

# Statement of Community Involvement

**Hertfordshire County Council**



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# 1. Foreword

- 1.1 The Planning and Compulsory Purchase Act 2004 introduced the requirement to produce a Statement of Community Involvement (SCI). This SCI sets out the county council's guiding values for the involvement of communities in relation to the preparation of the minerals and waste planning documents in Hertfordshire.
- 1.2 The SCI also sets out the principles which are applied to the consideration of planning applications for which Hertfordshire County Council is the planning authority (i.e. all planning applications relating to mineral extraction and waste management as well as development for county council services such as schools, libraries etc.).
- 1.3 This SCI takes into account the most recent changes in legislation through the Neighbourhood Planning Act 2017 and subsequent amendments to the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)<sup>1</sup>. It also takes into account the changes brought in by the General Data Protection Regulations 2018, with regard to the data that the county council collects in association with its planning functions.
- 1.4 The Statement of Community Involvement is publicly available via the council's website: [www.hertfordshire.gov.uk/mwlp](http://www.hertfordshire.gov.uk/mwlp).

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<sup>1</sup> Where this document refers to 'the Regulations', it means Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

## 2. Introduction

- 2.1 The county council is committed to engaging individuals, interest groups and other interested parties in the preparation of the minerals and waste planning documents and on planning applications for which the county council is the local planning authority. The planning documents that the county council has a responsibility to produce will guide future minerals and waste management development in the county.
- 2.2 The purpose of this Statement of Community Involvement (SCI) is to set out the ways in which everyone can be involved from the earliest stages of the planning process. The SCI was the subject of public consultation when first prepared in 2019, to ensure that people have a say in how the county council consult in the future.
- 2.3 The SCI received minor amendments in 2020 and 2021 to account for temporary changes brought about by The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 (as amended). These regulations have now expired, requiring the need to revise the SCI once again.
- 2.4 This document has been produced in line with regulations which govern the planning system, in so much as they relate to the process of plan making and the publicity and consultation requirements for planning applications. As plan makers and decision takers, the county council have always had responsibilities to engage with interested parties and those who may be affected by proposals. The council must demonstrate that engagement has been active, constructive and on an ongoing basis.

### Purposes of Participation

- 2.5 Planning affects everyone, and all those involved in the system have a role to play in delivering effective and inclusive planning that happens in the right place at the right time. For development to be sustainable<sup>2</sup>, communities need to be involved with developing the vision for their area and in the implementation of that vision.
- 2.6 The county council is keen to ensure that all relevant organisations and members of the public are able to contribute ideas as to how that vision can be achieved and have an opportunity to comment on and be involved with the content and direction of minerals and waste planning in Hertfordshire. Good communication is therefore vital, and letting people know at the outset how we plan to do this is essential.
- 2.7 In addition to the statutory requirement for engagement with communities, the aim of our community engagement is:

*“To involve Hertfordshire communities in the preparation of the minerals and waste planning documents and in the county council’s planning application process to*

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<sup>2</sup> Sustainable Development: meeting the needs of the present without compromising the ability of future generations to meet their own needs, as defined by the Brundtland Commission 1987. In terms of planning it is about positive growth – making economic, environmental and social progress for this and future generations.

*improve decision-making and to ensure outcomes that are sustainable and can be implemented locally”.*

2.8 This document outlines how we will achieve this aim and is supported by the following objectives:

- To raise awareness of the minerals and waste planning documents amongst the general public and the minerals and waste industry.
- To gather information and share ideas.
- To encourage participation and involve communities throughout the planning process, facilitating ownership of policies, planning decisions and outcomes.
- To ensure key interested parties, including district, borough and parish councils and other relevant government agencies are involved in the process and that all relevant plans are integrated.
- To provide sufficient information to enable useful representations and comments on draft plans and planning applications.
- To provide timely and constructive feedback on representations made and demonstrate how the views have been taken into account.

### **3. The Plan-led System**

- 3.1 Planning involves making decisions about the future of our surroundings and the services provided. It affects everyone in the county, from those who live in towns to those in the countryside. It is a difficult balancing act between the need to develop and progress the county in which we live and ensuring that this happens in a sustainable way to minimise any negative impacts and protect important environmental and historic assets.
- 3.2 These decisions are made in line with the Development Plan; a series of planning documents which cover the county. The planning system in England requires each local planning authority to prepare a Local Plan outlining how planning will be managed for that area. In the case of the county council, the planning documents relate to minerals and waste management.
- 3.3 The Development Plan for Hertfordshire is therefore made up of the Hertfordshire Minerals and Waste Local Plans, the adopted District/Borough Local Plans and any adopted Neighbourhood Plans.
- 3.4 The county council has a legal duty to prepare, and regularly review, its minerals and waste planning documents and this includes ongoing engagement with key interested parties.

### **4. Minerals and Waste Planning Documents**

- 4.1 For Hertfordshire, the minerals and waste planning documents comprises the following:

- The Minerals Local Plan: the statutory planning document relating to minerals extraction and associated developments.
- The Waste Local Plan: the statutory document relating to waste management facilities and associated development.
- The Minerals and Waste Development Scheme: a public statement of the council's timetable for the production of minerals and waste documents;
- The Statement of Community Involvement (SCI): a public document, setting out the council's principles for involving communities in the preparation of and revisions to the minerals and waste planning documents and those planning applications considered by the county council;
- Authority Monitoring Report (AMR): an annual report which monitors how the adopted policies have been used, the progress of plan production, and decisions that have been made on minerals and waste planning applications.
- Local Aggregates Assessment (LAA): an annual report which monitors the sales and reserves of aggregate minerals in the county and decisions that have been made on minerals applications.

4.2 Details of the timetable associated with the preparation of the documents are set out in the Minerals and Waste Development Scheme, which is a project plan for the minerals and waste planning documents and can be viewed on the county council's website:

[www.hertfordshire.gov.uk/mwlp](http://www.hertfordshire.gov.uk/mwlp).

<http://www.hertsdirect.org/>

4.3 Different engagement techniques can be used depending on the purpose of the consultation exercise and stage of plan production. In some cases we will be looking to gather and share information, in others we will be looking for active participation or collaboration on the content and design of specific documents. More information about different consultation techniques can be found in Chapter 5 and Appendix 2.

## **Integration with Council Planning and Operations**

4.4 Hertfordshire is a shire county with two tiers of local government; the County Council and the District/Borough Councils, of which there are ten. The district and borough councils have responsibility for planning for most built development in their area, such as houses, shops and businesses etc. They are also responsible for collecting waste from households and some businesses. The county council has responsibility for minerals and waste planning and also determines planning applications for services it provides, such as schools, libraries and roads.

4.5 Each district and borough council has responsibility for producing their planning documents, including a statement of community involvement. The county council must have regard to the district/borough plans and vice versa.

4.6 Relevant teams who work for the county council will be involved in and be consulted with regarding the preparation of the minerals and waste planning documents and include those with responsibility for Waste Management, Hertfordshire Ecology, Archaeology, Landscape, Rights of Way, Transportation Policy and Planning, Communications, and Highways.



4.7 There may also be times when officers from other units within the county council and external consultants are involved in plan production and engagement events.

## **Public Engagement Opportunities**

4.8 The Town and Country Planning Regulations, which came into force in April 2012, set out requirements for the way in which emerging local plans are consulted upon. This includes formal consultation prior to the publication of the 'Submission Version' to the Secretary of State.

4.9 There are many opportunities for public engagement outside of the formal stages, which may be used. At the beginning of the plan making and decision-making process, engagement is crucial to gather opinions, evidence and ideas to establish what the issues are and what the options are for dealing with them.

4.10 These options then need to be developed before a conclusion is reached as to the 'best option' for dealing with a particular issue taking into account the views of interested parties and those that may be affected by the plan. In the case of the county council, the plans are county wide and have the potential to impact on all residents.

4.11 At each stage of plan production engagement is undertaken to better understand the views and perceptions of interested parties. This engagement needs to be proportionate to the resources that are available; therefore, a pragmatic approach needs to be taken when considering the engagement exercises that are applied.

4.12 The plan making process is regulated and there are certain public consultation requirements that the county council must abide by. These formal stages of consultation or engagement can be supplemented by other forms of engagement such as; workshops, targeted consultations, surveys, public meetings, information leaflets etc.

4.13 The more formal stages are set out below:

- Initial consultation(s) (under Regulation 18)
  - This consultation would be to notify people of the subject of planning document being prepared and would invite representations to be made about what the document should contain.
- Proposed submission document (under Regulation 19)
  - Before the county council can submit their planning documents to the Secretary of State for independent examination, it must ask people whether they think the plan is 'sound'. This stage is different to the others because the council will not respond to the representations received; they will be dealt with at the examination.

4.14 Formal (statutory) consultations are normally held over a period of six weeks, although for some informal (non-statutory) consultation, the period may be shorter. The council appreciates that some community groups often meet on a monthly basis,

therefore the council may hold consultations over a longer period of time to allow for proper consideration of the planning documents<sup>3</sup>.

## **Soundness**

- 4.15 Planning documents are examined by an independent inspector appointed by the Secretary of State. The inspector's role is to assess the plan and determine whether it has been produced correctly and in accordance with the requirements. The National Planning Policy Framework establishes the 'tests of soundness', and Plans are 'sound' if they are;
- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
  - Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, where relevant.

## **Independent Examination**

- 4.16 Once the comments on the submission plan document have been received the plan will be the subject of an examination into the soundness of the plan. This will be in the form of public hearing sessions conducted by an independent Inspector.
- 4.17 At this point, the council will invite all those who have provided specific comments at the previous consultation stage to be involved, as well as raising general awareness about the plan and the examination. It should be noted that the examination will test the 'soundness' of the plan, and therefore comments at this stage must address the tests of soundness.
- 4.18 Following the Examination, the Inspector will provide a report of findings to the county council, sometimes with recommendations for further changes if necessary.

## **Adoption**

- 4.19 When the plan has been through all the stages mentioned above and has been found sound, the council is ready to adopted the plan as county council policy. The council will then will issue an Adoption Statement.

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<sup>3</sup> The Regulation 19 stage must be for six weeks

## **Supplementary Planning Documents**

- 4.20 From time to time the council may decide to produce Supplementary Planning Documents (SPDs) to provide further advice and guidance in supporting its policies. Consultation also needs to be undertaken when producing SPDs, however the process is less prescriptive, and consultation may be targeted to a certain audience if necessary if the document is of a specific technical or area based nature.

## **Sustainability Appraisal/Strategic Environmental Assessment**

- 4.21 All planning documents must be appraised in terms of their sustainability. The combination of the Sustainability Appraisal (SA) and the Strategic Environmental Assessment (SEA) will ensure that the social, economic and environmental aspects of the plan and its potential impact are assessed.
- 4.22 SA reports (which include the SEA requirements) will be prepared for each stage in the development plan process and must also involve community engagement activities. These reports, incorporating requirements in line with legislation, aim to promote sustainable development through better integration of sustainability considerations into the preparation and adoption of plans. Both elements are an integral part of good plan making and a central part of the process.

## **Habitats Regulations Assessment**

- 4.23 Where a land use plan either alone or in combination with other plans or projects is likely to have a significant effect on European nature conservation sites (Special Areas of Conservation and Special Protection Areas) an 'Appropriate Assessment' must be made of the implications of the plan for the site in relation to its conservation objectives, in accordance with requirements of the European Habitats Directive. This implements the requirements of the Habitats Directive.

## **Authority's Monitoring Report (AMR)**

- 4.24 The county council is required to produce an annual report containing information on the implementation of the Minerals and Waste Development Scheme and the extent to which the policies in the minerals and waste plan documents are being achieved. Performance against any targets or monitoring indicators that are in the minerals and waste planning documents will also be reported. The AMR will be published on the county council website.

## **5. Who are the stakeholders?**

- 5.1 The term 'stakeholder' simply means any person or organisation that has an interest in, or who may be affected by, the services that the county council provides. Government regulations set out the minimum requirements for public involvement with which any activity related to the production of the planning documents must comply.

- 5.2 The list in Appendix 1 to this document provides a general list of those who must be consulted and those who may be consulted. It should be noted that this is not an exhaustive list and that the county council reserves the right to consult other bodies at the appropriate time. At some points in the process the county council will consult widely and at other stages, there would be a more focussed consultation according to the matter upon which comments are being sought.

## **Equalities**

- 5.3 Consultation with affected communities and local neighbourhoods is integral to the planning process where site specific considerations are identified. These vary depending on the plan and are generally tailored with each round of consultation. It is also important that all communities are given an opportunity to participate, including those that historically may have participated the least in minerals and waste planning. We have already established a database of representative individuals, groups and organisations and will endeavour to provide the opportunity for all groups to be actively involved in all activities.
- 5.4 Utilisation of different techniques to engage communities will be important, and forms part of the strategy of this Statement of Community Involvement. As well as all those groups mentioned above, we also keep the details of all those who have responded to us on a consultation and include these people / stakeholders in any further work. Work will continue on identifying suitable engagement methods and techniques.
- 5.5 It is recognised that some groups within the community may be more difficult to engage in the consultation process. These 'hard to reach' groups include young people, disabled people and those of minority ethnic origin. Certain alternative techniques may be used to engage with such groups.
- 5.6 The council will comply with the general duty in the Equalities Act 2010 and have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between persons with protected characteristics as defined in the Act. The council also has a role to play in the promotion of community cohesion and will comply with the Equalities Act by not discriminating against protected characteristic groups and providing an equal quality of service.

## **Engaging Hard to Reach Groups**

- 5.7 There are some groups of people who are considered to be 'hard to reach' and so other methods of communication may need to be explored. Hard-to-reach groups, or those who commonly experience barriers to participation, may include Gypsies and Travellers, disabled people, people with mental health problems, minority ethnic groups, young people, older people and those who live in rural isolation. Some potential ways to overcome engagement barriers and encourage a greater level of participation include the following:
- Utilise online consultation methods /virtual engagement methods
  - Use of social media platforms
  - Provide consultation literature in hard copy

- Provide engagement events in accessible venues and in accessible locations, on a bus route
  - Hold engagement events at a different time of day, where there is more than one planned
  - Provide consultation literature in different languages and different formats (such as Braille) upon request
  - Make documents accessible<sup>4</sup>
  - Add representatives for hard-to-reach groups to the database
- 5.8 To enable equal access to information and services, publications will give guidance on requesting documents in other languages, or large print wherever possible and consideration will be given to producing the information in an audio format when required.

## 6. Hertfordshire Compact

- 6.1 The Hertfordshire Compact sets out a framework for the working relationship between local government, the wider statutory sector and the Voluntary and Community Sector, with a range of shared principles and undertakings from each of the sectors. The main aims of the Hertfordshire Compact are to build on existing partnerships and develop the relationship between the sectors through mutual respect and trust, so that better public services can be provided across the County.
- 6.2 The Compact agreement was developed by the Hertfordshire Compact steering group, a multi-agency group including representation from a number of Hertfordshire's statutory and voluntary and community sector agencies. In 2016, following the launch of the refreshed Compact, the group was renamed Hertfordshire Compact Partnership Group.
- 6.3 We will consult the Hertfordshire Compact members and supporters throughout the preparation of development plan documents, supplementary planning documents and the Sustainability Appraisal/Strategic Environmental Assessment where appropriate.

## 7. The Local Enterprise Partnership

- 7.1 The Local Enterprise Partnership (LEP) is a business-led partnership responsible for growing the economy in Hertfordshire by removing barriers to growth and creating new jobs. The LEP's vision is to "accelerate business-led economic growth in Hertfordshire". The LEP's priorities are to;
- maintain global excellence in science and technology
  - positively harness interconnectedness, particularly our relationships with London and elsewhere
  - re-invigorate places for the 21st Century

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<sup>4</sup> An accessible document is a document created to be as easily readable by a sighted reader as a low vision or non-sighted reader

- build the wider foundations for growth across Hertfordshire populations; both businesses and people
- 7.2 Both the minerals and waste industry provide opportunities for jobs in the county and the council has a duty to consult the LEP on the planning documents it produces.

## **8. District, Town and Parish Councils, Neighbourhood Forums and neighbouring Councils**

- 8.1 All these organisations will form a vital part of the input into the minerals and waste planning documents and will be contacted at most stages in production for their views, and the views of those they represent. In addition, many Parish and Town Councils or Neighbourhood Forums are preparing Neighbourhood Plans, which themselves form part of the Development Plan and must be taken into account when plan making and decision taking.
- 8.2 The Neighbourhood Planning Act 2017 states that the Statement of Community Involvement must also set out how it will provide assistance in connection with neighbourhood planning. Town and Parish Councils and Neighbourhood Forums can produce neighbourhood plans and must follow set guidelines similar to those for a Local Plan. If a Neighbourhood Plan is produced it must be in general conformity with the district/borough and county local plans which are in place at the time. This means that it is important for anyone producing a Neighbourhood Plan to contact their local district/borough council as well as the county council at the very first stages of their plan production.
- 8.3 The county council will be able to provide advice on minerals and waste issues in a particular area and ensure that important policies are taken into account, such as the need to safeguard certain sites or minerals. The county council will take a proactive role in engaging with anyone who wishes to prepare a neighbourhood plan and will respond to consultation documents in a timely manner. The council will be able to provide detailed comments on specific sites and/or areas, particularly if the council are sent the GIS shapefiles for certain locations. We will also provide general minerals and waste comments where appropriate.

## **9. Key Issues for Interested Parties**

- 9.1 Some of the main issues for those interested parties, stakeholders, concerning the minerals and waste planning process, and for planning applications decided by us, are outlined below.
- Understanding the purpose of minerals and waste planning and the process by which the county council assesses future developments
  - Being involved in setting the broad strategic direction for minerals and waste planning in Hertfordshire.



- Involvement in the selection of new sites for mineral extraction and different types of waste management (e.g. transfer sites; waste separation/recycling facilities; recycling centres, composting facilities; incinerators (with or without energy recovery); other waste-to-energy facilities; emerging technologies such as Mechanical Biological Treatment; and landfill sites).
- Ensuring that the existing quality of life for local communities is enhanced and protected as much as possible, particularly where new adjoining and alternative land uses are proposed.
- Ensuring that the quality of the natural and historic environment is protected and enhanced as much as possible.
- Ensuring that individual views are heard and considered in the planning documents and related documents (including Sustainability Appraisals).

## 10. Key Issues for Hertfordshire County Council

10.1 Some of the main issues for the council when incorporating the outcomes from community engagement will include:

- Ensuring all relevant stakeholders are involved and that the purpose and extent of the community engagement strategy is clearly communicated.
- Managing expectations about the level of involvement at different stages of the process.
- Ensuring the outcomes of the engagement processes are regularly reported on and made widely available, including on our website.
- Ensuring that decisions are based on knowledge, evidence, measurement and consultation.
- Continual review, monitoring and evaluation of the engagement programme and community involvement strategy to maximise effectiveness.

## 11. Methods of Community Involvement

11.1 There are currently a number of methods of communication that the county council may use which are set out below. These methods will be used where they are considered to be appropriate during the formation of the minerals and waste planning documents and key Development Management (planning application) decisions. Appendix 2 sets out the stages of production for the minerals and waste planning documents and indicates the types of community involvement that may be used at each stage.

### Local Liaison Groups

11.2 Local liaison groups are often established for major mineral and waste sites. These groups focus on specific sites and aim to facilitate and improve relations throughout the pre and post application and implementation stage. There are a number of existing liaison groups currently facilitated by the county council. They are sometimes chaired by a local councillor or resident, and can be attended by county council officers, the operating company/applicant, the Environment Agency, relevant parish council officers/members and local residents or representatives.

## **Internet**

- 11.3 The county council will provide dedicated pages on the council's website ([www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)) on the content and progress of the minerals and waste planning documents, including documentation which can be downloaded. The web pages will continuously evolve and the council will utilise electronic methods of consultation to their full potential.
- 11.4 From 23 September 2020, the county council's webpages and all documents available on the webpages will be accessible<sup>5</sup> in line with the requirements of The Public Sector Bodies (Websites and Mobile Applications) (No.2) Accessibility Regulations 2018. These regulations require public sector organisations to make sure their website meets accessibility requirements and that the content of the website is accessible to all users through being perceivable, operable, understandable and robust.
- 11.5 Individuals who do not have access to the internet are encouraged to engage with the county council through nominated advocates of representative groups in areas most affected by proposals to share views on their behalf. Consulting by telephone or in writing may also be used where communication through a representative group is not possible.
- 11.6 The council also enables people to respond to consultations online (through the county council's webpages) which is used as the primary method of document publication. This online consultation system allows members of the public to access the documents online and provide comments on any part of the document.
- 11.7 There are specific internet pages for Development Management which provide the details of planning applications and decisions.

## **Social Media**

- 11.8 Engaging the community through the use of social media may be a tool used by county council officers during consultations or any other community engagement events. It is considered that the use of social media may help to reach out to younger generations, which are often less engaged with the planning system.

## **Leaflets and Documents**

- 11.9 We recognise that some people may not have access to a computer or the internet and so our documents may need to be printed as part of community involvement in the planning process. We recognise that planning documents can often be quite technical and complicated so all documents and leaflets will be produced in the corporate style, in plain English. Hard copy documents will be available for inspection at County Hall in Hertford, and libraries and other council offices throughout the county have computers with internet access to enable residents to access the documents online. In some cases, summary leaflets may be distributed to

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<sup>5</sup> Where a document is primarily aimed at a professional audience, a disclaimer may be added to advise that the document can be supplied in a different format on request



residents. The county council will endeavour to provide all documents in different languages and formats upon request.

## **Council Meetings**

- 11.10 The council holds a series of Cabinet Panel meetings held throughout the year which are widely publicised. Panel meetings are not public meetings, although they are held in public and there are clear procedures for presenting petitions and speaking. The majority of meetings (Panel, Cabinet and County Council) are normally open to the public to attend.

Further information on asking questions and presenting petitions at council meetings can be found at:

*<http://www.hertsdirect.org/your-council/councillors/askpresent/>*

*<https://democracy.hertfordshire.gov.uk/mgEPetitionListDisplay.aspx?bcr=1>*

- 11.11 All important decisions on the minerals and waste planning documents will be made by the county council's Cabinet and/or the full County Council. Planning applications are dealt with via the Development Control Committee which is explained in more detail in paragraph 13.15.

## **Workshops**

- 11.12 Workshops and interested party events provide a means to map issues and concerns of the attendees. They can build trust and understanding between groups. Different types of events can be used at different stages of community involvement. Their format will depend upon the type of issues to be debated.
- 11.13 The aims of any workshop will be clearly set out and consideration will be given to times and dates to enable as many people as possible to attend. Such events will be publicised using contact details that have been given to us and via publicly available details for groups or organisations. If, upon analysis of those expressing an interest in being involved in the workshops it becomes clear that some groups will be underrepresented, efforts will be made to contact those groups and specifically invite them to become involved. Depending on demand, there may be additional sessions carried out for those groups.
- 11.14 These types of events would be facilitated by council officers or representatives for the council, and would be aimed at seeking views from those present, by using group discussions and various techniques to produce outcomes. The matters to be covered may include, for example:
- How we can engage and support communities;
  - How we protect our environment;
  - Where new mineral sites and waste facilities can be accommodated;
  - How such development can be controlled and guided;
  - Any further detailed work or new ideas arising from earlier workshops;
  - Issues of a specialist or localised nature.

11.15 We often get members of the public calling or emailing the council and sometimes coming into County Hall to talk to officers and look at documents. This is welcomed as it gives us an opportunity to engage with people and explain things if they haven't been able to attend an organised event or view material online.

## **Individual Consultations and Contact**

11.16 The need may arise on certain issues, for individual consultation, such as a mail shot to random addresses, or one to one sessions with specific groups. These will be specified at the time the production of documents is being considered in detail.

11.17 Those individuals, including representatives of groups and companies, who have requested to be kept informed of progress on the minerals and waste planning documents will have their details placed on a database and will be contacted by email or letter at key stages in the process.

## **Feedback**

11.18 All consultation responses are taken into account when reviewing our planning documents. The county council is required to prepare a consultation statement setting out who has been consulted at each stage together with details of the main issues raised. This information will be referred to in subsequent documents, and will be made available on the website:

*<http://www.hertsdirect.org/www.hertfordshire.gov.uk.mwlp>*

11.19 Consultation reports will be provided in a timely manner, however the actual time to provide such reports will vary in line with the complexity, scale, success and interest associated with the consultation programme. We sometimes get thousands of comments made in response to a consultation and it takes considerable time to read and summarise them all.

# **12. General Data Protection Regulations**

12.1 In May 2018, new regulations (the General Data Protection Regulations 2018) were introduced in the UK regarding the use of personal data. In order to comply with these regulations, we have produced a Privacy Notice which sets out what data we collect, why we collect it, how we use it and how long we will keep it for.

12.2 The data that we collect are for the purposes of plan making and will only be used for this. We will need to collect people's contact details, such as names and addresses (including email addresses) so that we can keep them informed of the progress and process related to plan making. If people wish to be involved in the formal examination stage of the process, we may need to pass their details to the planning inspector appointed to examine the plan. Both the county council and the Planning Inspectorate must abide by the General Data Protection Regulations. We will publish the necessary privacy notice and data protection statements with our consultation letters and forms and also online.

# 13. Statement of Community Involvement Requirements and the Planning Application Process

## Overview

- 13.1 The county council is the local planning authority for planning applications for development associated with mineral extraction and waste management (known as “County Matter” applications) and development for the county council’s own use as a service provider, such as for schools, libraries and roads (known as County Council applications). Further information on the county council’s planning responsibilities and the planning application process can be found on the county council’s web site:

*<http://www.hertsdirect.org/services/envplan/plan/planningapps/>*

*<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning/planning.aspx>*

- 13.2 There are minimum legal requirements for consultation and publicity for planning applications. In addition, the Government has published further recommendations for good practice in engagement.
- 13.3 Publicity and consultation on planning applications must be in compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 13.4 The county council has adopted a Code of Practice for Publicity in relation to planning applications which is referred to in Committee reports and can be found on the county council’s web site.
- 13.5 This sets out the circumstances where the county council will advertise applications in local newspapers, place site notices and carry out neighbour consultations. The key features are outlined below. Figure 1 highlights several opportunities for community involvement in those planning applications which the county council considers/is responsible for, and the decision-making processes.

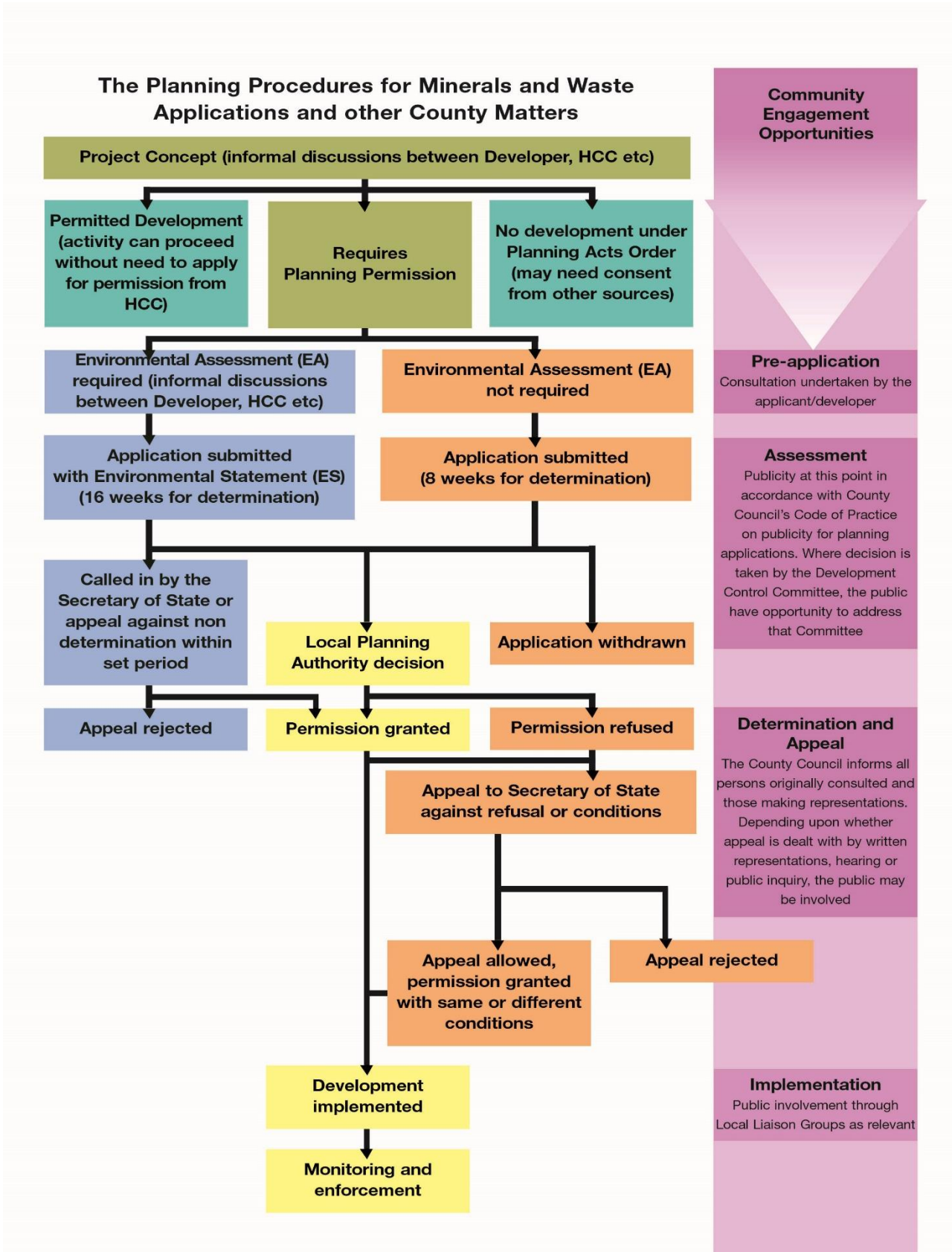
## Advertisements

- 13.6 Planning applications may be advertised in local, paid-for papers. The relevant newspaper is identified dependant on the planning application. The first choice for publication is always a ‘Paid for’ paper, however if this would give coverage, then ‘free’ papers are used. Please contact us for more information on the papers that we may use for public notices.

## **Site Notices**

- 13.7 Site notices are printed on orange paper and laminated to protect them from the weather. Site Notices are sited where they can be easily seen; often at each entrance to the site and where rights of way cross the proposed site.

Figure 1 - The Planning Application Process <sup>6</sup>



<sup>6</sup> Please note that the determination period for major minerals and waste planning applications is 13 weeks. The eight-week determination period applies to minor applications.

## Neighbour Consultations

13.8 Neighbour consultations are carried out in accordance with the county council's adopted Code of Practice for Publicity. To assist understanding of a proposed development, the county council may prepare a summary of the proposal together with a site plan, which also indicates the proposed developer. The covering letter will indicate where plans can be inspected on the county council's website and also provide the contact details for the relevant county council case officer.

13.9 The forms and documents submitted with planning applications can be accessed via the county council's website:

*<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/planning-applications-decisions/planning-applications-decisions.aspx>*

13.10 Responses can be made in writing, online via the county councils planning applications and decisions web pages or via e-mail at *spatial.planning@hertfordshire.gov.uk*, but in all cases the county council can only take the views expressed into account if the name and address of the respondent is given.

## Other Consultees

13.11 In addition to neighbour consultations the county council also consults with a wide range of other organisations as appropriate. The list of relevant individuals/organisations is dependent on the type and nature of the application. Statutory consultees are identified within the Town and Country Planning (Development Management Procedure) (England) Order 2015 and any subsequent updates. As well as the 'statutory' consultees, other bodies are identified at an early stage and consulted (including residents associations etc. where known to the Spatial Planning Unit).

## Other Consultation / Engagements

13.12 The planning system promotes the need to ensure community engagement is appropriate to the level of planning and is 'front-loaded'. This means it is planned for at the beginning of the process to ensure communities have an opportunity to be involved at a point where there is a potential to make a difference, and to experience a sense of ownership of local decision-making. However, the nature and scale of each application varies considerably and this will be reflected in any community engagement. In addition, the timeframe within which the county council should determine an application will also be a consideration (generally an 8 or 13 week period depending on the size of the development or 16 weeks where an Environment Statement accompanies the application).

13.13 The county council as planning authority encourages developers (including other departments of the county council where they are the applicant for development required for county council services) to carry out advance public consultation for



proposed development, particularly for larger scale proposals. This can include public exhibitions or meetings.

13.14 For major mineral and waste sites, local liaison groups may be established. These groups may focus on specific sites and aim to facilitate and improve relations throughout the pre and post application and implementation stage. They can be relatively informal, small-group (10-15 people) discussions, and minutes and action lists would be circulated to all attendees. Site operators are encouraged to draw the group's attention to any proposed planning applications for the site at the earliest opportunity.

## **Development Control Committee**

13.15 Once applications have been submitted, the council's Planning Officers make a recommendation to the Development Control Committee for the decision to be made (some applications may be decided under delegated authority by planning officers known as non-controversial<sup>7</sup> applications, without reference to County Councillors other than the local ward member). Those who have made submissions during the consultation process have the opportunity (within guidelines<sup>8</sup>) to address the committee at these meetings.

13.16 The Development Control Committee considers individual cases concerning:

- Town and country planning and development control (relevant to this Statement of Community Involvement)
- Traffic regulation, assertion and protection of highway rights
- Registration of commons and village greens
- Other matters as appropriate such as highway safety schemes, where these are not decided at the local level.

13.17 The Development Control Committee usually meets eleven times per year and meeting notes are published on the website at the following address:

<https://democracy.hertfordshire.gov.uk/mgCommitteeDetails.aspx?ID=157>

## **14. Consultation Strategy for the Planning Application Process**

14.1 As mentioned, the county council has adopted a Code of Practice for Publicity in relation to planning applications. This will now be part of the Statement of Community Involvement and reviewed on a periodic basis. The level of consultation proposed varies for different types of applications received, including:

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<sup>7</sup> An application is referred to as 'non-controversial' under Hertfordshire Planning Code of Practice and decided under delegated powers when an application for determination has no new issues being raised or no objections to the application.

<sup>8</sup> Within guideline refers to the Planning Code of Practice.

- Planning applications involving a departure from the development plan, affecting a public right of way or where accompanied by an Environmental Statement
  - Planning applications for major development (as defined in Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015)
  - Planning applications for minor development (other county matters)
  - Planning applications affecting a listed building or conservation area
- 14.2 All planning applications dealt with by the county council are subject to both site notices and neighbour notification procedures. Additionally, press notices are used in certain circumstances.
- 14.3 For major applications, best practice is for the applicant/industry to undertake some level of pre-submission consultation prior to the submission of an application to the county council. The council actively encourages applicants to engage with the local community at an early stage, this approach helps to inform local communities, ensure early identification of key issues, incorporating as much as possible in project design before getting to the application stage.
- 14.4 The timetable for comment is published at the initial stages. Appendix 3 provides an indication of the types of consultation techniques to be used when consulting on those planning applications for which the county council is the local planning authority. The main changes from current practice may involve consideration of the following for larger and more controversial planning applications:
- Press releases
  - Online participation
  - Meetings with key stakeholders
  - Workshops / focus groups
  - Field trips / site visits
  - Use of Expert Panels
  - Promoting the use of Planning Aid (a government programme that provides planning advice and assistance to community groups).
- 14.5 The use of these engagement techniques will be decided on a case-by-case basis, and as resources permit. The results of any consultation exercises will be reported and taken into account in decisions made by, and on behalf of, the council.

## **15. Nationally Significant Infrastructure Planning**

- 15.1 Some large-scale developments may not be dealt with by the county council if they are considered to be nationally significant. An example of this type of development may be a large-scale energy facility where a Development Consent Order (DCO) would be sought through a different process to that of applying for planning permission.
- 15.2 Applications for nationally significant infrastructure are dealt with by the Planning Inspectorate for the government with any final decision being made by the relevant government minister. The county council would still be involved in the process and



would make representations to a planning inspector along with other stakeholders and interested parties. Further information on the DCO process can be found here:

<https://infrastructure.planninginspectorate.gov.uk/>

## **16. Planning Document Programme and Resources**

### **Programme**

- 16.1 The overall timetable for the preparation of the minerals and waste planning documents and associated community engagement and Statement of Community Involvement activities is provided in the Minerals and Waste Development Scheme. For minerals and waste planning documents and major development applications a detailed stakeholder engagement strategy maybe developed at the outset to guide this process.

### **Resources**

- 16.2 For planning applications, the relevant case officer supported by planning administration staff and senior management as appropriate, should continue to be adequate for most applications. For more significant and controversial applications involving the use of more involved techniques, additional resources and skills may be needed. A contingency allowance is available to cover this.

### **Consideration of representations**

- 16.3 Planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. All material considerations are taken into account when making a planning decision. These considerations are set out in a report which is either considered via delegated authority or as part of the committee process. All reports are available online.

### **Monitoring**

- 16.4 Monitoring and evaluation of the community engagement activities outlined in this Statement of Community Involvement will be undertaken at the end of each phase of document preparation (i.e. pre-production, production, examination and adoption). In line with the GDPR participants will be asked at each stage of consultation whether they wish to be added to and/or remain on the mailing list for future correspondence, ensuring continual review of the stakeholder database. Each engagement activity will be followed by a brief evaluation procedure and changes made where necessary.
- 16.5 The results of these assessments will be made available as summary reports, Development Control Committee or Cabinet Panel papers or as part of the redrafted documents as appropriate and summarised in the annual monitoring report prepared each year. The types of things to be considered and reported on may include:

- How the results feed into the Statement of Community Involvement, minerals and waste planning documents, Supplementary Planning Documents or Sustainability Appraisal / Strategic Environmental Assessment.
- To what extent were the objectives fulfilled? What may have been the reasons for this and what can be improved on next time? Do the objectives need to be amended?
- What were the participation levels? Did we reach the key stakeholders? Did they comment and in what level of detail?
- What methods were used? Which ones worked well for the County Council and/or the participants and how these could be improved next time?
- How resource intensive was the engagement programme? Which areas required the most/least time/money and obtained the best results? What could be improved on next time?

16.6 The adopted Statement of Community Involvement will also be monitored annually within the Authority Monitoring Report. A formal update of the Statement of Community Involvement will take place every 5 years in line with current Planning Practice Guidance<sup>9</sup>. Should an update be required earlier than the five-year mark, the county council will update the Statement of Community Involvement accordingly.

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<sup>9</sup> National Planning Practice Guidance Paragraph: 071 Reference ID: 61-071-20190315

# Appendix 1 – Consultation and Duty to Cooperate Bodies

## Statutory Bodies with whom the Council must consult

In addition to the normal Hertfordshire specific statutory consultees and stakeholders including districts/borough councils, town and parish councils, and neighbourhood forums, the county council must consult the following bodies throughout the minerals and waste plan process as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended):

- the Coal Authority
- the Environment Agency
- Historic England
- the Marine Management Organisation
- Natural England
- Network Rail Infrastructure Limited
- National Highways
- Adjoining authorities (District/Borough and County Councils)
- Electronic communications representatives
- Clinical Commissioning Groups
- The National Health Service Commissioning Board
- Utilities representatives (electricity, gas, sewerage and water)
- Homes England

## Bodies under the Duty to Co-operate<sup>10</sup>:

- the Environment Agency
- Historic England
- Natural England
- The Mayor of London
- The Civil Aviation Authority
- Homes England
- Herts Valley Clinical Commissioning Group
- East and North Herts Clinical Commissioning Group
- the National Health Service Commissioning Board
- The Office of Rail Regulation
- Transport for London
- Hertfordshire Highways Operations and Strategy
- Highways England
- The Marine Management Organisation
- The Local Enterprise Partnership
- The Local Nature Partnership

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<sup>10</sup> Some bodies are the same as the statutory consultees above

## **Other Bodies with whom the council may consult depending on the nature and scope of the document being produced**

The county council may consult the following bodies as appropriate. The list is indicative and may be subject to change.

- Individual members of the general public
- Government Departments/Agencies
- Community Liaison Forums
- Landowners, developers and their agents
- Community groups
- Residents Associations
- Farming and other Rural Interest Groups
- Hertfordshire Waste Partnership
- Heritage Groups
- Health and Social Interest Groups
- Transport Groups
- Youth Groups
- Bodies representing the interests of different racial, ethnic or national bodies in the area
- Bodies representing the interests of different religious groups in the area
- Bodies representing the interests of people with disabilities in the area
- Bodies representing the interests of the Voluntary Sector
- Bodies representing the interests of persons carrying on business in the area
- Bodies representing the interest of the arts and sport in the area

Please note that this list is not exhaustive and also relates to successor bodies where reorganisations occur. All details of consultees will be kept on a database maintained by the Policy Team. Any interested parties can contact the team to ensure their details are recorded on the database. The County Council will also consult those who have requested to be notified.

## Appendix 2 – Engagement Strategy for Minerals and Waste Planning Documents

### Minerals and Waste Planning documents

| <b>Preparation stage</b><br>(Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) | <b>Bodies to be Notified</b><br>(wide publicity to be given where the general public are invited to respond) | <b>Methods used to consult</b>  | <b>Reasons why methods chosen</b>  |
|--|--|---|--|
| Initial Phases<br>(Consultation)   | All bodies identified in Appendix 1.   | A public consultation exercise and/or stakeholder event may be undertaken at this stage for a minimum of six weeks. Documents will be available on the county council's website. A questionnaire may be sent out with documents asking specific questions on different options. Opportunity will also be given to residents to comment more openly. | The initial consultation allows all participants to make their views known on the wider subject areas. This ensures that the county council is aware of all possible options before moving to the next stage and ensures the county council complies with the minimum regulations set out in the guidance. |
| Submission Phase   | All groups identified in Appendix 1.   | When a document reaches the final stages of plan production,  | Allows the publication of the document prior to its  |

|                |  |  |  |
|----------------|--|--|--|
| (Publication)  |  | <p>the document together with a consultation report setting out the strategy and the views received on its development is published for a six week period, allowing written submissions to be put forward.</p> <p>Responses are sent to and dealt with directly by the inspector and not the local planning authority. Documents will be available on the county council's website</p> | <p>submission and subsequent independent examination. This ensures the county council complies with the statutory consultation requirement of the Regulations.</p> |
| Adoption Phase | Relevant bodies identified in Appendix 1 | The document will be published along with the Inspectors Report and any proposed modifications will be subject to consultation.  | In order to comply with the requirements, those who wish to be notified of the adoption will receive a letter or email.  |

## Appendix 3 – Engagement Strategy for Planning Application Stages

| Planning Application stage | Consultation purpose and key objectives  | Techniques for different application types   | Feedback  |
|----------------------------|--|--|---|
| Pre - Application          | <p>Informal consultation and continuous opportunity of involvement. Depending on the applicant specific objectives include: Raising awareness of the proposal. Gathering and sharing information. Confirming whether the proposal is acceptable to the community. Confirming the type and level of information required by the local planning authority to consider the proposal</p> | <p>There is no statutory activity at this stage. The applicant will play a lead role at this stage. We will also involve the relevant stakeholders including government agencies, industry, local communities / neighbours to the site for the proposed use and / or development.</p> <p>As well as this where we will consider: An information line; Public exhibitions (where appropriate); Neighbour notification (where appropriate); Steering / advisory groups (where established)</p> | <p>Results of this stage of engagement should be summarised in any planning application submitted to the Local Planning Authority. The application should also clearly indicate how proposals have changed as a result of any issues during the engagement exercise. Timing – as appropriate.</p> |
| Application                | <p>Formal consultation, as per legislation, with each relevant consultation body / individual considered appropriate. Specific objectives include to: Seek views relating to the proposal. Hear suggestions for / issues with the proposal. Determine how these</p>  | <p>Statutory activities we will carry out:</p> <p>Public notices in newspapers</p> <p>Site notice(s) (for certain applications). Neighbour notification</p> <p>Published applications</p>  | <p>Results of this stage of engagement will be summarised in the planning case officer's report and where applicable, reported to the Development Control Committee.</p>  |

|                           |   |   |   |
|---------------------------|---|---|---|
|                           | <p>suggestions / issues can be addressed if at all. Local guidelines about the planning process are provided in the following county council leaflets:</p> <p>Planning applications (issued 2004). Making your views known to the County Council's Development Control Committee.</p>                                 | <p>District / Parish Council involvement. Non statutory activities we will consider: Website and notices, Press release, Information line, Online participation, One-to-one meeting with key stakeholders</p> <p>Workshops Focus groups, Field trips / site visits, Expert panel</p> <p>Planning aid, Applicant and Local Planning Authority to participate equally in all non-legislative engagement activities. Extent of such activities to be determined on case by case basis and as resources permit.</p> | <p>Timing – Determination to be made within 8 weeks for minor applications, 13 weeks for major applications and 16 weeks where an Environmental Assessment has been required, unless agreement has been made to an extension of time within which to determine the application.</p> |
| <p>Post - Application</p> | <p>Informal consultation with each relevant consultation body / individual as considered appropriate.</p> <p>Specific objectives include to:</p> <p>Improve and enhance relations between all relevant stakeholders (applicant / developer / landowner, relevant authorities, local community groups, neighbours)</p> | <p>There is no statutory consultation activity at this stage.</p> <p>Non statutory activity we may carry out: One-to-one meetings with key stakeholders, Local liaison groups.</p> <p>The applicant and local planning authority to participate equally in all non-legislative engagement activities. Extent of such activities to be determined on case by case basis and as resources permit.</p>   | <p>Results of this stage are reported on as appropriate. Where local liaison groups are involved minutes and actions arising from meetings are circulated to all attendees.</p> <p>Timing – as appropriate.</p>   |



#### ENGLISH

If you require help to translate this information, please contact us with your name, language and telephone number.

#### ARABIC

إذا كنت بحاجة إلى المساعدة لترجمة هذه المعلومات، فيرجى الاتصال بنا مع إدراج الاسم واللغة ورقم الهاتف.

#### BENGALI

এই তথ্যটি অনুবাদ আপনার মাধ্যমে প্রয়োজন হলে, অনুগ্রহ করে আপনার নাম, ভাষা এবং ফোন নম্বর সহ আমাদের সঙ্গে যোগাযোগ করুন।

#### CANTONESE

如果您想要將本資訊翻譯為您的語言，請繫并將您的姓名、語言和電話號碼告訴我們。

#### HINDI

यदि आपको इस जानकारी का अनुवाद करने में मदद की आवश्यकता है, तो कृपया अपने नाम, भाषा और फोन नंबर समेत हम से संपर्क करें।

#### ITALIAN

Per assistenza nel tradurre queste informazioni, contattaci indicando il tuo nome, la tua lingua e il numero di telefono.

#### POLISH

Jeżeli są Państwo zainteresowani otrzymaniem niniejszych informacji w tłumaczeniu na język obcy, prosimy skontaktować się z nami, podając swoje imię i nazwisko, wybrany język oraz numer telefonu.

#### PORTUGUESE

Se precisar de ajuda para traduzir esta informação, por favor contacte-nos e indique o seu nome, idioma e número de telefone.

#### PUNJABI

ਜੇਕਰ ਇਸ ਜਾਣਕਾਰੀ ਦਾ ਤਰਜਮਾ ਕਰਨ ਲਈ ਤੁਹਾਨੂੰ ਮਦਦ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਆਪਣੇ ਨਾਂ, ਭਾਸ਼ਾ ਅਤੇ ਟੈਲੀਫੋਨ ਨੰਬਰ ਨਾਲ ਸਾਨੂੰ ਸੰਪਰਕ ਕਰੋ।

#### TAMIL

இந்தத் தகவலை மொழிபெயர்ப்பதற்கு உங்களுக்கு உதவித் தேவைப்பட்டால், தயவு செய்து உங்கள் பெயர் மற்றும் தொலைபேசி எண்ணுடன் எங்களைத் தொடர்பு கொள்ளவும்.

#### TURKISH

Bu bilgilerin tercümesi konusunda yardım istiyorsanız, lütfen bizimle irtibata geçerek adınızı, dilinizi ve telefon numaranızı bildirin.

#### URDU

اگر اس معلومات کا ترجمہ کرنے کے لئے آپ کو مدد کی ضرورت ہو، تو براہ کرم اپنے نام، زبان اور ٹیلی فون نمبر کے ساتھ رابطہ کریں۔

## **Hertfordshire County Council**

### **- Making Hertfordshire an even better place to live by providing:**

Care for older people

Support for schools, pupils and parents

Support for carers

Fire and Rescue

Fostering and adoption

Support for people with disabilities

Libraries

Admission to schools

Road maintenance and safety

Protection for adults and children at risk

Trading standards and consumer protection

Household waste and recycling centres

These are only some of our services.

Find out more at: [www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)

To find out who your County Councillor

is and how to contact them, visit:

<https://democracy.hertfordshire.gov.uk/mgFindMember.aspx>

Every Hertfordshire library has internet access for the public.