will make it clear consultation on these applications is at the local authority’s discretion.</p>
<ul style="list-style-type: none"> <li>• Page 20 – amendments to para 6.6. Change from:</li> <li>• “Newspaper advertisements will always be used to confirm receipt of an application for <b>all</b> waste and mineral planning applications, and <b>some</b> major County Council applications where certain criteria apply</li> <li>• A site notice will <b>always</b> be displayed confirming the</li> </ul>	<p>To conform with the arrangements for non-material amendments as noted above</p>



<p>description of the development and how interested persons can inspect plans and make representations – the site notices will be displayed for the duration of the consultation period</p> <p>To</p> <ul style="list-style-type: none"> <li>• Newspaper advertisements will be used to confirm receipt of an application for <b>most</b> waste and mineral planning applications<sup>1</sup>, and <b>some</b> major County Council applications where certain criteria apply</li> <li>• A site notice will be displayed <b>for most applications</b> confirming the description of the development and how interested persons can inspect plans and make representations – the site notices will be displayed for the duration of the consultation period<sup>2</sup></li> </ul> <p>Additional footnotes have been added to this paragraph for reasons of clarity – “<sup>1</sup> Non-material amendment applications relating to waste and mineral planning permissions would not require a newspaper advertisement” and “<sup>2</sup> A site notice may not be required on rare occasions – for example, some non-material amendment applications may be considered to have little or no impact and therefore not require publicity.”</p>	
<p>Page 23, para 6.21. Change “The Council” to “The case officer”.</p>	<p>For reasons of clarity.</p>
<p>Page 21, removal of link in footnote 19</p>	<p>Reference made to proposed submission waste and minerals plan. This consultation link may cease to exist over the likely life of the SCI</p>
<p>Correction of minor formatting errors and typos.</p>	<p>.</p>



## **Appendix Two – Draft Revised Statement of Community Involvement**

### **The Draft Statement of Community Involvement**

#### **Chapter 1 - Consultation**

##### *Community Engagement and Involvement*

1.1 Collaboration and engagement between the planning service and the communities it serves is essential to bring forward the best possible development across East Sussex. The County Council is committed to ensuring that as many people as possible have the opportunity to influence the planning decisions that shape their communities.

1.2 Government planning policy for the past 20 years has increasingly put community consultation and participation to the fore. This is in recognition that communities have local knowledge and expertise that can be utilised in planning their local areas. This heightens local communities' sense of ownership with local plans and helps to make the planning system more effective. This results in development that is more likely to be supported and understood by local communities leading to a faster and more cost effective planning system.

1.3 East Sussex County Council's Planning Service will therefore maximise the opportunities for communities across East Sussex to become involved in planning, both in the development of Local Development Documents<sup>1</sup> (LDDs) and in the determination of planning applications. This revised SCI outlines why communities should be involved in planning, when this will happen and the methods the Planning Authority will use to engage people in planning.

##### *Who or what are communities?*

1.4 There is no single East Sussex "community", rather, the County is made up of diverse communities of people living and working across the area.

1.5 The inland areas of the County are predominantly rural in character whilst the more sizable urban areas are located on the coast. The needs and wants of people living in towns such as Hastings or Eastbourne may differ significantly from those in small rural villages in Wealden, for example. Active community engagement and collaboration helps the Planning Authority to understand and balance these priorities so the most appropriate development is brought forward across the County.

1.6 Some communities engage with the Council using existing community and voluntary groups or organisations including parish councils, localised groups representing the views of a particular area, or action groups which have been formed to engage on a specific topic or issue. These groups and organisations do an important job of bringing together the views and opinions of their members and presenting this information to the Council.

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<sup>1</sup> Local Development Documents – A collective term for documents that form part of the development plan

1.7 The Planning Authority values this input and works with these organisations to ensure they are meaningfully engaged at every stage of the planning process. For example, council officers met directly with local groups and organisations during consultation on the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan. The Planning Authority will continue to engage communities in this way during the development of future plans.

1.8 Communities are diverse. The Planning Authority recognises this and will therefore use the most appropriate methods of communication and engagement to ensure as many people as possible are consulted on specific plans and planning applications, regardless of whether they belong to a specific community group or organisation.

#### *Electronic communications*

1.9 Electronic communication provides the best way to disseminate large amounts of information to the widest range of East Sussex's population. This is especially important given the County's rural character which can make it difficult for some residents to get to local District and Borough Council Offices or County Hall. It is also an important method to engage with all groups of people and can help bring down barriers to participation as access to technology improves.

1.10 The County Council's commitment to providing improved broadband across East Sussex should ensure the majority of the County has access to this technology. This will make it easier for people in rural areas to access information on planning applications, Waste and Minerals planning policy documents and make representations to the Council.

1.11 The Planning Authority is committed to making the most appropriate use of electronic communication when undertaking consultation and notification activities. As a result, this revised SCI outlines several areas where email or use of the internet will be the primary method of communication when engaging communities during the plan making process or consulting on planning applications.

#### *Hard to Reach Groups*

1.12 A significant issue for community engagement policies to overcome is ensuring those people who are considered 'hard to reach' are given equal opportunities to become involved in the planning process. An important principle for the Council is to ensure these groups are engaged during all consultation and involvement exercises, including planning.

1.13 In East Sussex the following groups or sections of the population could be considered 'hard to reach' or potentially 'hard to reach':

- Children and young people (under 18, but can at times include under 24);
- Older people;
- Black and minority ethnic people (BME);
- People with disabilities, or those with special needs;
- People who are unemployed or on low incomes;
- Young single parents;

- Refugees and asylum seekers;
- People who are homeless;
- Lesbians, gay men and other people discriminated against because of their sexuality; and
- Gypsy and Traveller community.

1.14 The County Council will continue to use its own corporate and service activities, published statistical information, and liaison with Borough/District and Town/Parish Councils, to monitor and identify 'hard to reach groups' and the difficulties they may face in participating in planning.

1.15 Not all the people within a hard to reach group will have a common background or outlook. Neither do people within a group necessarily face the same participation difficulties. There are individuals outside the generally defined 'groups' who have problems which make them 'hard to reach'. There are some general difficulties which can be identified, as follows:

- illiteracy;
- learning difficulties;
- language difficulties;
- mobility difficulties;
- hearing and seeing difficulties;
- remoteness from public transport; and
- remoteness from Council Offices and libraries.

1.16 The following methods will be used to facilitate the involvement of 'hard to reach' groups in the planning process:

- officers will assess the potential interest and involvement of hard to reach groups or individuals during the production of LDDs and the consideration of planning applications and how best to contact and involve them;
- particular attention is given to arranging meetings with relevant hard to reach groups during the production of LDDs with the help of representative organisations where appropriate;
- library computers provide access to the County Council's website and are equipped with accessibility software which can magnify text, read aloud on screen information and save letters as MP3 files;
- every library has a computer equipped with assistive technology to facilitate use by people with disabilities;
- a home library service is offered to people who cannot easily use a library because of disability, frailty or caring for someone who cannot be left;
- the mobile library service can distribute information in rural areas;
- use of 'plain English' in documents, leaflets, brochures and other published material;
- documents, leaflets and forms can be produced in other formats on request and where the demand is significant and resources allow (this would include Braille, large print and documents in languages other than English);
- an induction loop facility is available at meetings of County Council committees at County Hall; and
- County Council meetings are broadcast on the council's website.

## *Equalities*

1.17 The Planning Service is committed to promoting equality, both in the provision of its services and the methods used to deliver them. Equalities impact assessments are carried out on documents forming part of the Waste and Minerals plan to ensure policies do not discriminate against individuals or groups of people. Furthermore, the planning service works to ensure there is equal opportunity for anybody to become involved in the planning system at any stage of plan production or throughout the lifetime of a planning application.

1.18 More information on the Equalities Act 2010 and East Sussex County Council's duties and responsibilities regards promoting equality can be found on the website<sup>2</sup>.

## **Chapter 2 – The Statement of Community Involvement**

### *Introduction*

2.1 This revised Statement of Community Involvement (SCI) is a formal declaration of East Sussex County Council's proposals for involving all sections of the community in County Planning matters. It updates the previous document, published in 2006, to reflect changes in national planning policy.

2.2 The SCI will be used to ensure meaningful consultation is undertaken during the **production of planning policy documents** forming the Minerals and Waste Development Plan and during the **determination of planning applications**. This offers the best chance for an adopted plan to reflect a collaborative vision for East Sussex and for sustainable development to be delivered across the county.

2.3 This SCI applies to planning functions undertaken by East Sussex County Council only. The County Council will sometimes work in partnership with other organisations, such as the South Downs National Park Authority (SDNPA) and Brighton & Hove City Council, to produce Local Development Documents. The County Council will work with its partners to ensure community involvement is undertaken consistently during consultation on jointly produced planning policy. In agency terms, the County Council also determines planning applications on behalf of the SDNPA when development in East Sussex is proposed within the national park boundary. See Chapter 4 on partnership working for further information on this arrangement.

2.4 The Waste and Minerals Development Plan will be produced to cover a fifteen year period and will be formed of the following Development Plan Documents<sup>3</sup> (DPDs):

- Waste and Minerals Plan (containing the main strategy for waste and

<sup>2</sup> The Council's Equality and Diversity web pages can be found at <http://www.eastsussex.gov.uk/yourcouncil/about/keydocuments/equalities/act.htm>

<sup>3</sup> Development Plan Documents – These are documents that are independently examined and include the Waste and Minerals strategy document and Waste and Mineral Site Specific Plans.

- minerals development in the Plan Area); and
- Waste and Minerals Sites Plan.

2.5 Work on the Waste and Minerals Sites Plan, which will include existing sites and commitments, new site allocations and a proposals map, will take place once the Waste and Minerals Plan is adopted.

2.6 Chapter 5 outlines how communities can become involved at each stage of the production of these documents and the methods the Council will use to engage people in the process.

2.7 This SCI will also be used to ensure meaningful consultation is undertaken both before and during the determination of planning applications. Chapter 6 outlines how this will take place and the methods the County Council will use to consult on planning applications. It also sets out how the County Council will publicise planning applications, when communities can make representations and how to speak at Planning Committee meetings.

2.8 Further details on the preparation of Waste and Minerals planning policy in East Sussex can be found on the County Council website at [www.eastsussex.gov.uk](http://www.eastsussex.gov.uk). Updated information on the council's development management service is also available on the website, including details on current and recent planning applications.

2.9 Copies of this revised SCI are available from the planning pages of the County Council's website at [www.eastsussex.gov.uk](http://www.eastsussex.gov.uk) or by contacting the Economy, Transport & Environment Department by telephone 01273 481846, or email [devcon@eastsussex.gov.uk](mailto:devcon@eastsussex.gov.uk) or [wasteandmineralsdf@eastsussex.gov.uk](mailto:wasteandmineralsdf@eastsussex.gov.uk). This document is also available for inspection at County Hall, St Anne's Crescent, Lewes and at Borough and District Council offices during opening hours.

### **Chapter 3 – County Council Planning**

#### *East Sussex County Council responsibilities*

3.1 East Sussex County Council (ESCC) Planning Service is responsible for:

- Producing Local Development Documents (LDDs) which set policies for minerals and waste development (Planning Policy); and
- Determining planning applications for both minerals and waste development and its own service developments such as schools, libraries and highways (Development Management).

3.2 Policies for general land use such as housing and other activities are set by the Borough and District Councils, which also deal with all other types of planning applications.

#### *A National Planning System*

3.3 East Sussex County Council's planning service operates within a hierarchical structure of national planning legislation and guidance. This sets out the planning policy documents local authorities must produce and provides

guidance on how to do this. It also outlines how council's must undertake development management within their boundaries.

3.4 A number of changes have been made to the national planning system with the aims of reducing central government influence, streamlining the amount of legislation and guidance, and promoting localism. This has further emphasised the need for community involvement in the planning system.

3.5 The national system recognises that early engagement with communities during both local plan development and during the determination of planning applications is essential to good planning. It makes local plans more likely to represent a collaborative vision for the area between authorities and communities, and gives local people the opportunity to shape development proposals so they are beneficial to the whole community. Early and continued community engagement is therefore key to achieving the Government's long-term vision for sustainable development. This SCI has been revised to reflect the changes in national policy which are outlined below.

#### *Localism Act 2011*

3.6 The Localism Act<sup>4</sup> was introduced by the government to reduce central government control over many local matters. This has involved giving additional responsibilities to local communities and authorities in a number of areas including planning. In addition to abolishing the regional tier of planning (the South East Plan is expected to be revoked during 2012), the Localism Act has also introduced Neighbourhood Planning, Neighbourhood Development Orders and the Duty to Co-operate.

3.7 Although Neighbourhood Planning will not directly affect Waste and Minerals planning, any neighbourhood plans adopted across the County will form part of the development plan for the relevant area<sup>5</sup>. These will therefore become a material consideration when the County Council determines applications in areas with neighbourhood plans or neighbourhood development orders in place.

3.8 The Act has also introduced a Duty to Co-operate which compels the County Council to work with neighbouring local authorities and other prescribed bodies on planning issues that are in the interests of all their local residents<sup>6</sup>. The County Council will be mindful of how its plans and policies may impact on the wider area, including outside its boundary, and will therefore consult representative bodies, companies and organisations in these areas.

3.9 The Duty to Co-operate will, in effect, formalise many of the Council's existing relationships with other public and private bodies. The County Council has a long history of partnership working with the District and Borough Councils within East Sussex, its neighbouring authorities and statutory bodies such as the Environment Agency given its responsibility for Waste and Minerals development. The Duty to Co-operate will strengthen these existing relationships.

<sup>4</sup> The Localism Act received Royal Assent in November 2011

<sup>5</sup> The Localism Act, Schedule 9, Part 1, 61J(2) prevents a Neighbourhood Development Order from granting planning permission for development that consists of a County Matter

<sup>6</sup> Prescribed bodies are set out in Part 2 of the Town and Country Planning (Local Planning)(England) Regulations 2012



3.10 The Planning Authority will also have regard to the Local Enterprise Partnerships (LEPs) that cover East Sussex and its adjoining areas. The County Council will therefore engage with The South East Local Enterprise Partnership<sup>7</sup> and Coast to Capital Local Enterprise Partnership<sup>8</sup> to ensure the business and economic needs of the County and its adjoining areas are fully understood and taken into account in the development of policy.

3.11 A greater emphasis is placed on pre-application consultation between prospective developers and local communities prior to the submission of a planning application. The County Council will encourage this when appropriate and advise developers to use this SCI as the basis for conducting these consultations.

3.12 Developers in some instances will be required by law to consult with local communities. See paragraph 6.9 below for further information.

### *The National Planning Policy Framework*

3.13 The National Planning Policy Framework (NPPF)<sup>9</sup> was published in March 2012 as part of the Government's pledge to reduce the amount of planning guidance documents and streamline the planning system to bring forward sustainable development.

3.14 The NPPF reinforces the importance of meaningful engagement and collaboration in the plan making process to ensure local communities are proactively engaged in the process.

### *Continuing changes to the planning system*

3.15 At the time of writing (April - October 2012), this SCI incorporates the most recent changes to the planning system and clearly identifies when communities can become involved in all stages of planning. It also outlines the methods the County Council will use to engage with the communities of East Sussex.

3.16 The Localism Act and the NPPF are likely to result in further legislation and guidance from central government. The County Council will monitor any such changes and update its procedures and this SCI as appropriate.

### *ESCC planning responsibilities – Policy*

3.17 The Waste and Minerals Team works with Brighton & Hove City Council and the SDNPA to produce all necessary LDDs for Waste and Minerals policy in East Sussex. This includes DPDs such as the Waste and Minerals Plan and Waste and Minerals Sites plan, and any necessary Supplementary Planning Documents (SPDs). These documents form the Waste and Minerals

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<sup>7</sup> The South East LEP covers East Sussex, Kent and Essex.

<sup>8</sup> Coast to Capital LEP covers Brighton & Hove, Lewes and West Sussex.

<sup>9</sup> The National Planning Policy Framework was published on 27<sup>th</sup> March 2012 and took effect immediately. It replaces all previous Planning Policy Statements (PPS) and Planning Policy Guidance (PPG) except PPS10: Planning for Sustainable Waste Management and Minerals Planning Guidance 4, 8, 9 and 14. The Framework does not contain specific waste policies since national waste planning policy will be published as part of the National Waste Management Plan for England.

Development Plan Documents for East Sussex, South Downs and Brighton & Hove.

3.18 East Sussex planning policy needs to take account of relevant strategies produced by other authorities and organisations in and beyond East Sussex, including the Sustainable Community Strategy (SCS), prepared by the East Sussex Strategic Partnership. The Waste and Minerals Plan will seek to reflect any aspects of the SCS and other relevant strategies and plans that have implications for waste and minerals planning matters.

*ESCC planning responsibilities – Development Management*

3.19 The development management team determines planning applications for both waste and minerals development and the council's own service development, such as schools and roads. The adopted local development plans of the relevant borough or district councils are also used to determine applications for the council's own non-waste related development.

3.20 The consultation procedures outlined in Chapter 6 of this document set out when and how communities can become involved in the development management process. As noted above, when not lawfully obliged to do so, the Council will encourage developers to consult with affected communities before making an application for planning permission. This is especially important for major developments<sup>10</sup> and all those which may be controversial in nature.

**Chapter 4 – Partnership Working**

*Partnership Working – Planning in the National Park*

*Waste and Minerals Policy*

4.1 Parts of East Sussex are located within the South Downs National Park where the SDNPA is responsible for planning. The Waste and Minerals Plan is nearing completion, however, so the SDNPA will seek to adopt the plan for the National Park. The County Council is therefore working in partnership with both the SDNPA and Brighton & Hove City Council to produce the Waste and Minerals Plan.

4.2 As outlined in Chapter 5, the majority of the consultation on the Waste and Minerals Plan was undertaken under the previous SCI and Brighton & Hove City Council's SCI. Community engagement on all future planning policy documents, including the waste and minerals sites documents, will be undertaken consistently and collaboratively with the County Council's partners, including in accordance with SDNPA's SCI.

4.3 Further details on planning policy in the national park can be found on the SDNPA's website at [www.southdowns.gov.uk](http://www.southdowns.gov.uk).

*Development Management*

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<sup>10</sup> Major Developments – A definition of what constitutes a major development is outlined in Appendix 3

4.4 The County Council act as agents for the SDNPA and determines most waste and mineral planning applications in East Sussex which are located within the National Park boundary, and provides all planning administration. It also determines the majority of its own service applications within the National Park.

4.5 The SDNPA, however, will determine “significant” planning applications within its boundary. The SDNPA has produced its own SCI outlining how communities will be consulted on planning applications and policy development. The County Council will also use the consultation standards outlined in the SDNPA SCI when determining planning applications on behalf of the National Park. Further guidance on the SDNPA planning service, including its SCI and the type of development it considers significant, can be found on the National Park website.

#### *Partnership Working – Brighton & Hove City Council*

4.6 The County Council is working in partnership with Brighton & Hove City Council on development of The Waste and Minerals Plan. This relationship will continue on the production of future waste and minerals DPDs.

4.7 Consultation on future Waste and Minerals policy documents, such as the Waste and Minerals Sites Plan will be undertaken in line with the provisions of this SCI, incorporating changes to national planning policy legislation and guidance.

### **Chapter 5 – Community engagement in Planning Policy**

#### *Planning Policy – Waste and Minerals Plan Development Plan Document*

5.1 The Waste and Minerals Plan (previously known as the Waste and Minerals Core Strategy) was developed in line with the provisions of the 2004 Planning and Compulsory Purchase Act. Since production of the plan was started, the Localism Act 2011, the National Planning Policy Framework and updates to regulations guiding production of local plans have been introduced<sup>11</sup>. This has altered the process of planning policy development in England in several ways, including changes to when and how public consultation is undertaken in plan preparation.

#### *Planning Policy – Production of Future Development Plan Documents*

5.2 The production of future Development Plan Documents will follow the stages set out below:

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<sup>11</sup> The Town and Country Planning (Local Planning)(England) Regulations 2012 came into force on 6<sup>th</sup> April 2012.

1) Evidence Gathering to form an evidence base for the DPD – this could be in the form of Environmental Studies or Flood Risk Assessments.



2) Regulation 18 Consultation – When preparing a DPD, local planning authorities must notify specific and general consultation bodies and other appropriate persons in the local area that it is producing the document, and invite them to make representations about what a local plan with that subject ought to contain.



3) The local authority must take into account any representation made to them in response to the invitation.



4) Regulation 19 Consultation – This a pre-submission version of the plan and is published for consultation which is restricted to the 'soundness' and legality of the document, rather than the content.



5) Submission of the document to the Secretary of State together with representations received during the Regulation 19 consultation.



6) Public Examination of the plan – An independent Planning Inspector will be appointed by the Secretary of State to consider whether the document is 'sound'. The inspector and may hold public hearings where interested parties can speak about the plan. The inspector may recommend modifications to the plan suggested by the Council on which there will be consultation.



7) Adoption – If the inspector considers the plan sound, the local authority can adopt the plan.

*Planning Policy – How and when to become involved in the development of planning policy*

5.3 Local communities will be consulted on the development of local plans at the earliest possible stage to allow meaningful engagement in the process. If difficulties and conflicts are addressed at an early stage, both time and money can be saved in the final stages of plan production.

5.4 The Localism Act and the 2012 Local Planning Regulations include the statutory requirements regarding consultation during the formal consultation stages associated with the preparation of Local Development Documents.

5.5 The County Council are required to consult with<sup>12</sup>:

- those Specific Consultation Bodies as the local planning authority consider may have an interest in the subject of the proposed local plan;
- those General Consultation bodies as the local planning authority consider appropriate; and
- residents or other persons carrying on business in the local planning authority's area from which the authority considers it appropriate to invite representations.

5.6 The County Council's Duty to Co-operate with other local authorities will ensure that District, Borough and Parish Council's within East Sussex and neighbouring local authorities will also be involved at the earliest stages of plan production.

5.7 The first stage of plan production involves informal consultation where representations are invited on the content of the proposed plan (known as the Regulation 18 stage). Several distinct phases of consultation may take place at this stage depending on the form and content of the document being produced. Once comments have been considered and the plan revised accordingly, a pre-submission plan is produced for comment where representations are invited on the 'soundness' of the plan (the Regulation 19 stage).

5.8 The County Council will use the most appropriate methods of communication and community engagement to ensure communities and other stakeholders are given sufficient opportunities to meaningfully engage with the plan making process before and during preparation of plans at the Regulation 18 and 19 stages. In addition, during the public examination of Local Development Documents, the Council may decide that changes to plans are needed and that the views of communities and stakeholders on the changes should be obtained.

5.9 Listed below are both communication and engagement methods that will be used at all stages of consultation, and those methods that the Council will use as appropriate to ensure as many people as possible can partake.

5.10 During all consultations on Local Development Documents, the County Council will:

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<sup>12</sup> See Appendix 1 for further details on Specific and General Consultation bodies.

**Publicity, consultation and comments**

Table 1

<b>Methods used</b>	<b>How they may be extended</b>
Run consultations for a minimum of six weeks <sup>13</sup>	This may be extended to allow for holiday periods
Maintain a database of General, Specific and other consultees to be consulted during each stage	Database will be used to provide updates outside of consultation periods and to advise in advance of forthcoming consultations and topics
Make relevant documents and material available for inspection at County Council offices and other suitable places for a minimum six weeks consultation period	This will be extended to district and borough offices, parish councils and libraries when appropriate
Make relevant documents and material available for inspection on the County Council website for a minimum six weeks consultation period	Relevant documents and material will be available for the whole consultation period, and will be archived for future reference when the consultation period is over
Establish a consultation portal on the internet	Allows documents to be viewed and comments to be made in one place online

5.11 During all consultations on Local Development Documents, the Council will use some or all of the following methods to consult and engage with communities:

**Methods of Community Involvement**

Table 2

<b>Methods used</b>	<b>How they may be extended</b>
Hold public exhibitions and roadshows at selected venues, usually staffed to enable on hand explanation, discussion and feedback	Unstaffed small displays may also be suitable in libraries or other offices for general publicity or information
Hold public workshops to discuss and debate issues and/or particular proposals for an area	These may take place at weekends and outside normal working hours
Undertake face to face meetings with organisations to discuss specific or detailed issues	Meetings could be arranged with individuals in certain circumstances
Attend open meetings subject to staff resources	NA
Undertake Action Planning exercises to engage with specific communities, particularly those considered 'Hard to Reach	This could be extended for other activities, such as generating ideas to explore the type and location of waste facilities
Invite comments on proposals through the County Council magazine "Your County"	NA
Produce leaflets and brochures to provide non-technical issues for a	These may be delivered directly to individuals and stakeholders

<sup>13</sup> Minimum period of consultation as outlined by The Town and Country Planning (Local Planning)(England)Regulations 2012.

wider audience	
Place advertisements in local newspapers and issue other media releases	NA
Use of Social Media such as Facebook and Twitter to raise awareness of issues and invite comment	NA
Use the County Council's website to raise awareness and invite comment	NA

5.12 The County Council may use all or some of the above methods of consultation. This will depend on the subject of the proposals, the most affected communities, the planning issues raised, the extent to which it may be considered controversial and the resource costs of each method.

5.13 The amount and mix of consultation methods used for any given document will be at a level which can be reasonably expected for the status of the DPD. For example, the majority of these methods will likely be used for any future Waste and Minerals Local Plans or Site Documents, but fewer methods may be used in a more targeted consultation on single issues.

5.14 Any person may make a request for a copy of the relevant documents in order to make a representation. The County Council will provide a copy as soon as is reasonably practicable to do so, but may have to make a reasonable charge for the document.

5.15 Staff will also be available by telephone during standard office hours to answer questions and provide relevant information during the consultation period.

5.16 Plain English will be used in all documents to ensure everyone who wishes to engage with the planning process can do so without confusion and misunderstanding. Sometimes it is inevitable, however, that in some cases specific terminology or 'jargon' will be used in planning literature. When this happens, every effort will be made to ensure an easy to understand explanation is available somewhere in the document or on the website. In most cases this should be in the text or a footnote, but definitions or a glossary may also be provided. A planning officer will always be available for further questions relating to any documents produced by the service.

#### *Planning Policy – Sustainability Appraisal*

5.17 The council will undertake Sustainability Appraisal (SA), where required, at each stage of DPD production. This is required by planning legislation and must also incorporate the requirements of the European Strategic Environmental Assessment Directive. SA integrates considerations of social, environmental and economic impacts into the plan preparation process by identifying and reporting on the likely effects of a plan and determining the extent that it will contribute to sustainable development.

5.18 Comments will also be invited on the SA process and the relevant documents will be made available for comments alongside any proposed DPD.

*Planning Policy – Supplementary Planning Documents*

5.19 The Waste and Minerals Team will also produce Supplementary Planning Documents (SPDs) when required. SPDs expand on policies or provide greater detail than can be included in a Development Plan Document. Whilst they must undergo public consultation, they do not pass through all the stages listed above for DPDs.

5.20 Prior to adopting an SPD, the County Council must<sup>14</sup>:

- Make relevant documents and material available for inspection at County Council offices and other locations that the local planning authority consider appropriate for a minimum four weeks consultation period; and
- Make relevant documents and material available for inspection on the County Council website for a minimum four weeks consultation period

5.21 The County Council will exceed these minimum requirements when it is appropriate to do so. The consultation period may be longer than 4 weeks, for example, where it overlaps with a public holiday or involves a particularly sensitive or controversial issue. The initial consultation on the form of the SPD would be undertaken using appropriate methods from those listed above in table 2.

5.22 The SPD would be adopted by the County Council following any necessary changes identified during the consultation period. SPDs are not subject to independent examination.

*Planning Policy – Providing Feedback*

5.23 At each stage of a Local Development Document's preparation the County Council will produce a report on the comments and representations received together with the County Council's responses, any changes to be made to the document and/or the actions to be taken. The County Council will consider all the comments and representations received and will respond on the basis of the merits of the planning arguments and evidence put forward. Where appropriate, a report summarising all the comments and representations, and the County Council's responses will also be produced. Organisations and individuals who have made comments and representations will be informed of the publication of these reports.

5.24 Where focus, discussion or stakeholder groups, or face to face meetings have taken place the County Council will produce a summary report of the proceedings. This will be made available and will be sent to those who attended the meeting. For open public meetings the County Council will produce and make available a report summarising the proceedings.

5.25 Reports will be publicised in all these cases and made available on the County Council's website and in hard copy (on request), whether or not they form part of a formal report to a County Council Committee. The County Council will consider all available methods when publicising reports to try and ensure as wide a dissemination of information as possible. The County Council

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<sup>14</sup> Town and Country Planning (Local Planning)(England) Regulations 2012, Part 5



reserves the right to make a charge for copies of some reports in certain circumstances.

5.26 Where decisions have to be taken on a document or other material by a County Council committee as part of the LDD process, a report will be considered and a decision made by the Lead Cabinet Member for Economy, Transport and Environment, the Cabinet, or the full Council where appropriate. This is in accordance with legal requirements and the County Council's constitution. They will be advised by the Planning Committee where appropriate. LDDs could be scrutinised by the Economy, Transport and Environment Scrutiny Committee and decisions by the Lead Cabinet Member for Economy, Transport and Environment could be referred to full Council by the Scrutiny Committee.

## Chapter 6 – Community Engagement in Development Management

6.1 The County Council is responsible for two types of planning application:

1. Minerals and Waste development – approximately 35 planning applications are received each year, many involving large scale works and virtually all raising significant local issues; and
2. County Council service development – approximately 140 planning applications are received each year, mainly for schools, roads, libraries and social services buildings, and include the provision and retention of temporary buildings. The majority of these are small scale, but all have the potential to raise local issues.

6.2 This section sets out how the County Council will publicise a planning application, involve communities in the consideration and determination of planning applications dealt with by the County Council, and which consultation methods are likely to be appropriate for different stages of a planning application. It also outlines how members of the public can speak at meetings of the Planning Committee.

### *Development Management – Publicity of a planning application*

6.3 The Town and Country Planning (Development Management Procedure) Order 2010 sets out the statutory requirements for publicity and advertisement for planning applications. Full details of the Council's obligations for publicising planning applications are outlined in Appendix 3. Table 3 below shows a summary of the County Council's **minimum** requirements for publicising planning applications.

**Publicity of planning applications**

Table 3

Type of application	Minimum publicity requirements
Minerals and waste applications and other "major development" applications	Advertised in a local newspaper; Site notice <b>or</b> neighbour notification letter
Other applications that:	Advertised in a local newspaper; <b>and</b>

<ul style="list-style-type: none"> <li>• are accompanied by an Environmental Statement;</li> <li>• depart from the development plan; or</li> <li>• affect a right of way</li> </ul>	Site notice
<p>Other applications that:</p> <ul style="list-style-type: none"> <li>• affect the setting of a listed building; and/or</li> <li>• the character or appearance of a conservation area</li> </ul>	Advertised in a local newspaper; <b>and</b> Site notice
Non-Material Amendment Applications	Consultation is discretionary
All other applications	Site notice <b>or</b> neighbour notification letter

6.4 Relevant Parish and Town Councils and local County Councillors will also be consulted on virtually all planning applications.

6.5 In each case, the Local Planning Authority must also publish information about each planning application received on its website. This information must include:

- the address or location of the development;
- a description of the development;
- the date by which representations should be received;
- where and when the application can be inspected; and
- how representations can be made.

6.6 In addition to making representations on planning applications to the County Council online, members of the public will also be able to comment on all planning applications by post.

6.7 The above minimum requirements will be exceeded when appropriate, especially when an application could be considered to be particularly controversial. The minimum publicity standards will be exceeded as outlined below:

- Newspaper advertisements will be used to confirm receipt of an application for **all** waste and mineral planning applications<sup>15</sup>, and **some** major County Council applications where certain criteria apply;<sup>16</sup>
- A site notice will be displayed **for most applications** confirming the description of the development and how interested persons can inspect plans and make representations – the site notices will be displayed for the duration of the consultation period;<sup>17</sup>
- Properties and businesses adjoining application sites and any neighbouring properties that may be affected by the proposals will **always** be written to and invited to comment<sup>18</sup>;

<sup>15</sup> Non-material amendment applications relating to waste and mineral planning permissions would not require a newspaper advertisement

<sup>16</sup> For example, when an application has the potential to be controversial

<sup>17</sup> A site notice may not be required on rare occasions – for example, some non-material amendment applications may be considered to have little or no impact and therefore not require publicity.

<sup>18</sup> The case officer will assess which properties are most likely to be affected by the proposed development when a planning application is received. Letters inviting comment may not be sent where there are no neighbouring properties or where the application site is a long distance from the curtilage of

- **Twenty one** days will be given to respond to a consultation, and **forty two** days to respond to an application requiring an Environmental Statement<sup>19</sup>

### *Development Management – Pre-application Consultation*

6.8 As noted above, community involvement in the planning process should ideally start at the pre-application stage of a proposed development. This is particularly important for applications raising significant local issues.

6.9 The Localism Act has introduced a requirement for developers to consult local communities before submitting planning applications for certain developments. It is not yet known what types of development the new requirements will be applied to, although further guidance from the Government is expected at a later date. The County Council will provide advice on local good practice to those developers required to conduct pre-application consultation with local communities and recommend using this SCI as the basis for those discussions<sup>20</sup>.

6.10 The County Council will continue to encourage pre-application discussions when appropriate. It will also encourage applicants to engage directly with relevant local communities before submitting their applications when considered beneficial to do so. When this is advised, developers will be asked to use this SCI as a basis for pre-application activities.

6.11 These activities will be aimed at reducing inaccurate information about proposals, allowing developers and local authorities to hear the views of communities and to discuss issues at the earliest possible stage. Developers will also get the opportunity to consider whether their proposals should be modified before making a planning application.

6.12 These early discussions can help to iron out any issues that may cause delay further along the process. For example, objections might be overcome at an early stage to avoid the need for an application to go before the Planning Committee.

6.13 Proposals that can demonstrate that the views of local communities directly affected by a development have been considered could lead to a quicker more effective development management service<sup>21</sup>.

6.14 The County Council will continue to encourage early engagement between developers and local communities, but accepts that applicants may require some discussions involving commercial information related to minerals and waste developments to be confidential.

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the nearest residential properties and any impact would likely be negligible. This may also not be appropriate for some Non-material amendment applications where the proposal is considered to have a negligible or zero impact on neighbouring amenity.

<sup>19</sup> “Days” refers to calendar days, rather than working days. Representations received after the consultation period has finished will still be accepted, although they may not be taken into consideration during the determination of the application

<sup>20</sup> Section 122 of the Localism Act 2011

<sup>21</sup> This is outlined in policy WMP19 in the Proposed Submission Waste and Minerals Plan

*Development Management – Consultation and community involvement once an application is received*

6.15 The County Council will exceed the statutory requirements for publicity for planning applications where appropriate, and will use a wide range of methods to encourage and facilitate community involvement.

6.16 Electronic communication is considered the most appropriate and cost effective way of disseminating information on planning applications to the widest possible number of people and organisations. As noted in paragraph 6.5 above, planning authorities are required to publish all relevant information on planning applications on their websites. It is therefore considered appropriate to encourage the public and consultees to access information in this way.

6.17 To encourage a shift from paper-based consultations to e-communication, the Planning Authority is proposing to only use email to consult statutory and general consultees on planning applications, unless they specifically request otherwise. The email will contain details of the application together with information on how to access the application on the Council website along with the consultation dates. The email will identify any particular aspects of the application on which the Council is seeking comments from the consultee. Neighbour notifications will continue to be sent by letter.

6.18 Whilst it is acknowledged that e-communications may not be the most appropriate method for every consultee, the Council wishes to encourage a shift to this form of communication. Therefore, whilst hard copies of planning applications and supporting information may still be requested, the County Council reserves the right to make a reasonable charge for this information.

6.19 Hard copies of all relevant information will continue to be available at County Hall and at the relevant District and Borough Council offices. Libraries will be provided with a user guide on how to search for planning applications on the County Council’s website using public access computers, in order to help members of the public who may not have direct access to a home computer.

6.20 A variety of additional communication methods can be utilised to ensure appropriate communities are engaged during the determination of major planning applications. These will be chosen from the table below:

**Communication Methods**

Table 4

<b>Methods</b>	<b>Description</b>
Public exhibitions and meetings	The Council will, when appropriate: <ul style="list-style-type: none"> <li>• encourage applicants to hold exhibitions, public fora and/or community meetings at an early stage to explain, discuss and seek public feedback on their proposals</li> </ul>
Focus and discussion groups and meetings	In certain circumstances, the Council will:

	<ul style="list-style-type: none"> <li>• encourage discussion with groups of local organisations where there is a particular issue or set of issues raised by a proposal or applications, or the level of interest makes it appropriate</li> <li>• arrange meetings with organisations representing hard to reach groups, or with hard to reach groups themselves, where it is an appropriate way of seeking their views</li> </ul>
Liaison groups	<p>The County Council will</p> <ul style="list-style-type: none"> <li>• encourage and, where appropriate, facilitate the establishment of liaison groups to monitor and disseminate information locally on the progress of any subsequent major development to provide a link between the community and local authorities, applicants and developers</li> </ul>
Public surgeries	<p>When appropriate, the Council will:</p> <ul style="list-style-type: none"> <li>• use local premises as a drop in point for information and/or discussion for some major or controversial applications</li> </ul>
Planning Aid	<p>The County Council will:</p> <ul style="list-style-type: none"> <li>• recommend and publicise the use of the Planning Aid organisation as additional and independent help for people who want to be involved in the consideration of proposals and/or applications, with the particular aim of facilitating the involvement of hard to reach groups</li> </ul>

6.21 The case officer will consider the appropriate consultation methods that should be used for each application received, taking into account the nature of the proposal, which communities are likely to be affected, planning issues likely to be raised, the extent to which the application is likely to be controversial and the resource costs of each method.

*Development Management – Delegation of Decisions on Planning Applications*

6.22 The majority of planning applications do not come before the Planning Committee, but are dealt with under powers delegated to the Head of Planning Service (known as Delegated Powers). In these cases, where no objections are raised during the public consultation and the scheme is not considered to be major or controversial, a planning officer will produce a report and recommendation which will be approved under delegated powers by the Head of Planning. The decision notice is then issued.

6.23 The circumstances where an application will be determined under delegated powers or by the Planning Committee are outlined in the Council's formal Scheme of Delegation<sup>22</sup>. The Scheme of delegation helps to streamline the system and ensure that Planning Committee time is utilised to maximum effect scrutinising the most appropriate applications. However, applications for major and/or controversial proposals will also likely go before the Committee regardless of whether objections have been received.

*Development Management - Planning Committee Decisions*

6.24 In other cases, an application will go before the Planning Committee for determination. As with the delegated decisions, a planning officer will produce a report and recommendation which will then be debated at a meeting of the Planning Committee. The decision notice is then issued.

6.25 Members of the public can speak at the Planning Committee provided the interested person has made written representations to the Council on the relevant application at least 7 days in advance of the meeting.

6.26 If this requirement has been met, those who wish to speak should contact the Democratic Services Officer on 01273 481935 no later than 12 noon on the Friday before the meeting. The agenda for each Committee will be published eight days before the meeting. It is not possible to alert each respondent on whether an item is going before the Planning Committee meeting given some applications can attract a large volume of responses.

6.27 Planning Committee meetings are generally held on approximately the 3<sup>rd</sup> Wednesday of each month at 10.30am in the Council Chamber at County Hall, Lewes. Speakers should arrive at least 15 minutes before the start of the meeting.

6.28 There are three categories of people who can speak. They are:

- up to three individuals or group representatives, including any parish or town council representative, who are opposing the planning application;
- up to three individuals or group representatives, including any parish or town council representative, and including the applicant who are supporting the planning application; and
- local County Councillors.

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<sup>22</sup> The Scheme of delegation can be viewed on the Council's website at:  
<http://www.eastsussex.gov.uk/yourcouncil/about/keydocuments/constitution/constitutionpart3table63d.htm>

6.29 Details on procedures of the Planning Committee and what will happen on the day are available from the County Council website. In summary:

- the chairman will invite the planning officer to introduce their report and explain recommendations;
- members of the public will be invited to speak;
- the local County Councillor (if attending) will be invited to speak; and then
- the committee will consider the application and make a decision.

6.30 Whilst it is up to each individual to make their representation, the following guidance is offered:

- the Committee will listen to representations but will not debate the merit of opinions with the speaker;
- allotted time will be timed using a coloured lighting system;
- respondents should concentrate on explaining the points that they (or their group) have already made in writing, and must not attempt to circulate to the Committee new information, photographs or additional written material; and
- the Committee can only consider a planning application on planning grounds and will not discuss matters such as the applicant's past behaviour, speculation on possible future intentions, boundary disputes, covenants, reduction in property values or matters dealt with by other law (e.g. licensing).

6.31 Further information on the Planning Committee and its procedures, together with agendas and minutes of previous meetings are available on the County Council website. Planning Committee meetings are also webcast live and archived for viewing at a later date.

#### *Development Management – Feedback*

6.32 On matters related to proposals and applications, the County Council will provide feedback to individuals, organisations and the community generally in the following ways. These are in addition to, or an expansion of, the methods set out above.

- progress on an application, including responses and representations by consultees and the public, reports to Committee, and decisions, will be available through the County Council website;
- comments received on applications will normally be acknowledged;
- all applications reported to the Planning Committee (or other committee) will be the subject of a report by the Director of Economy, Transport and Environment (DETE) or the Head of Planning. This will include a summary of the consultation responses and representations received and how they have been taken into account, an analysis of the issues raised by the application, and a recommendation to the committee by the officer. The County Council will consider all comments and representations received and will appraise them on the basis of the

merits of the planning arguments put forward, regardless of whether a point is made by one or more individuals, groups, or organisations, or whether it is the result of a statutory or voluntary response. Reports will be made public at least five working days prior to the committee meeting;

- applications determined by the DETE or the Head of Planning under the County Council's scheme of delegation ("delegated decisions") will also be the subject of a report by the DETE or the Head of Planning. These reports will be made available at the County Council's website, together with the other documents related to an application;
- the County Council will notify by letter the decision on an application to all those people, community organisations and other bodies which submitted comments. This will include a summary of the reasons for refusal or permission;
- copies of the decision notice for an application will be sent to the relevant Borough/District Council and will be made available for inspection at County Hall, Lewes and on the Council's website. This will include any legal agreement associated with a permission.

## **Chapter 7 – Future reviews of the SCI**

7.1 The County Council will monitor the implementation of the SCI and will include this as part of its Annual Monitoring Report. It will use feedback from stakeholders, community groups and others as well as evidence from consultations and involvement on Local Development Documents and planning applications. The results will be published and will be used to update and review the methods of community involvement and other procedures.

### **Appendices**

1. Consultees for Local Development Documents
2. Typical deposit points for Local Development Documents
3. Publicity and advertisement requirements for planning applications



## Appendix 1–Consultees for Local Development Documents

The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for consultation on Local Development Documents at the Regulation 18 and 19 stages.

**Under Regulation 18**, when preparing Minerals and Waste Development Documents the County Council must:

- (a) notify specific consultation bodies, general consultation bodies, and such residents or other persons carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations, of the subject of a local plan which the local planning authority propose to prepare, and
- (b) invite each of them to make representations to the local planning authority about what a local plan with that subject ought to contain.

**Under Regulation 19**, when preparing Minerals and Waste Development Documents the County Council must:

- (a) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35, and
- (b) ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1).

Set out below are the lists of these consultation bodies which the County Council must use in meeting the consultation requirements at different stages in the production of Local Development Documents. A more detailed list of named organisations will be maintained and updated by the County Council, together with other groups and individuals who have expressed a desire to be kept informed regarding the progress of Local Development Documents. These lists will provide the basis for consultation at the different stages of Local Development Documents.

### *Specific Consultation Bodies*

- The Coal Authority
- The Environment Agency
- English Heritage
- The Marine Management Organisation
- Natural England
- Network Rail
- The Highways Agency
- Homes and Communities Agency
- Borough, District, Town and Parish Councils within East Sussex,
- County, Borough, District, Town and Parish Councils adjoining East Sussex
- Surrey and Sussex Healthcare NHS Trust
- Any person to whom the electronic communications code applies by virtue of a direction given under Section 106 (3) (a) of the Communications Act 2003, and who owns or controls electronic communication apparatus situated in East Sussex

## Appendices 1 to 3

- Any person to whom a licence has been granted under section 6 (1) (b) or (c) of the Electricity Act 1989 and who exercises functions in East Sussex
- Any person to whom a licence has been granted under section 7 (2) of the Gas Act 1986 and who exercises functions in East Sussex
- Sewerage Undertakers who exercise functions in East Sussex
- Water Undertakers who exercise functions in East Sussex

### *General Consultation Bodies*

- Voluntary bodies, some or all of whose activities benefit any part of East Sussex
- Bodies which represent the interests of different racial, ethnic or national groups in East Sussex
- Bodies which represent the interests of different religious groups in East Sussex
- Bodies which represent the interests of different disabled persons in East Sussex
- Bodies which represent the interests of persons carrying on business in East Sussex<sup>23</sup>

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<sup>23</sup> For the purposes of County Council planning, this refers to those people or businesses carrying out Waste and Minerals activities

**Appendix 2–Typical deposit points for Local Development Documents**

Local Development Documents would normally be on deposit at the following council offices:

**Battle** - Rother District Council Help and Advice Centre, 6 Market Square, Battle

**Bexhill-on-Sea** - Rother District Council Planning Department, Town Hall, Bexhill on-Sea

**Crowborough** – To be confirmed

**Eastbourne** - Eastbourne Borough Council Economy, Tourism and Environment Department, 68 Grove Road, Eastbourne

**Hailsham** - Hailsham Area Office (Wealden District Council), Vicarage Lane, Hailsham

**Hastings** - Hastings Borough Council Information Centre, Queen's Square, Hastings

**Lewes** - East Sussex County Council Transport and Environment Department, County Hall, St. Anne's Crescent, Lewes

**Lewes** - Lewes District Council Planning and Environmental Services Department, Southover House, Southover Road, Lewes

**Newhaven** - Newhaven Area Office (Lewes District Council), 20 Fort Road, Newhaven

**Rye** - Rye Library and Information point, 30 High Street

**St. Leonards-on-Sea** - Hastings Borough Council Planning and Environmental Services Directorate, 100 Menzies Road, St. Leonards-on-Sea

**Seaford** - Seaford Town Council Offices (Lewes District Council), 10 Broad Street, Seaford



**Appendix 3 – Publicity and advertisement requirements for planning applications<sup>24</sup>**

The Town & Country Planning (Development Management Procedure) Order 2010 defines the way in which different types of planning applications shall be publicised by the County Council.

All planning applications must be publicised by the local planning authority, either by a site notice or by notification to neighbours. In addition, an advertisement in a local newspaper is required in some cases.

There are three categories of application for the purposes of publicity and advertisement.

**For applications for “major development”**, i.e. the winning and working of minerals or the use of land for mineral-working deposits; waste development (meaning any operational development designed to be used wholly or mainly for the purpose of, or a material change of use to, treating, storing, processing or disposing of refuse or waste materials); the provision of dwellinghouses where (i) the number of dwellinghouses to be provided is 10 or more or, if this is not known, (ii) the development is to be carried out on a site having an area of 0.5 hectare or more; the provision of a building or buildings where the floor space to be created by the development is 1000 square metres or more; development carried out on a site having an area of 1 hectare or more;

The County Council is required:

- (a) to mount a site display on or near the land for at least 21 days prior to determining the application, or to serve the notice on any adjoining owner or occupier; and
- (b) to publish a local advertisement.

**For an application that: is accompanied by an environmental statement; or is a departure from the development plan; or is development affecting a public right of way;**

The County Council is required to:

- (a) mount a site display on or near the land for at least 21 days prior to determining the application; and;
- (b) publish a local advertisement;

**For all other applications** the County Council is required to either:

- (a) mount a site display on or near the land for at least 21 days prior to determining the application, or
- (b) serve the notice on any adjoining owner or occupier.

**In all cases** the local planning authority must publish the following on its website:

- the address or location of the proposed development;
- a description of the proposed development;

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<sup>24</sup> The Town and Country Planning (Development Management Procedure )(England) Order 2010, Part 2, Subsection 13

### Appendices 1 to 3

- the date by which any representations about the application must be made, which shall not be before the last day of the period of 14 days beginning with the date on which the information is published;
- where and when the application may be inspected;
- how representations may be made about the application; and
- that, in the case of a householder application, in the event of an appeal that proceeds by way of the expedited procedure, any representations made about the application will be passed to the Secretary of State and there will be no opportunity to make further representations.