

Agenda Item No:	9	
Committee:	Cabinet	
Date:	19 July 2018	
Report Title:	Statement of Community Involvement	

1 Purpose / Summary

To adopt the attached Statement of Community Involvement.

2 Key issues

The current adopted Statement of Community Involvement (SCI) was adopted on 20th June 2013; it is therefore now necessary for the Council to review, and if necessary amend, its SCI.

Two recent legislative changes have also prompted the need for the SCI to be updated and republished.

This report sets out the legislative changes that have taken place, and a summary of the impacts on and amendments made to the SCI in order to bring it up to date.

The SCI is a key document that sets out the Council's approach to consultation on the Local Plan, consideration of planning applications and Neighbourhood Planning.

The Planning Committee considered this document on 20th June 2018 and recommend adoption by Cabinet.

3 Recommendations

- That Cabinet adopt the Statement of Community Involvement as attached.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Councillor Dee Laws, Portfolio Holder for Planning
Report Originator(s)	Carol Pilson, Corporate Director Nick Harding, Head of Planning Richard Kay,
Contact Officer(s)	Carol Pilson, Corporate Director Nick Harding, Head of Planning Richard Kay, Head of Sustainable Growth Strategy
Background Paper(s)	

Agenda Item No:	11	
Committee:	Planning Committee	
Date:	20 June 2018	
Report Title:	Statement of Community Involvement	

1 Purpose / Summary

The purpose of this report is to seek any comments on the attached draft Statement of Community Involvement (SCI) prior to it being considered by Cabinet for adoption.

2 Key issues

The current adopted Statement of Community Involvement (SCI) was adopted on 20th June 2013; it is therefore now necessary for the Council to review, and if necessary amend, its SCI.

Two recent legislative changes have also prompted the need for the SCI to be updated and republished.

This report sets out the legislative changes that have taken place, and a summary of the impacts on and amendments made to the SCI in order to bring it up to date.

The SCI is a key document that sets out the Council's approach to consultation on the Local Plan, consideration of planning applications and Neighbourhood Planning.

3 Recommendations

- That Planning Committee endorse the Statement of Community Involvement as attached at Appendix A, and recommend that Cabinet adopts it.

Wards Affected	All
Forward Plan Reference	
Portfolio Holder(s)	Cllr P Murphy - Environment
Report Originator(s)	Richard Kay
Contact Officer(s)	Richard Kay
Background Paper(s)	

4 Background on the Statement of Community Involvement

- 4.1 It is a statutory requirement (see section 18 of the Planning and Compulsory Purchase Act 2004 (as amended)) for the Council to set out how it will consult the public on planning matters, in a 'Statement of Community Involvement' (SCI). The current SCI was adopted on 20 June 2013, it, therefore, is now in need of a review and update, especially following two recent legislative updates.
- 4.2 First, Section 6 of the Neighbourhood Planning Act 2017 amended Section 18 of the Planning and Compulsory Purchase Act 2004 (statement of community involvement) by inserting a subsection (2B), which states that a "statement of community involvement must set out the local planning authority's policies for giving advice or assistance" in relation to Neighbourhood Planning. This requirement comes into force on 31 July 2018, by virtue of the Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018.
- 4.3 Second, Section 12 of the Neighbourhood Planning Act 2017 also amended section 17 of the Planning and Compulsory Purchase Act 2004 (local development documents) by inserting a subsection (6A), which enables the Secretary of State to require a local planning authority to review a local development document at such times as may be prescribed. If he does prescribe as such, the newly inserted subsection (6B) states that a local planning authority, when reviewing such a prescribed local development document, "must consider whether to revise the document following each review, and if they decide not to do so, they must publish their reasons for considering that no revisions are necessary."
- 4.4 The above subsection (6B) was followed up by Regulation 4 of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 which inserted a new Regulation 10A into the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 4.5 Regulation 10A (which came into force on 6 April 2018) requires, inter alia, a local planning authority to review an SCI "every five years, starting from the date of adoption of the statement of community involvement". As subsection (6B) explains above, whilst such a review does not necessarily mean 'amend and adopt' every five years (it could mean 'review, but decide it remains fit for purpose'), the general government expectation is that the SCI is refreshed and adopted every five years.

5 Considerations

- 5.1 For Fenland, its last SCI was adopted on 20 June 2013. As such, it must 'review' its SCI by 19 June 2018, and determine whether to amend it. That legally required 'review' has been undertaken by officers, and for reasons set out below, a refreshed SCI (as attached) is recommended to be adopted. If Cabinet decide not to revise and adopt the SCI, it must, by virtue of subsection (6B) referred above, publish its reasons for considering no revision is necessary.
- 5.2 As described above, there is a legal requirement to review the SCI every five years. Officers have undertaken that review, prior to the expiration of the five year period (19 June 2018), and are recommending that a revised SCI be prepared and adopted. The reasoning why a revised SCI is necessary is because:
- (a) numerous legislative changes since the last SCI was adopted on 20 June 2013 means the present SCI is somewhat out of date;
 - (b) upcoming legislative requirement, from 31 July 2018, require an SCI to include neighbourhood planning advice. Whilst the present 2013 SCI includes some advice on neighbourhood planning, it again is dated and in need of a refresh.

- 2.4 The review of the current SCI has also provided a timely opportunity to reconsider the consultation commitments included within the 2013 version. It is important to remember that once adopted, the local planning authority must follow what it says in the SCI. If it did not do so (whether that be for plan making, determining planning applications or neighbourhood planning matters), it would be open to legal challenge. It is essential, therefore, that we get it right, neither committing ourselves to doing too much (and not being able to meet such commitments) or too little (and not meet Member / public expectations of involvement).
- 2.5 Subject to any views of Planning Committee, if Cabinet are supportive of the attached SCI, then it is free to adopt it and it will come into force with immediate effect (subject to any call-in). There are no further regulatory stages (such as public consultation or independent examination) required.

6 Effect on corporate objectives

- 6.1 Community participation in the functions of the Council is an important corporate objective. The SCI assists in helping communities understand the planning system and how to get involved.

7 Community impact

- 7.1 The purpose of the SCI is to set out how Fenland Council will involve the community in planning for the future of the district, and how neighbourhood planning will be supported. Overall, the publication of this refreshed document has a positive community impact, as it helps communities shape the environment in which they live.

8 Conclusions

- 8.1 Following a review, and a subsequent refresh to reflect recent legislative changes, the document, as attached, will be recommended to Cabinet for adoption. However, Planning Committee's views are sought first, so as to inform Cabinet's decision. On adoption, the 2013 version of the SCI will be deleted.

Statement of Community Involvement (SCI)

A guide as to how we will:

- *consult you on Planning Applications;*
- *consult you on emerging Planning Policy; and*
- *assist you with Neighbourhood Planning*

July 2018

This document was adopted on 19 July 2018

DRAFT VERSION

This document is a draft version of the SCI, for consideration by Planning Committee (20 June 2018) and Cabinet (19 July 2018).



Contents

Part 1: Introduction.....	1
Part 2: Consultation Commitments on Planning Applications.....	2
Part 3: Consultation Commitments on Planning Policy.....	6
Part 4: Neighbourhood Planning.....	10

Part 1: Introduction

Introduction

This Statement of Community Involvement (SCI) sets out how Fenland District Council ('the Council') will involve and consult with the public and wider stakeholders when planning for the future of the district. Whilst government sets out minimum requirements for public consultation on planning matters, this SCI sets out the Council's additional local commitments to consultation.

This SCI covers:

- Consultation arrangement in respect of Planning Applications;
- Consultation arrangements in respect of planning policy matters (such as a new Local Plan); and
- Arrangements for community involvement in, and the requirements of, the Neighbourhood Planning process, including how the Council will assist in the preparation of neighbourhood planning matters.

The commitments set out in this document are binding on the Council, unless national legislation states otherwise.

What is planning?

Most new buildings, certain changes to existing buildings (including their use) or significant changes to the local environment need consent – known as planning permission.

Fenland District Council, as your local planning authority, is responsible for deciding whether a development - anything from an extension on a house to a new shopping centre – should go ahead. In determining planning applications, regard must be had to the planning policies which have been adopted for the area (for example, a Local Plan, a Neighbourhood Plan or a Supplementary Planning Document).

How to get involved

There are a number of ways that you can get involved in the planning decisions affecting you and your community. The main ways that you can get involved are:

- Having your say during public consultation periods for planning policy documents (such as a Local Plan);
- Having your say on planning applications affecting your community;
- Reporting planning control breaches (such as a neighbour building a large extension to their home without planning consent);
- Commenting on appeals relating to applications that have been refused by the Council; and
- Preparing your own plans and policies for your local area under the Neighbourhood Planning rules.

Please note that this SCI was written based on the Council's understanding of national legislation that existed as at July 2018. Should national legislation change, there may be elements in this SCI which no longer apply. The Council will endeavour to update this SCI as soon as possible after significant national legislation change.

Part 2: Consultation Commitments on Planning Applications

Step 1: The Pre-Application Stage

What needs planning permission?

Most kinds of development require planning permission; however, there are a number of circumstances where certain types of development are automatically permitted. The Town and Country Planning (General Permitted Development) Order 2015 (as amended) contains a number of 'blanket permissions' for a variety of different works.

If your proposed development falls within what is termed 'permitted development' you will not need to apply for formal planning permission to carry out the works. Permitted development rights are often subject to compliance with standard conditions. It is the owner/developer's responsibility to check and comply with these conditions.

Some developments are subject to a system of 'prior approval' of details. Prior approval means that the proposed development is 'in principle' permitted development. The Council can consider whether prior approval of certain details is required in advance of a formal decision being issued. Following an application, if no information is requested by the Council within fixed timescales, the application is approved. For certain types of prior approval, the Council will notify occupiers of neighbouring properties and allow them to submit comments.

The Council's pre-application advice service

Pre-application is the phase before a developer formally submits a planning application. Discussions with the Council at this stage are recommended as they can ensure that future development enhances the built and natural environment whilst potentially speeding up the formal planning application process. Further information relating to the pre-application stage is available on the Council's website: <http://www.fenland.gov.uk/planningpreapplication>.

Developer pre-application consultation with the community

Section 122 of the Localism Act 2011¹ introduced a duty for developers to consult local communities before submitting planning applications for certain developments. This duty came into force on 17th December 2013². However, it is the Council's understanding that only certain wind turbine developments are, as yet, classed by government as falling under this duty. Government retains the ability to introduce other types of development to fall under the duty, should it decide to do so in the future.

However, even if not compulsory for all other types of development, pre application consultation will enable communities to raise issues with and make suggestions to the developer. This might reduce local opposition, increase the chances of a timely and positive decision from the planning authority and improve the resulting quality of development.

¹ <http://www.legislation.gov.uk/ukpga/2011/20/section/122/enacted>

² <http://www.legislation.gov.uk/ukxi/2013/2931/made>

Step 2: Planning Application Process

Community consultation on planning applications

The Planning and Compulsory Purchase Act 2004 requires that at any time before a decision is made on a planning application, stakeholders and the local community should have the opportunity to comment on any aspect of the proposal. The level and extent of consultation will vary depending on the size, scale, location and nature of the proposed development.

Consultation on planning applications will take place with both statutory and non-statutory consultees. Who is consulted on each individual application will depend on the nature of the proposal and its location. All consultees have 21 days from the issue of the consultation notice to make comments on the application (extended as appropriate where the period extends over public or bank holidays). However, some bodies such as Natural England will be allowed a longer period of time to comment where this is prescribed by legislation. The minimum statutory requirements are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

How the Council consults on planning applications is set out below:

Development type/size	Fenland District Council consultation commitments
<ul style="list-style-type: none"> • Major developments (residential sites of either 10 dwellings or more, or 0.5 hectares or more, or commercial developments of 1000 sq. meters or more in floor space or one hectare or more); • Applications subject to Environmental Impact Assessment (EIA); • Work affecting listed buildings or conservation areas; • Applications affecting public rights of way, bridleways or byways. 	<p>Newspaper notice, site notice and neighbour letters</p>
<ul style="list-style-type: none"> • All other developments 	<p>Neighbour letters and sometimes site notice where neighbours cannot all be identified</p>

Planning applications can be viewed online using the Council’s Public Access system, available on our website. Using the system, it is possible to search for, view and comment on planning applications. It is also possible to track the progress of an application using the system.

Once a valid application has been received, we aim to provide a decision within 13 weeks if it is a major planning application or within 8 weeks if it is an application for minor or other development. Applications for development subject to an Environmental Impact Assessment have a longer time within which we aim to provide a decision at 16 weeks. We will determine planning applications as soon as is possible after the 21 day consultation period has ended.

All comments on planning applications must be submitted in writing (letters, faxes and emails) to the Council within the specified 21 day consultation period. All such communications received are placed on the planning file which is available for public inspection. They cannot be treated as confidential.

Consultation on amended planning applications

Sometimes the applicant will make a change to the development proposal to overcome particular issues. We will consult on these changes as set out below:

Level of change	Re-consultation
Where the change is insignificant and would not impact on neighbours	No re-consultation will be undertaken
Where the change significantly alters the appearance or layout of the proposal and would be of interest to neighbours/ community groups	Notification letter sent giving a minimum 14 days for comment. A revised site notice and press article will be displayed for significant alterations, or for major/ EIA/ conservation area/ listed building/ right of way applications.

Occasionally developers may wish to make amendments to a development that has already been granted planning permission. Where the proposed change is minor and classed as a 'non-material amendment', no consultation will be undertaken. Where the amendments are more significant and are classed as a 'material amendment', re-consultation will take place, as set out under consultation commitments above. Applications to delete or vary a condition attached to the permission will also be re-consulted on as set out under the consultation commitments.

Who makes the decision on planning applications?

The Council receives approximately 1,200 planning and related applications a year. The decision on the majority of these applications is delegated to Officers in accordance with the details set out in the District Council's Scheme of Delegation and its Standing Orders. Generally speaking, the more minor a proposal, the more likely it is delegated to Officers to approve or refuse the application.

The Planning Committee is, at the time of adopting this SCI, is constituted at 15 councillors. The councillors have the task of considering planning applications against wider public interests and must make their decision purely on planning grounds. Generally speaking, the Committee determines applications for large developments or developments that do not accord with the Local Plan. There are opportunities for objectors, applicants and others to speak at the Committee meeting before a decision is made.

The planning officer's report, setting out all the planning issues and representations made, is made available a week before the Committee meeting and in the vast majority of cases will make a recommendation to Planning Committee stating whether or not an application should be approved, having been considered against the Local Plan and any material considerations.

Reporting on decisions

The results of consultation on planning applications will be taken into account during the decision making process. Progress of planning applications, and the decisions made, can be tracked on the 'Public Access' system on the planning pages on the Council's website.

Step 3: Appeals

Planning appeals

If the person who applied for planning permission does not like the decision that the Council has made on their application (e.g. planning permission refused, or onerous condition applied to a planning permission), they may lodge an appeal with the Planning Inspectorate. No one else has the right to appeal the decision (for example, you cannot appeal a decision if your neighbour gets approval for an extension you objected to).

When a decision has been appealed against, the Council informs all parties who objected during the application stage that an appeal has been lodged. All copies of letters and comments received during the original application stage are forwarded to the Planning Inspectorate.

If an application is then approved by the Planning Inspectorate, the only recourse available to third parties would be to apply for judicial review of the decision. This is an extremely rare event.

Step 4: Enforcement

Community involvement in planning enforcement

Planning Enforcement (also known as Planning Compliance) describes the processes involved in ensuring that people comply with planning law and the requirements of a planning permission. The process involves little public consultation, as many investigations are confidential. The majority of cases come about from referral by members of the public, councillors or planning officers. Whilst there is no public consultation on a compliance case, the Council will ensure that the complainant is informed of the outcome of our investigations.

A complaint can be made in respect of a development or advertisement that is occurring without planning permission; without complying with conditions that have been attached to a permission; or that is not in accordance with an approved plan. There is an electronic form on the district council's website for reporting what you think is a planning breach, alternatively please call the Planning and Compliance Team on 01354 654321.

If, following investigation, it is necessary to serve a formal notice (e.g. Stop Notice, Enforcement Notice or Breach of Condition Notice) it will be placed on the enforcement register of notices. This register can be viewed on request.

Part 3: Consultation Commitments on Planning Policy

Introduction to Planning Policy

The National Planning Policy Framework (NPPF) explains that the Local Plan (sometimes referred to as a 'Development Plan Document' or, in the future, it may be referred to as a 'Strategic Plan') is a plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the local community.

The primary purpose of a Local Plan is to:

- set the vision for how the local area will grow and change;
- set policies for use by developers when preparing their proposals; and
- be the key reference tool by decision makers when determining applications for planning permission.

The Local Plan deals with planning issues across the whole Council area, and makes the big decisions on the location of housing, employment and roads, for example.

At the time of writing, Fenland's latest adopted Local Plan is dated May 2014.

Should any joint plan be undertaken which covers the Fenland District Council area, then the provisions of this Statement of Community Involvement will equally apply to a joint plan as to the district wide Local Plan.

There are other planning policy related documents which the Council produces (or local communities, in the case of Neighbourhood Plans), with the main ones as explained below:

- The **Local Development Scheme (LDS)**, will, when a new Local Plan is to be produced, set out the timetable for its production.
- **Policies Map:** This is a map on an Ordnance Survey base for the whole of a local planning authority's area which shows where policies in the Local Plan and any Neighbourhood Plans apply. The Policies Map includes inset maps for particular areas to show information at a larger scale. The Policies Map is updated each time that a Local Plan (including a Minerals and Waste Plan produced by Cambridgeshire County Council) or Neighbourhood Plan is adopted.
- **Supplementary Planning Documents (SPDs):** These can cover a wide range of issues on which the planning authority wishes to provide guidance to supplement the policies and proposals in its Local Plan. They do not form part of the statutory development plan and are not subject to independent examination. The district council can decide to produce an SPD on any appropriate subject whenever the need arises.
- **Neighbourhood Plans:** Parish and Town Councils can now prepare Neighbourhood Plans (NPs), putting in place policies to guide the future development of the area. Any NP must be in general conformity with 'strategic policies' in the Local Plan and with national policy. It is up to local Parish and Town Councils to decide if it wants to produce a Neighbourhood Plan. Any NP, if adopted, has the same status as a Local Plan.
- **Statement of Community Involvement (SCI)**, i.e. this document.
- **Authority's Monitoring Report (AMR):** This is a report which must be produced by the local planning authority (on an annual basis) to explain how the LDS is being implemented and the extent to which policies in the Local Plan are being achieved.

Who will we consult on an emerging Local Plan?

When producing a Local Plan there are a number of groups that the Council must consult with. These are identified as ‘specific consultation bodies’ and include:

- Parish Councils;
- Neighbouring authorities; and
- Relevant government agencies.

In addition, there are also a number of ‘general consultation bodies’ who the Council may consult with if it is considered relevant to the document that is being prepared. These include:

- Voluntary bodies, some or all of whose activities benefit any part of the district council’s area;
- Voluntary bodies which represent the interests of :
 - Different racial, ethnic or national groups in the district council’s area
 - Different religious groups in the district council’s area
 - Disabled people in the district council’s area
 - People carrying on business in the district council’s area

There are also people and organisations that the Council considers it important to consult with, for example, residents, land owners, businesses, planning consultants, solicitors etc. Where requests have been made we will also consult directly with these people and organisations.

Although those identified above will be specifically contacted during the preparation of Local Plan documents, any individual, business, organisation or group is welcome to submit comments during consultation periods.

When we will consult

There are a number of stages in the plan preparation process where it is possible for the public, businesses and the consultation bodies identified above to become involved and make comments. The main stages of preparation and consultation are set out below.

<p>Public participation (Regulation 18)</p>	<p>During the first stage of public involvement the Council will, as a minimum, contact the ‘specific’ and ‘general’ consultation bodies as appropriate to inform them of the commencement of the plan preparation process, and invite representations on the scope and content of the plan. There will be a minimum period of 6 weeks for comments to be made. Following this first stage of consultation, the Council may undertake one or more further 6 week consultations on either more detailed options for the content of the plan or on a revised draft of the Plan. This will inform later stages of the plan preparation.</p>
<p>Pre-submission publication (Regulation 19)</p>	<p>Following the consideration of all comments received at the above stage, a draft plan will be produced, known as the pre-submission or proposed-submission document. On publication of this document, all of the specific and general consultation bodies and any members of the public, businesses, land owners etc who made comments at the previous stage of consultation will (unless we are advised otherwise, and subject to any legal requirements arising from the General Data Protection Regulations) be notified that the pre-submission documents are available for inspection. A statement of representation procedure will be available alongside the notification of pre-submission documents. In addition, any individual, business or organisation can submit comments during the consultation period, even if they did not make comments at the</p>

	earlier stage. All comments must be received within the stated consultation period, which will be a minimum of 6 weeks.
Submission (Regulation 22)	The Council submits the Local Plan to the Secretary of State together with the representations received at the Regulation 19 stage. This is not a stage for further public comments to be made.
Independent Examination Hearing	The submitted document, and the representations received, will be considered by a Planning Inspector at an independent examination. Those individuals and organisations who have made representations may be invited by the inspector to submit a written statement during the examination. Individuals and organisations who made an objection to the document and have requested to speak at the examination will be contacted by the Inspector to be informed of the procedure for being heard.
Inspector's Report	The Council will notify all those who have requested to be notified, as soon as reasonably practicable following the receipt of the Inspector's Report. The report will also be made available on the Council's website.
Adoption of the DPD (Local Plan)	<p>Assuming that the Inspector concludes that the document is sound, either with or without modifications, the Council will consider whether to adopt the Local Plan. On adoption, the Council will prepare a statement setting out the date of adoption, the modifications (if any) and where and when the adopted documents can be inspected. The opportunity to apply for judicial review will also be explained.</p> <p>The adoption documents will be made available on the Council's website, and also at the locations where the submission documents were made available. The adoption statement will also be sent to any person who has requested to be notified, and (unless we are advised otherwise, and subject to any legal requirements arising from the General Data Protection Regulations) to all those who made representations on the Regulation 19 document.</p>

How we will consult

At the commencement of consultation periods, the identified specific and general consultation bodies that we have to consult with, as well as any individuals, organisations or bodies who have requested to be notified or whom we think might be interested (subject to any legal requirements arising from the General Data Protection Regulations), will be contacted directly either in writing or via email.

All consultation and submission documents will be made available on our website (www.fenland.gov.uk) and paper or electronic copies will be available to view at the main Council office. If appropriate, additional paper copies of some of the documents may be made available to view at other locations. In addition to this, we may, if appropriate and cost effective, use other methods of consultation such as press releases, community events and meetings.

During all consultations it will be possible to make comments in writing, or electronically via email or, if available, an online consultation portal. Verbal comments will not be recorded.

Consultation Arrangement for Supplementary Planning Documents

Supplementary Planning Documents (SPDs) can be produced to supplement and add further detail to policies within the Local Plan. They may provide further guidance for development on specific sites or issues such as design.

When preparing an SPD, any individual, business or organisation can take part in the public consultation stage(s). If the Council believes that there are specific individuals, businesses or organisations that will have a particular interest in an SPD, they will be invited to make comments (subject to any legal requirements arising from the General Data Protection Regulations).

We will invite comments on the draft version of any SPD that is produced. The consultation period will be a minimum of 4 weeks.

At the commencement of the consultation period, the draft SPD will be made available on the Council's website and at the Council main office. If appropriate, additional paper copies of documents may be made available to view at other locations.

During all consultations it will be possible to make comments in writing, or electronically via email.

Following its adoption, the SPD will be made available on our website and at the Council main office.

Part 4: Neighbourhood Planning

Introduction

Neighbourhood Planning was introduced through the Localism Act in 2011. It enables parish councils and (for those locations where a parish council does not exist) communities to develop a planning strategy for their local area to be used in making decisions on relevant planning applications.

By virtue of Section 18 of the Planning and Compulsory Purchase Act 2004, subsection 2(B), this SCI must set out the Council's policies for giving advice or assistance on Neighbourhood Planning. For the purpose of this SCI, reference is made to a 'neighbourhood plan', though if a parish or town council is interested in preparing a considerably rarer 'neighbourhood development order' then the provisions set out in this SCI for neighbourhood plans equally apply.

A neighbourhood plan can include policies on the development and use of land, however they cannot be used to propose a lower level of housing growth than that proposed within local authority planning policies.

Importantly neighbourhood plans are required to meet a number of 'basic conditions', which are that the plan must:

- Have appropriate regard to national policy and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies contained in the development plan for the area; and
- Not breach, and be otherwise compatible with, EU and Human Rights obligations.

This Part 4 of the SCI has been produced to set out the key stages in undertaking a neighbourhood plan and to clarify what can be expected from the Council at each stage. More detailed independent advice on neighbourhood planning is available via the internet, such as <https://neighbourhoodplanning.org/>.

Formal stages of neighbourhood planning

When preparing a neighbourhood plan there are a number of formal stages that are required by legislation to be undertaken. These stages are set out below and indicate what you should do and what you can expect from the Council at each stage.

Stage 1: Neighbourhood Area Designation

In order to produce a neighbourhood plan, the applicable area must be formally designated as a 'Neighbourhood Area'. A Neighbourhood Area is the geographic area that your plan will cover.

A Neighbourhood Area normally matches the boundary of the applicable parish area. However, it could be just part of a parish area or it could cover more than one parish area, but, if it does so, it should be supported by all parish councils. If more than one parish council is proposing a joint plan we would suggest making a joint application with one parish taking the lead as the 'qualifying body'.

An application for designation as a Neighbourhood Area will need to confirm that the organisation making the application is the parish or town council, stating why the proposed area is appropriate, and must be accompanied by a map clearly showing the area being applied for (FDC can provide a PDF map if needed). An application form is available on the website <http://www.fenland.gov.uk/neighbourhood-planning>.

When submitted, the Council will validate the application by checking that all of the necessary information is provided. If the application is not valid you will be contacted by a planning officer to discuss the reasons and offer advice on the next steps.

Once validated, if the application is made by a Town or Parish Council for the whole of their area, no consultation is required and the Council must designate the area.

If the application is not for the whole of a Town or Parish Council's area, or is for more than one parish area, the Council will publicise notice of the application, and consult on the application for a period of 6 weeks.

Representations will be considered by the Council and a decision will be made on whether to approve the Neighbourhood Area.

With all applications, the Council will also decide whether to also designate the area as a Business Area: this will only be the case where the area is wholly or predominantly business in nature.

What you can expect from the District Council in Stage 1

We will aim to validate your application or notify you of any problems within 10 working days.

Where an application is by a Town or Parish Council for the whole of their area the Council must designate the area. The Council will aim to do this within 5 working days of the application being validated.

If consultation is required, we will publish your application on the District Council's website and advertise as necessary in at least one of the following (provided one of these exist): local library; community centre; parish/town council building and/or local notice board, for the consultation period with details of how long the consultation will run and how to make representations.

We will make a decision, in accordance with the Council's constitution, on whether the area should be designated:-

- Where an area falls within the areas of two or more local planning authorities – 20 weeks from first being publicised;
- For all other areas – 13 weeks from first being publicised.

If these timescales are missed, the default decision is that the area applied for is designated.

We will publicise the decision on whether or not to designate the neighbourhood area on our website.

Stage 2: Produce your neighbourhood plan

There is no 'one size fits all' approach to producing a neighbourhood plan. Each plan will be produced according to the intended content and the nature of the area. It is important to be realistic about the amount of resources and time you can put into the plan.

Effective consultation and engagement is particularly important as it is the community who will ultimately vote on whether the plan should be adopted by Fenland District Council (see Stage 6).

The Council sets out below how it will assist at this stage, as a minimum.

This list is not exhaustive, however assistance will be limited to resources available at a given time, and so it is recommended that you should develop a clear project plan to plan for when you anticipate needing assistance from the Council. It is important to note that the District Council's duty to support does not extend to financial assistance i.e the Council does not have any funds available to pass to the Parish Council in order for the Parish Council to do any of the work.

When you are reasonably certain about the policies your plan will contain, the District Council will help you screen your plan for any environmental impacts. If your plan changes significantly between the screening and the formal submission, it may need to be screened again.

What you can expect from the District Council in Stage 2

Advice on matters relating to the neighbourhood plan will be given upon request, but may be capped at four officer working days in total for this stage (unless we agree to extend the number of days). Such advice may include:

- an initial meeting (requests for meetings may be limited to one)
- Advising on potential topics for your plan
- Making data available or advising where to find useful data to provide evidence for your plan;
- Providing advice on the legal requirements for your plan;
- Assisting with preparing any necessary environmental reports;
- Advising on organisations that may be able to help with the production of your plan;
- Advising on ways to engage your community;
- Reviewing a draft of your plan and feeding back comments; and
- Providing up to 5 copies of Ordnance Survey base maps of the neighbourhood area, and printing of up to 20 copies of a draft Neighbourhood Plan

Timescales for a response to any request will vary depending on the nature of the request, but every effort will be made to respond at the earliest opportunity.

We will aim to provide an informal view of whether the plan is likely to meet the basic conditions within 20 working days of receiving a request. This will require a mature draft of the plan being provided prior to the pre-submission consultation.

Stage 3: Pre-submission Consultation

Regulations require that your proposed plan undergoes a 6 week consultation prior to submitting it (see Stage 4) to the District Council. This requirement, which is the Parish or Town Council's responsibility to undertake, includes:

- Publicising the plan so that it is brought to the attention of people who live, work, or own a business in the neighbourhood area;
- Notifying a number of bodies such as the Highways Agency, Natural England, English Heritage and the Environment Agency;
- Notifying service providers that operate in the area such as utility providers, a Primary Care Trust, and Network Rail;
- Notifying local organisations that represent racial, religious, national, business, and disability groups;
- Notifying voluntary bodies that operate in your neighbourhood area;
- Notifying parish councils within the neighbourhood area; and
- Sending your plan to the District Council.

Prior to publicising your plan, it is recommended that you contact the Council who will advise on who (subject to any legal requirements arising from the General Data Protection Regulations) you should be notifying and can advise on how to publicise your plan in your neighbourhood area.

You will need to plan the consultation and make sure that your plan can be viewed by the community and other organisations, both in electronic format and in hard copy. You will also need to consider how you will bring the proposed plan to the attention of the community using means such as mail drops, posters, press adverts, etc.

Once the 6 week consultation period is complete you will need to review the comments and collate them into a consultation statement, including a response to the key issues being raised. This will demonstrate what changes, if any, will be made to the plan. You will then need to amend the plan to be ready to submit to the Council. If significant changes are made, it is recommended that you repeat this Stage 3 six week consultation.

What you can expect from the District Council in Stage 3

Assist with identifying the organisations that should be contacted as part of the pre-submission consultation and advise on how to publicise the proposed plan to the community. This will be provided within 10 working days of a request in the run up to the consultation.

If asked by you to do so, publish a notice of your plan on the District Council's website and place copies of the proposed plan at the Council office and other relevant locations such as libraries for the public to view for the consultation period.

Provide a response to the proposed neighbourhood plan, including a view on whether it is considered to meet the basic conditions.

Stage 4: Submission and publication of the plan

When you have taken account of the comments made to the pre-submission consultation (and made any amendments to your plan as you think necessary) you will need to formally submit your plan to the Council. At this point you cannot make any further changes to the plan and you hand over control of the plan to the Council.

Your plan must be accompanied by a number of other documents, specifically:

- A map or statement clearly identifying the area to which the plan relates;
- A consultation statement which clearly documents the pre-submission consultation, including who was consulted on the plan and how they were consulted, a summary of the main issues raised, and information on how the representations have informed the content of the plan. The consultation statement may also demonstrate what previous consultation has been undertaken throughout the production of the plan.
- A basic conditions statement to demonstrate how the plan meets the basic conditions and how the plan has been produced in line with legislative requirements.
- An environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004; or where it is considered that the plan proposal will not have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for determination.

When your plan is submitted, the Strategic Planning Team will check your submission to ensure that it contains all of the necessary information to be published and will notify you of whether or not it is valid.

If the submission is valid, your plan and the accompanying documents will be published as soon as possible for 6 weeks (i.e this is a second 6 week consultation, in addition to the 6 week consultation at Stage 3) on the Council's website and in hard copy at an appropriate Council location. The Council will also publicise the consultation as necessary, including information about where to view the plan, how to make comments on it and when comments must be received by.

Following the consultation, the Council will gather the representations made on the plan and send them, along with the neighbourhood plan and accompanying documents, for examination.

What you can expect from the District Council in Stage 4

We will help you, capped at four officer working days in total (unless we agree to extend the number of days), to consider any representations received at Stage 3, and help you determine what appropriate action should be undertaken with them (eg amend policy wording) prior to you submitting the plan.

Once submitted, we will aim to confirm whether your submitted plan is valid within 10 working days of submission.

If valid, we will arrange for publication of the plan on the District Council's website, have hard copies placed at an appropriate District and Parish Council location, publicise the consultation as necessary and notify the consultation bodies as required, including those who submitted comments at pre-submission stage (subject to any legal requirements arising from the General Data Protection Regulations).

We will provide a formal response to the submitted plan, including a view on whether it is considered to meet the basic conditions.

We will cover all costs associated with meeting minimum requirements for the publication of the plan. We will consider helping with any additional costs, such as printing posters or leaflets, if the parish or town council asks us to.

Stage 5: Independent examination

During the publication stage the Council will commence appointment of a suitably qualified individual to undertake the independent examination. This appointment will be made in conjunction with the Parish Council submitting the plan.

After the publication, the neighbourhood plan, accompanying documents and representations made on the published plan will be sent to the examiner. Examinations are normally conducted by written representations, but the examiner may decide to hold a public hearing to discuss any points as needed. The examiner will only consider whether the plan meets the basic conditions.

Following the examination, the examiner will provide a report that sets out a recommendation on the plan. The possible recommendations are:

- The plan meets the basic conditions and should proceed to referendum;
- Modifications are needed for the plan to meet the basic conditions before the plan should proceed to referendum; or
- The plan does not meet the basic conditions and no modifications can be made so that it will – as such it should not proceed.

The examiner can also make recommendations as to any changes to the referendum area, though this will be an unusual recommendation.

The Council will make a decision on the plan based on the examiner's report and publish the Council's decision statement and the examiner's report.

What you can expect from the District Council in Stage 5

We will appoint the examiner in consultation with the Parish Council.

We will manage and fund the process of the examination and act as key contact for the examiner.

We will publish the examiner's report and the Council's decision on whether the plan will proceed to referendum.

We will print and pay for up to 20 copies of the final Plan, in colour, including maps.

Stage 6: Referendum and Adoption

Upon receiving the examiner's report approving the plan to proceed to referendum and the Council's formal decision to proceed (only in exceptional circumstances would the Council not agree to proceed), the Council will arrange for a referendum to take place in the neighbourhood area.

The referendum will allow for the residents of the neighbourhood area to decide on whether or not the plan should be used in making planning decisions in the neighbourhood area, with a simple 'yes' or 'no' vote. The Council will arrange and pay for the referendum to be held.

If the plan gains more than 50% of votes for 'yes' then the Council will adopt the plan at the earliest possible opportunity, making the neighbourhood plan part of the development plan for the area. It will then be used in conjunction with the Local Plan (and any other material considerations) in making decisions on planning applications.

What you can expect from the District Council in Stage 6

We will arrange and pay for the referendum.

We will publish the results of the referendum.

We will adopt the plan at the next suitable Full Council meeting

We will use the plan in making decisions on relevant planning applications in the neighbourhood area.