

COUNCIL OF THE ISLES OF SCILLY
STATEMENT OF COMMUNITY INVOLVEMENT
A VISION FOR
ENGAGING THE ISLANDS COMMUNITIES IN THE PLANNING PROCESS



April 2010

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I. INTRODUCTION

The Council of the Isles of Scilly aims to provide a first class service for all who live and visit the Isles of Scilly. Our vision is to improve the quality of life for everyone who live or visit the islands. Effective engagement and participation with the islands communities and stakeholders is central to achieving this vision.

The Planning and Compulsory Purchase Act, which came into force in September 2004, introduced fundamental changes to the planning system. This Act introduced a new statutory development plan system comprising a Local Development Framework (LDF) and the Regional Spatial Strategy for the South West. The LDF will be prepared by the Council in accordance with the published Local Development Scheme, which can be viewed on the Councils website: www.scilly.gov.uk The LDF will consist of various local development documents rather than a single plan to make it easier to keep policies and proposals up to date. The Act and its related documents can be viewed on the HMSO website: www.hmso.gov.uk.

What is a Statement of Community Involvement?

The Planning and Compulsory Purchase Act 2004 requires the local planning authority to prepare a 'Statement of Community Involvement' (SCI) as a means of strengthening community involvement in the planning system. The purpose of the Statement of Community Involvement is to encourage and provide for active, meaningful and continued involvement in the planning process for everyone with an interest in the future of the islands. The Statement of Community Involvement sets out how the islands communities and stakeholders will be engaged in the preparation and revision of local development documents and consideration of planning applications.

This Statement of Community Involvement updates and supersedes the first SCI was adopted in January 2006 in recognition that such documents should be regularly reviewed and due to changes in the regulations as set out in the Planning Act 2008. In accordance with the regulations this document has been subject to a 6 week consultation period from February through to April 2010.

Effective and meaningful involvement will help and improve the communities understanding and contribution to the planning system. Genuinely involving the communities on the Isles of Scilly and those stakeholders with a particular interest in the islands will enable the council to benefit from local and specialist knowledge and experience. It will also engender a sense of commitment and ownership that should result in better planning decisions and outcomes.

Community involvement is vital to the achievement of sustainable development and ensuring that planning decisions improve the quality of life for everyone both now and in the future. For community involvement to be successful, an inclusive, fair and transparent approach is required that recognises the various needs of different sectors of the community particularly as some groups are better equipped to participate and influence decisions than others.

The modest size of the islands and its population coupled with its close-knit communities, means that it is relatively manageable to effectively engage its residents. Furthermore, the electorate (of around 1,600 people) have unparalleled access to the 21 Members of the Council and together with the exceptionally high turn out in the local elections, means that democracy is very much alive and vibrant on the islands. However, for many people, planning is something that they only get involved in when faced with development that directly affects them. To counter this situation, the Council will therefore use a range of consultation techniques appropriate to the unique circumstances of the islands to ensure that its communities and stakeholders make a positive contribution to the planning process and improve the delivery of its service. The Councils vision for community involvement is set out at Appendix I.

In essence, the Statement of Community Involvement illustrates how and when the community and any one with an interest in the islands can get involved in the planning system and what to expect from the Council in return. As such, this document set out the following:

1. How the Council will involve you in preparing and shaping the different parts of the new emerging Local Development Framework, as explained in detail in Section 2 of this document.
2. How to get involved in planning applications both before and during submission, as explained in detail in Section 3 of this document.

The Isles of Scilly Local Development Framework

Following its adoption in November 2005, most of the policies contained in the Local Plan – A 2020 Vision have been saved beyond the 3 year period since it was adopted by the Government through the powers of the Secretary of State. The Local Plan remains an up to date and relevant document and reflects the principles of the local development framework and current priorities on the islands. In this respect, it is considered that the Local Plan provides a clear spatial planning strategy for the islands in a concise and precise manner, reflecting its relatively small population and geographic area. The Local Plan has regard to the Sustainable Community Strategy for the islands and is in general conformity with the draft Regional Spatial Strategy for the South West. Nonetheless, the Local Plan, together with related supplementary planning guidance, has and will continue to be gradually replaced by the Local Development Framework.

The Local Development Framework is made up of several Local Development Documents. These documents, together with the Local Plan until it is replaced, set out the planning framework and policies for the Isles of Scilly. Local Development Documents comprise the following:

Development Plan Documents (DPDs);

Supplementary Planning Documents (SPDs); and

The Statement of Community Involvement (SCI).

Development Plan Documents will comprise a Core Strategy and, if considered appropriate, Area Action Plans relating to those parts of the islands subject to significant change or conservation. Development Plan Documents will be subject to independent examination and will have statutory development plan status in the determination of planning applications.

The first Development Plan Document to be prepared for the Isles of Scilly will be the Core Strategy with a view to adoption at the end of 2011. Work on the Core Strategy commenced in the winter of 2009/10 with the preparation of the Sustainability Appraisal Scoping Report. . At this stage, it is not anticipated that any other Development Plan Documents will be prepared for the next 3 years given the small geographic area of the islands and the likely scale of development proposed, although this will be dependant on the contents of the Core Strategy. Further information on the programme for preparing the Core Strategy is set out in the Local Development Scheme (see section below).

Supplementary Planning Documents will provide more detailed guidance on the implementation of policies that are either already adopted in the Local Plan whilst it remains in force and later, once adopted, in the Core Strategy or any other Development Plan Documents that may be prepared. Supplementary Planning Documents will not have development plan status, or be subject to examination, but will be a material consideration in making planning decisions.

As part of the process of producing the Local Development Framework, Development Plan and Supplementary Planning Documents will be subject to a Sustainability Appraisal. Such an appraisal will assess the social, environmental and economic effects of policies and incorporate the legal requirements of the Strategic Environmental Assessment Directive (SEA).

The Programme for Preparing the LDF

The programme for the preparation of the Local Development Framework for the Isles of Scilly over the next three years is set out in the Local Development Scheme (LDS) approved in December 2009. The LDS specifically focuses on the preparation of the Core Strategy, which is anticipated to be the only Local Development Document to be prepared over the next 3 years. However, the LDS will be subject to change and annually reviewed to ensure a continued rolling programme and reflect any changes in circumstances or priorities on the islands.

Planning Policy Statement 12, Creating Strong Safe and Prosperous Communities through Local Spatial Planning (PPS12), specifies that a Core Strategy should include:

- (1) An overall vision which sets out how the area and the places within it should develop;
- (2) Strategic objectives for the area focussing on the key issues to be addressed;
- (3) A delivery strategy for achieving these objectives. This should set out how much development is intended to happen where,

- when, and by what means it will be delivered. Locations for strategic development should be indicated on a key diagram; and
- (4) Clear arrangements for managing and monitoring the delivery of the strategy.

In accordance with PPS12, the Core Strategy will set out the strategy for the spatial development for the Isles of Scilly for at least a 15 year period from the date of its adoption and include a vision, key objectives, quantified targets and details of provision with the allocation of strategic sites for development. To reflect the guidance set out in PPS12, the Core Strategy will be supported by evidence of what physical, social and green infrastructure is required to enable the amount and type of development proposed for the islands. The key issue for the Core Strategy will be to strike the right balance between protecting and enhancing the high quality environment, whilst ensuring the islands communities and economy are sustained through, for example, the provision of affordable housing, local employment opportunities and adequate social and physical infrastructure, including the management of its waste.

The Core Strategy will draw on and influence a range of strategies and investment programmes on the islands, including the Sustainable Community Strategy, the Strategic Investment Framework (as part of the EU Convergence programme), the Local Development Strategy for the Local Action Group (part of the Rural Development Programme for England) and Building Schools for the Future Pathfinder Scheme. To be “sound” PPS12 emphasises that the Core Strategy and any other Development Plan Documents should be JUSTIFIED and EFFECTIVE and consistent with NATIONAL POLICY. PPS12 also emphasises that an effective plan will be deliverable, flexible and able to be monitored.

2. COMMUNITY INVOLVEMENT IN THE ISLES OF SCILLY LOCAL DEVELOPMENT FRAMEWORK

Local Development Documents

Community engagement will take place at several key stages in the preparation of each Local Development Document such as the Core Strategy including any associated sustainability appraisal reports as indicated below:

Stage 1: Scoping Report for the Sustainability Appraisal

Section 19(5) of the Planning and Compulsory Purchase Act 2004 specifies that a “sustainability appraisal” should be prepared in conjunction with all local development documents, including the Core Strategy, to appraise its economic, social and environmental sustainability. To be effective, a Sustainability Appraisal must be fully integrated into the plan making process and incorporated at the outset of preparation. The first stage of the Sustainability Appraisal is the preparation of a scoping report.

Stage 2: Early Engagement in Preparing a Development Plan Document

Before the Council has even put pen to paper to start writing a local development document (LDD), there will be a period of early engagement to establish what the Development Plan Document should contain, including the key issues and options. During this period of continuous informal involvement, the Council will gather feedback from the community and other stakeholder groups using a variety of engagement techniques (these are discussed in more detail on pages 12 and 13 of this document).

Stage 3: Publication of a Pre-Submission Development Plan Document

Following the early engagement stage, a Pre-Submission Development Plan Document will be published for public consultation over a six-week period. At this stage, communities and stakeholders will be more formally involved using a range of engagement methods. The Council will analyse and carefully consider all the responses received from the community and stakeholders. Following an analysis and consideration of all representations received, the Council will prepare the Development Plan Document for sending to the Secretary of State, including any amendments required to the sustainability appraisal report.

Stage 4: The Submission of the Development Plan Document

The Development Plan Document, together with a sustainability appraisal report, will be published and submitted to the Secretary of State. Representations received at Stage 3 will also be sent to the Secretary of State, together with a summary of the main issues raised.

Stage 5: Examining the Development Plan Document

All Development Plan Documents will be submitted to the Secretary of State for independent examination. An Independent Inspector will consider all duly made objections to the draft Development Plan Document. Objections will be considered by an Inspector in the form of

submissions in writing, formal or informal hearings and roundtable discussions. Once the Inspector has considered all duly made representations received, a report will be prepared that identifies changes to be made to the Development Plan Document.

The purpose of the examination is to assess how 'sound' the Development Plan Document is. The Development Plan Document will be considered to be sound if its policies and proposals are able to stand the test of time, based on solid evidence and are realistic and able to be delivered. The examination will also check that proper procedures have been followed, that the views of the community and stakeholders have been adequately taken into account, that the document reflects national and regional planning policy, and that the document is consistent with other Development Plan Documents. All background material will also be examined.

Stage 5: Publishing the Inspector's Report

The Inspector who carried out the independent examination will produce an Inspector's Report. Any changes required by the report must be incorporated into the Development Plan as the recommendations of this report are binding on the Council.

Stage 6: Adoption

The final step in the adoption process will be for the Inspector's Report and any subsequent changes to the Development Plan Document to be presented to the Planning and Development Committee. Full Council will then approve the Development Plan Document for formal adoption.

Consultation Procedures for Preparing Development Plan Documents

Each of the Development Plan Documents and associated sustainability appraisal reports will pass through a rigorous and continuous consultation process. There will be some differences in the way the community is involved in the preparation of Development Plan Documents to reflect their varying nature and scope and therefore ensure that the appropriate engagement techniques are being used for each one. The timetable for preparing Development Plan Documents is set out in the Local Development Scheme (LDS), which can be viewed on our website www.scilly.gov.uk or within the Planning and Development Department. The diagram below summarises how and when we intend to involve the community and stakeholders at each stage of a development plan document.

Key Stages and Community Involvement in Preparing Local Development Plan Documents

Document Stage	Pre Production of Document (Evidence gathering including preparation of the Scoping Report for the Sustainability Appraisal)	Report to Local Development Sub Committee and Planning and Development Committee	Publication of a Pre-Submission Development Plan Document (6 Week Statutory Consultation)	Report to Local Development Sub Committee, Planning and Development Committee and Full Council	Submission of Development Plan Document to the Secretary of State	Examination in Public	Adoption
Objective	<p><i>Provide the community and stakeholders with balanced and objective information to assist them in understanding the LDF consultation process</i></p> <p><i>Work closely with the community and stakeholders to ensure that all the issues and options are consistently understood and considered</i></p> <p><i>Analyse feedback from the community and stakeholders to inform the preparation of the Development Plan Document</i></p>		<p><i>Incorporate feedback from early engagement and continue to involve the community and stakeholders in the preparation of the document</i></p>		<p><i>Incorporate feedback from statutory consultation period in the preparation of the Development Plan document submitted to the Secretary of State</i></p>	<p><i>Community and stakeholders have an opportunity to voice their objections to an independent Inspector</i></p>	<p><i>The Inspector will produce a report following the examination with any changes incorporated into the Development Plan Document</i></p> <p><i>Make available the adopted Development Plan Document</i></p>

<p>How We Will Inform People</p>	<p>Informing everyone through the Internet, posters, letters, the local media and the Councils newsletter</p> <p>Invite representations about what the Development Plan Document should contain</p> <p>Involve the community through, where appropriate, public exhibitions, displays and the use of questionnaires and offer advice and information as requested</p> <p>Meetings and workshops to discuss issues and options with partners and existing groups and forums</p> <p>Ensure wide spread availability of documents on the Councils web site and at various venues, including Council offices, the library and the community centres/reading rooms on the off islands</p>	<p>Publication of Proposed Development Plan and Sustainability Appraisal and ensure wide spread availability of documents at various venues and on the Councils web site</p> <p>Send documents to statutory consultees, groups and organisations</p> <p>Inform and notify the community and other organisations and interested parties through statutory notices and posters, letters, the media, the Councils newsletter and web site</p> <p>Involvement through, where appropriate, public exhibitions , displays and workshops offer advice and information as requested and arrange one to one meetings to discuss outstanding issues</p>	<p>Publication of Submission Document and Sustainability Appraisal Report together with the any other supporting documents and ensure wide spread availability of documents at various venues and on the Councils web site</p> <p>Send documents to statutory consultees, groups and organisations</p> <p>Inform and notify the community and other organisations and interested parties through, where appropriate, statutory notices and posters, letters, the media, the Councils newsletter and web site</p> <p>Offer advice and information as requested and arrange one to one meetings to discuss outstanding issues</p> <p>Publish a community involvement statement indicating the extent and methods of consultation and a summary of the main issues raised and how the revised document addresses those issues.</p>	<p>Inform and notify the community and other organisations and interested parties by publishing details of the time and place at which the Independent Examination is to be held and the name of the inspector via notices and posters, letters, the media, the Councils newsletter and web site</p> <p>Offer advice and information as requested and arrange one to one meetings to discuss outstanding issues</p>	<p>Inform and notify all interested parties and those who made comments of the adoption of a Development Plan document, including the publishing of a notice in the local newspaper</p> <p>Publish and make available copies of the adopted Development Plan Document and related reports at various venues, including Council offices, reading rooms on the off islands and on our website.</p>
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The methods of consultation as tabled above may vary depending on the type of Local Development Document that is being prepared and to reflect the specific circumstances or needs of those that need to be engaged in the process.

Supplementary Planning Documents

The consultation and community engagement procedures as part of the process for preparing Supplementary Planning Documents are set out below. The different stages involved in preparing Supplementary Planning Documents are less formal than those set out above for Development Plan Documents. However, community engagement and consultation will follow similar principles, with formal consultation carried out on draft documents for a period of six weeks.

	Pre Production of Document (Evidence gathering and early engagement)	Report to Planning and Development Committee	Consultation on Draft Document	Report to Planning and Development Committee	ADOPTION Ensure documents are widely available at appropriate public places and the Councils web site
	Preparation of SPD		Public Consultation		
Objective	<i>Involve the community and stakeholders to ensure that every ones views are consistently understood and considered</i>		<i>Obtain feedback from the community and stakeholders on draft document</i>		

<p>How we will Inform People</p>	<p>Involvement with the community and relevant stakeholders to discuss the issues to be addressed through, where appropriate, correspondence, one to one meetings and workshops</p>		<p>Publication of Draft Document and where appropriate a Sustainability Appraisal Report with wide spread availability of documents at various venues and on the Councils web site</p> <p>Send documents to statutory consultees, groups and organisations</p> <p>Inform and notify the community and other organisations and interested parties through statutory notices and posters, letters, the media, the Councils newsletter and web site.</p> <p>Involvement through, where appropriate, public exhibitions , displays and workshops offer advice and information as requested and arrange one to one meetings to discuss outstanding issues</p>		
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Who will be Consulted?

As well as engaging the local community, the Council are **required** to consult various organisations in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 and as specified in Annexe E of Planning Policy Statement 12 (PPS12 – Local Development Frameworks). A list of those organisations specified in the annexe and relevant to the Isles of Scilly is attached at Appendix 2 of this statement.

In order to involve any person or organisation interested in the planning of the islands, the Council intends not only to work with its existing partners and networks but also to develop new contacts wherever possible. The key partners and networks to involve communities and stakeholders in the preparation of our Local Development Documents are as follows:

- ◆ **Local Strategic Partnership (LSP)** – The LSP for the Isles of Scilly has been set up to ensure that a joined up approach is taken to improving the quality of life for its communities for the next ten years and more. It includes members from the public, private and community sectors. The LSP will play an important role in assisting the Council decide how (and when) the Local Development Framework will be able to help deliver some of the objectives of the Community Strategy.
- ◆ **Elected Members** –Councillors have been elected to voice the views of the communities they represent. As such, each Councillor will be involved in the consideration of planning applications and at all stages of the Local Development Framework process. As 21 Councillors represent a modest sized electorate of only about 1600 people, the community has excellent access to the Council and ensures that we are fully informed and aware of the issues facing the islands. It also means that each Councillor is in an extremely strong position within their communities to ensure that everyone can be engaged in the LDF process and is aware of new development proposals, including those in the community who would not normally involve themselves in planning matters.

- ◆ **The Area of Outstanding Natural Beauty Joint Advisory Committee (ANOB JAC)** – The JAC comprises a range of organisations working in partnership to manage the AONB. It includes representatives from Natural England, the RSPB, Duchy of Cornwall, English Heritage, Island Tourism, Tresco Estate, the Wildlife Trust, the Duchy of Cornwall Tenants Association and the land based sector. A Planning Consultative Panel has been established involving representatives of the JAC with a specific remit of commenting on planning applications and planning documents to ensure the interests of the AONB are taken into account.
- ◆ **Statutory Organisations** – In addition to those statutory organisations represented on the LSP and the AONB JAC, relevant service providers such as the utility companies, the various government departments and agencies and the Cornwall Council will be regularly consulted where appropriate and throughout the Local Development Framework process in accordance with Government guidance as identified at Appendix 2.
- ◆ **Key Contacts** – The Council holds a database of organisations and community groups based on or operating within the islands. Local organisations and groups will be invited to become involved in the preparation of relevant local development documents. This database is not finite and will be updated regularly and supplemented by further information collected during the course of the preparation of the Local Development Framework.
- ◆ **Interested Parties** – In addition to organisations and groups, a database will also be kept for individuals who have requested to be consulted on all Local Development Framework issues or perhaps just want to be involved in the preparation of any Local Development Document for a particular island or settlement.
- ◆ **Hard to Reach Groups** – There are particular sections of the community that the Council wishes to ensure are involved in the planning process due to their specific needs or because traditionally they have been under represented – these are the so-called '*hard to reach*' groups. The Council has identified the hard to reach groups in the Isles of Scilly as residents living on the off islands, inactive older people, disabled people, young people, parents with young children and new residents. The Council is committed to promoting equal opportunities and valuing diversity. We recognise the rights of individuals to participate fully in the democratic, social and economic life of the islands. Although it is relatively easy to effectively involve the communities of Scilly given the nature and size of the islands, different engagement techniques will be used in an attempt to involve those people whose views are particularly difficult to obtain. In this way, the Council will continue to promote social inclusion and ensure that no one is discriminated against because of their age, disability, gender, ethnic origin or nationality, sexual orientation, domestic circumstances, marital status or political or religious beliefs.

Methods of Involving the Community

Various methods are available to engage communities and stakeholders in the preparation of local development documents and planning applications as illustrated in Table 7.3 of the Companion Guide to Planning Policy Statement 12. The method of involving the community and stakeholders will depend on the type and scale of development and the scope and stage of a particular Local Development Document. The methods that will be most commonly used by the council are summarised below in descending order of sophistication and intensity.

- ◆ **Availability of Documents** – All planning applications and local development documents will be available for inspection during set consultation periods at the Planning and Development Department in the Old Wesleyan Chapel on St Mary’s. During the consultation periods, all local development documents will also be available in the library on St Mary’s, in the reading rooms on St Agnes and Bryher and in the community halls on St Martins and Tresco.
- ◆ **Internet** – We will encourage people to visit the Councils web site at www.scilly.gov.uk to keep up-to-date with all planning matters, including all relevant documents and a list of current planning applications. Everyone with access to the Internet will be able to view, download and comment on all new documents linked to the Local Development Framework at the click of a button. Access to planning matters relating to the islands can also be found at www.planningportal.gov.uk. All draft and final versions of Development Plan and Supplementary Planning Documents, including any supporting documentation such as sustainability appraisals, will be published on the website in pdf and Word format with a full explanation of how the public can comment on them.
- ◆ **Media** - We will use the local media, including where appropriate, Radio Scilly, the local newspaper “The Cornishman”, Radio Cornwall and BBC Spotlight and Westcountry Television to raise awareness and publicise the availability of new documents and public events.
- ◆ **Newsletters** – The Council's own newsletter “*The Lighthouse*”, which is produced on a quarterly basis and delivered to all homes on the islands, will be used to inform and encourage everyone to get involved in the latest Local Development Document.
- ◆ **Questionnaires** – On occasions surveys and questionnaires will be sent to everyone on the islands, including visitors, seeking views on particular issues or options and to supplement other methods of consultation and engagement.
- ◆ **Public Exhibitions and Displays** – Public exhibitions with easy to understand displays and information boards will be held giving communities the opportunity to be involved and air their views on Local Developments Documents. Careful consideration will be given to the timing and location of exhibitions to encourage people who may not normally be interested in the planning process.
- ◆ **One to One Meetings** – Meetings will be held with key stakeholders and members from the community to identify key issues.
- ◆ **Workshops** – Workshops provide an interactive, open and inclusive method of engaging local communities and stakeholders and are particularly effective at the early stage of preparing a planning document by helping to identify key issues and options. Workshops could include or be based on initiatives such as ‘enquiry by design’ or ‘planning for real’ exercises.

Publicising Community Involvement

In addition to the statutory notices, eye-catching posters will be produced to publicise events and encourage everyone to get involved. Such posters should make it clear how and when people should respond to a particular planning document. Posters will be displayed on the Councils notice boards, in the library and Tourist Information Centre on St Mary's, the reading rooms and community halls on the off islands. Posters and notices may also be displayed in the medical centre, post offices and shops on each of the islands. All information and documents published will be produced in plain English and as jargon free as possible.

Acceptable Forms of Response

At each of the formal consultation stages relating to a Local Development Document, the public will be invited to make their comments. Comments should preferably be written on a standard form prepared by the Council. Comments may also be submitted electronically by e-mail. All comments must be received by the specified date. Any comments received after this deadline may not be considered by the Council and the right to appear at the Examination in Public could be lost. Response forms for each Local Development Document will be available at all the locations referred to above and also on the Council's website.

What Happens to the Comments Received?

The consultation period for Local Development Documents will usually last for 6 weeks and all comments received will be acknowledged in writing within 10 working days of receipt. If comments are sent electronically, they will be acknowledged by e mail within 3 working days. Anyone making comments will be consulted automatically at subsequent stages unless they request otherwise. All responses received will be available for public inspection on our web site and as paper documents within the Planning and Development Department.

At the end of each consultation period, comments received on time will be analysed. A report summarising all representations received, together with Officers' recommendations, will be considered by the Planning and Development Committee and, where appropriate, amendments made to the Local Development Document.



The information being collected is for the purposes related to the preparation of the Local Development Framework. The Council of the Isles of Scilly is the Data Controller. When you complete this form you are providing your consent for the Council to hold and use your information for these purposes. Personal information you provide will only be disclosed to members of the Council, the inspector and any other person requiring the information for the statutory purpose of producing the Local Development Framework.

Monitoring of the Statement of Community Involvement

The Statement of Community Involvement (SCI) will need to remain as flexible as possible particularly as additional issues may emerge or develop. On occasions, evaluation forms will be readily available after each major consultation exercise to help assess how successful the methods were and inform the Council of any changes that may be required.

The Council is required to produce an Annual Monitoring Report as part of the Local Development Framework process. This report will include information on what stage documents (including the Statement of Community Involvement) have reached in their preparation.

The Council will only formally review the SCI as and when required. A full review will only be necessary if different techniques for engagement are required. The amended SCI will be published for further public consultation before being presented for public examination by the Inspector.

3. COMMUNITY INVOLVEMENT AND CONSULTATION IN DETERMINING PLANNING APPLICATIONS

Introduction

New regulations are being introduced by the Planning and Compulsory Purchase Act 2004 to ensure the community has a more meaningful involvement in planning. These new changes are reflected in this Statement of Community Involvement, which details how the community can be involved in the decision making process in determining applications requiring planning permission or the consent of the Council.

Pre-Application Consultations and Discussions

All applicants are encouraged to discuss their proposals with the Council and other interested parties prior to formally submitting a planning application. The purpose of such a pre-application discussion is to obtain an informal opinion as to whether the principle of development might be acceptable and to clarify, as far as possible without the benefit of any formal consultation or site visit, the format, type and level of detail required as part of the planning application to enable the Council to determine the proposal.

Many misunderstandings and concerns can be addressed and comments taken on board by revising proposals before an application is submitted. Pre-application discussions can help ensure that the process of determining the planning application becomes more inclusive and effective. Such discussions can also help the Council achieve its targets for determining planning applications as well as improving the quality of proposed schemes and reflect local concerns.

As most of the applications on the islands are for house holder type developments, the Council encourages applicants to discuss their proposals with neighbours before finalising and submitting an application. Such discussions can help minimise disputes between neighbours as they relate to planning matters. It is important that applicant's act responsibly in a neighbourly way.

Applicants who are promoting major proposals, or those that are considered to create a wider local concern, will be encouraged to carry out their own consultation with local communities and stakeholders prior to formally submitting their planning application. Consultation with the community and stakeholders prior to submitting a planning application may help to reduce the number of objections following its submission by influencing the details of the scheme and encouraging a better understanding of the development itself.

The Council will be unable to refuse to accept a valid application on the basis of that the applicant has failed to engage or adequately inform the community prior to its submission. However, avoiding such early consultation may lead to more significant objections being made. Any pre-application consultation that has been undertaken could be a material consideration in the determination of the proposal. Applicants will be required

to provide the details, including an analysis of the results, of any pre-application consultation undertaken with the community and stakeholders. The results of any such consultation will be reported and taken into account in determining the application.

Further advice on pre-application discussions, in addition to a range of other planning procedures and issues such as the role of members and officers, lobbying, site visits and complaints, are contained within a Planning Protocol that has been prepared by the Council. The Council has also produced validation check lists and guidance notes to ensure that application forms are properly completed and the appropriate information provided. An Enforcement Charter has also been produced providing detailed advice and guidance on breaches of planning control and how these are dealt with.

The Council has prepared a range of supplementary planning documents that provide detailed advice and range of issues that should be taken into account when drawing up plans and submitting planning applications. These documents include a Design Guide that offers practical advice on all aspects of design and construction and a good practice guide on Biodiversity and Geological Conservation to ensure that nature conservation interests, including protected species such as bats, are taken into account.

All guidance notes and documents are available from the Planning and Development Department with most also available on the Councils web site at www.scilly.gov.uk.

Free, independent and professional advice on planning issues to community groups and individuals who cannot afford to pay a planning consultant is provided by the South West Planning Aid. More detailed information on this service is available at Appendix 3.

Consultation on Each Type of Planning Application

The Council is required to notify the public about the receipt of planning applications. We are committed to keeping people informed about developments that may affect them. The statutory publicity requirements for planning applications are set out by Government. As well as listing the official organisations that must be notified of particular types of application, for example Natural England and English Heritage, the Town and Country Planning (General Development Procedure) Order 1995 also provides details of the publicity that must be provided to ensure other interested parties, such as neighbours, are made aware of applications. In accordance with these regulations, the Council will publicise **ALL** planning applications by the following methods:-

- I. Displaying a site notice in at least one place on or near the land to which the application relates for not less than 21 days;
- II. Serving a notice on any adjoining owner or occupier. The extent of notification of neighbours will depend on the size and location of the proposed development;
- III. Displaying a list of all planning applications on the Councils notice boards at the Town Hall and at Old Town; and
- IV. Posting a list of all planning applications on the Councils web site so that they can be viewed on line.

In addition to the above methods, major planning applications or those that are considered to create a wider local concern will be advertised in the local newspaper “The Cornishman”. Most of the planning applications received by the Council are for small alterations and developments where the statutory minimum requirement on publicity is followed (in line with the requirements contained in the Town and Country Planning (General Development Procedure) Order 1995). Major planning applications are defined as one of the following:

- ◆ A residential development for 10 or more dwellings;
- ◆ Residential development on a site of 0.5 hectares or more;
- ◆ Development involving a building(s) with a floor space of 1,000 square metres or more;
- ◆ Any development involving the winning and working of minerals or the use of land for mineral-working deposits;
- ◆ Waste development;
- ◆ Any other development on a site of 1 hectare or more.

Depending on the type of development being proposed, the Council will consult a selection of statutory bodies and other organisations as set out in Appendix 2.

Regulations indicate that development affecting the setting of a listed building or development affecting the character or appearance of a conservation area should be advertised in a local newspaper. However, as the entire islands are within a conservation area and due to the relatively large number of listed building on the islands, given the intimate scale of the islands and current publicity methods that have proved effective, the Council does not advertise such applications in the local newspaper. Furthermore, the Council does not notify second home owners at their mainland address of planning applications adjacent to or close to their property on the islands due to limited resources and for logistical reasons.

Making a representation

Anyone has a right to make a representation in relation to a planning application. Respondents will normally be given 21 days in which to comment on an application. However on applications accompanied by Environmental Statements, a longer time period would normally be given. Amendments are sometimes made to applications as a result of consultations, concerns or through negotiations to improve a proposed scheme. If significant amendments are made to an application, neighbours may be re-notified and allowed a minimum period of 10 days for comment.

Representation should be submitted in writing (any representation by e-mail should contain the writers postal address) and relevant to the proposed development and use of land. Any objection to an application for proposed development should be based on planning grounds.

Responding to Comments

The Council will acknowledge all written submissions on planning applications. If the submission is in the form of a petition, confirmation will be sent to the organiser of the petition only. Any comments received on a planning application will be made available for public inspection.

The Council will notify every one that has made representations in connection with an application to let them know the decision. If an applicant appeals against the decision on an application, the Council will notify everyone that made a representation in connection with the original application.

THE RESOURCES AVAILABLE FOR MANAGING COMMUNITY INVOLVEMENT

The modest size of the islands population means that engagement with its communities will be relatively cost effective. The anticipated resources available for involving the community and stakeholders in the planning process are set out below:

1. Staff Resources – All community engagement will be carried out primarily by the Planning and Development Department with some assistance from other departments. The Council may use external and independent facilitators at community and stakeholder involvement events. Where possible, participation exercises will be combined with the preparation of other documents or other initiatives, such as the sustainable Community Strategy, to make the most effective use of resources and avoid any duplication.
2. Funding – Part of the funding from the Government's Housing and Planning Delivery Grant will be used to resource community engagement as set out in the Statement of Community Involvement.

Monitoring and review

The Council will need to ensure that all documents are prepared and planning applications considered, in accordance with the adopted Statement of Community Involvement. A 'Statement of Compliance' will have to be submitted to the Secretary of State with each Development Plan Document prepared. This statement will be considered by the Inspector when the document is tested for 'soundness' at the examination stage.

The Council will formally assess the success of its Statement of Community Involvement through its Annual Monitoring Report (AMR) published in December of each year. If any changes to the Statement of Community Involvement are required they will be made following further public consultation. Any revisions will reflect any emerging best practice guidance and/or changes in legislation that have been put in place since the Statement of Community Involvement was published.

6. CONTACT US

If you want to know more about the Statement of Community Involvement or require further information on any aspects of the planning process please contact:-

Craig Dryden
Chief Planning and Development Officer
Council of the Isles of Scilly
Old Wesleyan Chapel
Garrison Lane
St Mary's
Isles of Scilly TR21 0JD

Phone Number: (01720) 424350
Email: cdryden@scilly.gov.uk
Fax: (01720) 422202

Andrew King
Email: aking@scilly.gov.uk
Phone Number: (01720) 424313

Zenna Jenkins
Email: zjenkins@scilly.gov.uk
Phone Number: (01720) 424350

APPENDICES

1. The Councils Vision for Community Consultation
1. List of Statutory Consultees and Key Contacts
2. Planning Aid

APPENDIX I

THE COUNCILS VISION FOR COMMUNITY CONSULTATION

The Council will endeavour to follow the standards set out below when consulting the community and stakeholders as part of its service delivery.

- ◆ Clearly explain the reasons why we are consulting and what we intend to do with the outcomes of any consultation exercise.
- ◆ Ensure that the community and stakeholders are given sufficient information and have a clear understanding of the issues to enable an informed response.
- ◆ Use a range of different of consultation techniques appropriate to the circumstances in order to reach as many people as possible, including hard to reach groups.
- ◆ Be sensitive to the diversity of views within our communities resulting from consultation.
- ◆ Carefully ensure that the delicate balance between direct consultation with the public and the role of Councillors as democratic representatives of their community's remains.
- ◆ Feed back the results and inform the community and stakeholders about the progress and outcomes as a result of the consultation.
- ◆ Co-ordinate our consultation, both internally and with other agencies, to reduce unnecessary duplication whenever possible.

APPENDIX 2

LIST OF STATUTORY CONSULTEES AND KEY CONTACTS

TABLE A

The organisations which the Council are **required** to consult in accordance with the Town and Country Planning (Local development) (England) Regulations 2004 are set out in Annexe E of Planning Policy Statement 12 (PPS12 – Local Development Frameworks) 2004. The most relevant organisations to the Isles of Scilly are listed below: -

- ◆ Cornwall Council as the adjoining Local Planning Authority
- ◆ Historic Buildings and Monuments Commission for England (English Heritage) (EH)
- ◆ Natural England (NE)
- ◆ Relevant telecommunications companies
- ◆ South West Councils Regional Planning Body
- ◆ South West Electricity Board (Western Power Distribution)
- ◆ South West Regional Development Agency (SWRDA)
- ◆ The Environmental Agency (EA)

TABLE B

Annexe E of Planning Policy Statement 12 (PPS12 – Local Development Frameworks) 2004 **suggests** additional bodies the most relevant to the Isles of Scilly being:-

- ◆ Age Concern
- ◆ British Geological Survey
- ◆ Centre for Ecology and Hydrology
- ◆ Church Commissioners
- ◆ Commission for Architecture and the Built Environment (CABE)
- ◆ Commission for Racial Equality
- ◆ Crown Estate Office
- ◆ Department for Culture Media and Sport (DCMS)
- ◆ Department for Education and Skills (through GOSW)
- ◆ Department of Energy and Climate Change (DECC)

- ◆ Department for Environment, Food and Rural Affairs (DEFRA)
- ◆ Department of Health (through relevant Regional Public Health Group)
- ◆ Department of Trade and Industry (through GOSW)
- ◆ Department for Transport (through GOSW)
- ◆ Diocesan Board of Finance
- ◆ Disability Rights Commission
- ◆ Disabled Persons Transport Advisory Committee
- ◆ English Partnerships
- ◆ Equal Opportunities Commission
- ◆ Fire and Rescue Services
- ◆ Forestry Commission
- ◆ Freight Transport Association
- ◆ Health and Safety Executive
- ◆ Help the Aged
- ◆ Home Office
- ◆ Homes and Communities Agency
- ◆ Housing Corporation
- ◆ Learning and Skills Councils
- ◆ Ministry of Defence (MoD)
- ◆ National Air Traffic Service
- ◆ National Playing Fields Association
- ◆ Office of Government Commerce (Property Advisers to the Civil Estate)
- ◆ Police architectural liaison officers/crime prevention design advisors
- ◆ Port operators
- ◆ Post Office Property Holdings
- ◆ Primary Care Trust
- ◆ Regional Sports Board for the South West
- ◆ Sport England
- ◆ The House Builders Federation
- ◆ The National Grid Company
- ◆ The Secretary of State (through the Government Office for the South West) (GOSW)

TABLE C

The Council intends to involve the following local groups and organisations where they wish to participate:-

- ◆ British International Helicopters
- ◆ Churches and other religious groups
- ◆ Cornwall County Council Historical Environment Services
- ◆ Cornwall Rural and Devon and Cornwall Housing Associations
- ◆ Cornwall Sustainable Energy Partnership
- ◆ Devon and Cornwall Constabulary
- ◆ Devon and Cornwall TEC
- ◆ Duchy Tenants Association
- ◆ Island Community Groups
- ◆ Island Tourism
- ◆ Isles of Scilly Bat Group
- ◆ Isles of Scilly Bird Group
- ◆ Isles of Scilly Museum Association
- ◆ Local Health Authority
- ◆ Local sports groups
- ◆ Mainland Marketing
- ◆ National Farmers Union
- ◆ Royal Yachting Association
- ◆ RSPB
- ◆ Sea Fisheries
- ◆ Society for the Protection of Ancient Buildings
- ◆ South West Forum
- ◆ South West Registered Social Landlords Planning Consortium
- ◆ Sure Start
- ◆ The Duchy of Cornwall
- ◆ The Five Islands School
- ◆ The Isles of Scilly Community Safety Partnership
- ◆ The Isles of Scilly Local action Group
- ◆ The Isles of Scilly Local strategic Partnership

- ◆ The Isles of Scilly Steamship Company
- ◆ The Isles of Scilly Wildlife Trust
- ◆ The Tourist Information Centre and the South West Tourist Board
- ◆ Trenoweth Horticultural
- ◆ Tresco Estate
- ◆ Youth Groups

APPENDIX 3

PLANNING AID

South West Planning Aid is a service that offers free, independent and professional advice on planning issues to community groups and individuals who cannot afford to pay a planning consultant. Planning Aid also works with communities by offering advice to help them understand and participate effectively in the planning process, to enable them to bring about change in their area. Planning Aid can help people to:

Understand and use the planning system;

Get involved in the preparation of Local Development Frameworks;

Develop their own ideas for the future of their community;

Comment on planning applications;

Apply for planning permission or appeal against the refusal of planning permission;

Represent themselves at hearings, public inquiries or examinations.

We will ensure that groups and individuals are aware of the services that Planning Aid provides wherever possible throughout the planning process.

For further information contact:

South West Planning Aid, The Architecture Centre, Narrow Quay, Bristol BS1 4QA

Tel: 0870 850 9807 Fax 0117 9297292

Email: swco@planningaid.rtpi.org.uk

Website: www.rtpi.org.uk