



# Statement of Community Involvement Review

Adopted September 2014



On reasonable request, the Council will use its best endeavours to provide this document in alternative formats such as large copy print.

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# 1. Introduction

- 1.1 Planning considers a number of issues, including housing, transport, the environment and climate change. The decisions that are made through the planning system affect us all, so getting involved in planning processes is important for everyone.
- 1.2 Whilst many people already comment on applications, it is important to also comment on the preparation of local planning policies, because decisions on planning applications are made in accordance with local (and national) planning policies<sup>1</sup>.
- 1.3 Gathering the views of the local community is vital for the Council, as it allows planning decisions to be made which best reflect the needs, aspirations and wishes of Harlow and the people who live, visit and work in the town.
- 1.4 All Local Planning Authorities are required to produce a Statement of Community Involvement (SCI) to comply with national legislation, policies and guidance. The SCI details:
  - how and when the Council will carry out public consultations with the local community during the preparation of local planning policies and the determining of planning applications;
  - the ways in which local communities can respond during these consultations; and
  - the Council's commitment to ensuring that local people, businesses and organisations have involvement in local planning matters.
- 1.5 The Council, in its capacity as Local Planning Authority, must follow the procedures for consultation and engagement as set out in the SCI once it is adopted. Harlow Council published and adopted its existing SCI in 2014.
- 1.6 This SCI Review was prepared in accordance with current legislation<sup>1</sup> following recent changes by central Government to the planning system, as well as feedback from consultation events undertaken by the Council in recent years. For information on the consultation process, comments received and resulting changes to the draft, see Appendix 1: SCI Draft Review Consultation.
- 1.7 In February 2016 a few minor amendments were made to the document. These amendments were not consulted on as they caused no changes to standards or to policies set out within the document. The changes were made to increase the clarity of the document and make it as user-friendly as possible. Where relevant, updates were also made to the list of specific consultees. For example English Heritage has now changed its name to Historic England.

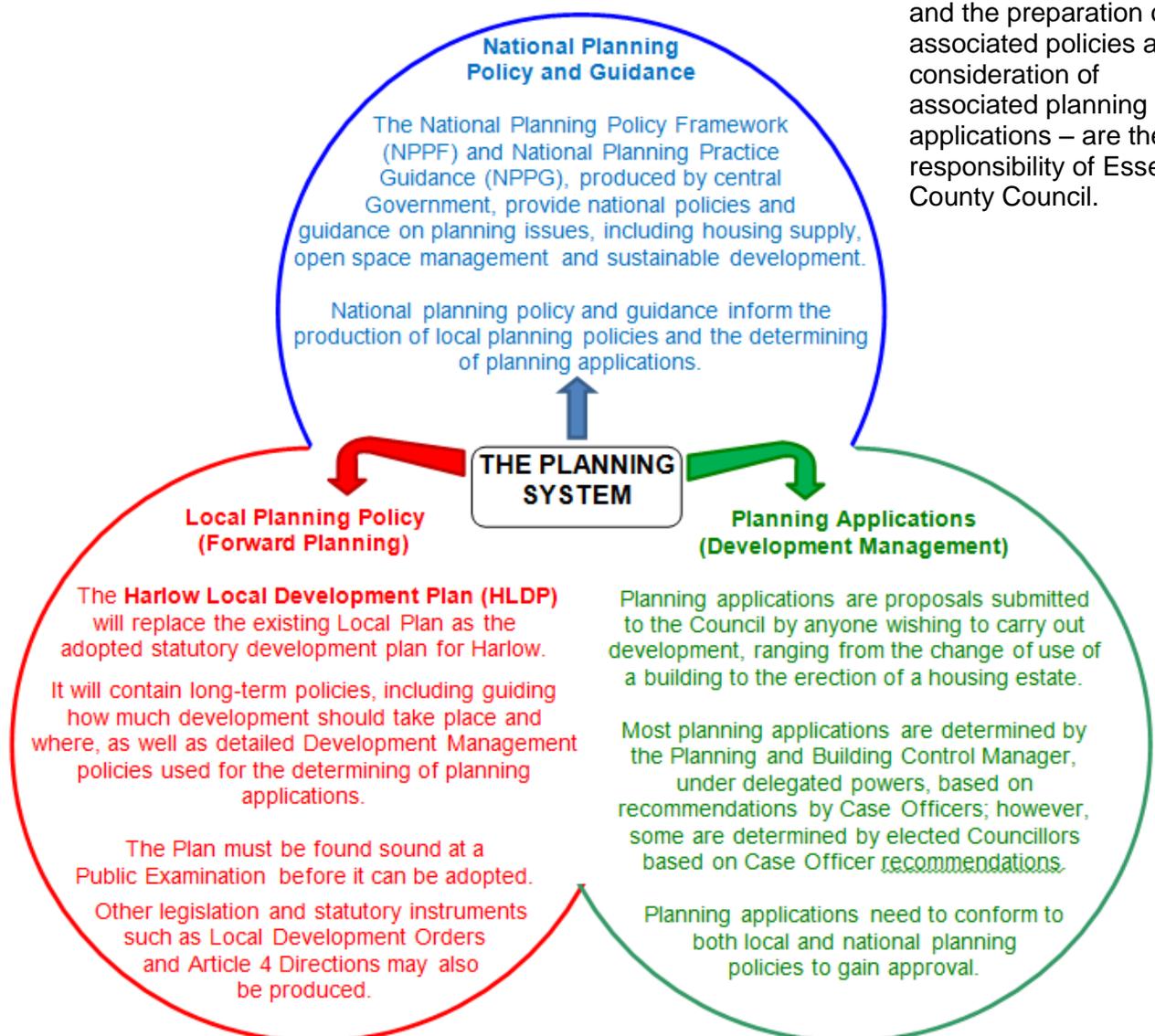
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<sup>1</sup> Including The Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Localism Act 2011, the Town and Country Planning (Local Planning) (England) Regulations 2012, the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and National Planning Practice Guidance.

## 2. The Planning System

- 2.1 In its capacity as Local Planning Authority, Harlow Council has two main responsibilities: producing local planning policies - which are set out in a Local Development Plan - and determining planning applications.
- 2.2 Central Government has made significant changes to the planning system in recent years, including replacing most existing national planning policies and guidance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).
- 2.3 Fig. 2.1 overleaf provides a brief overview of the planning system and how it operates.

**Fig. 2.1: Overview of the Planning System**



Note: Certain matters such as minerals & waste, schools and highways – and the preparation of associated policies and consideration of associated planning applications – are the responsibility of Essex County Council.

### 3. Forward Planning

- 3.1 The Forward Planning team is responsible for keeping under review the social, economic and environmental conditions of Harlow, and for producing local planning policies that shape and guide development to meet Harlow's current and future needs.
- 3.2 A Local Development Plan contains the local planning policies which guide various long-term aspects, including housing, regeneration, protection and supply of green space, retail development and infrastructure.
- 3.3 The emerging Harlow Local Development Plan (HLDP) will replace the existing Adopted Harlow Replacement Local Plan as the statutory Development Plan for Harlow. It will contain policies and proposals, illustrated through the Policies Map, which will shape the development of Harlow up to 2031. It will be underpinned by a detailed evidence base and accompanied by Supplementary Planning Documents (SPDs), the Statement of Community Involvement (SCI) and Authority Monitoring Reports (AMRs).
- 3.4 Additionally, other legislation and statutory instruments such as Article 4 Directions and Local Development Orders may be produced as required and consulted on in accordance with the appropriate legislation.
- 3.5 For more information on the progress of the production of the HLDP and what it will contain, please see the Local Development Scheme.
- 3.6 Planning applications are determined in accordance with local and national planning policies, so local planning policies are critical in helping to decide what will be protected and where, and what will and what will not be given permission to be developed.
- 3.7 The Council is committed to producing documents which are written clearly and concisely, with the avoidance of technical language wherever possible. Sometimes the use of technical language is unavoidable due to the nature of the matters being considered and the legislative requirements of the planning system. Where possible, however, related documents contain glossaries to explain any technical terms and abbreviations used.
- 3.8 Table 3.1 summarises the different types of local planning policy documents – that form the Local Development Plan – and their consultation requirements, based on the minimum legislative requirements. Where necessary for certain documents and depending on available resources, levels of consultation may be further increased.

Table 3.1: Local Planning Policy Documents & Consultation Requirements

Document type	Are these documents required or optional?	Will public consultation take place?	Will an examination take place?
<b>Development Plan Documents (includes Policies Map and Evidence Base)</b>	Required	Yes	Yes
<b>Supplementary Planning Documents</b>	Optional	Yes	No
<b>Statement of Community Involvement (SCI)</b>	Required	Yes	No
<b>Local Development Scheme (LDS)</b>	Required	No	No
<b>Authority Monitoring Reports (AMRs)</b>	Required	No	No
<b>Area Action Plans (AAPs)</b>	Optional	Yes	Yes
<b>Neighbourhood Plans</b>	Optional	Yes*	Yes*
<b>Other legislation and statutory instruments (such as Article 4 Directions and Local Development Orders)</b>	Optional	Yes	No

*\*Public consultation on Neighbourhood Plans is undertaken by the body/ies preparing the Plan, following which the Plan is subject to examination by an independent body. A local referendum on the Plan is then held; the results of which determine whether it can be adopted and used in the determining of planning applications.*

*Note: The requirements listed in the above table may change depending on the legislative requirements for a document at the time it is produced.*

## Planning Policy Consultation Methods

- 3.9 The Council will consult with as many people and organisations as possible, as well as any other consultees that may be relevant for the document or subject matter being consulted upon.
- 3.10 Table 3.2 indicates the ways in which the Council consults on local planning policy documents. The actual level of consultation will depend on the specific requirements of relevant legislation for the document being consulted on, the scale of the consultation and the availability of resources. The Council will always meet the required minimum legislative requirements and, where possible, will exceed these.

Table 3.2. Possible Planning Policy Consultation Methods

	<p><b>Website and Consultation Portal</b>  On the Council’s website, news and information on the preparation of local planning policies is published, along with information on how to take part in consultations and the results of previous consultations. The policies themselves, including their evidence bases (where appropriate) are also made available to download free of charge. Hard copies and/or copies on CDs may be available (possibly for a small fee). The online Consultation Portal (see <a href="http://www.harlow.gov.uk/local-plan">www.harlow.gov.uk/local-plan</a>) allows people to sign up to be notified on the progress of the preparation of local planning policies, as well as make comments during consultations and read other people’s comments.</p>
	<p><b>Provision of hard copies of documents</b>  While documents are being consulted on, hard copies are available to view in the Civic Centre, Harlow Central Library and, where appropriate, other public places in the district</p>
	<p><b>Local Media</b>  Notices and/or articles may be published in the local media, detailing public consultations on planning policy documents, including the dates of the consultation, the availability of documents and how to make comments</p>
	<p><b>Social Networking</b>  Advertisements about public consultations and how to take part in them are posted on the Council’s social media accounts</p>
	<p><b>Surveys and Questionnaires</b>  Surveys and questionnaires may be issued by the Council to gather the views and opinions of local residents, groups and businesses on relevant planning issues</p>
	<p><b>Presentations, workshops and focus groups</b>  Presentations, workshops and focus groups may be held with various bodies – including hard-to-reach groups – to discuss documents which are being consulted on</p>
	<p><b>Leaflets and posters</b>  Leaflets and posters are displayed in various public locations to advertise public consultations. If appropriate, site notices are displayed in the relevant area(s)</p>
	<p><b>Exhibitions</b>  Exhibitions – including information boards and possibly the presence of staff from the Forward Planning team – may be held in easy-to-reach publicly accessible places (such as libraries, shopping centres and community centres)</p>
	<p><b>Council meetings</b>  Planning policy documents are often discussed by Councillors at public council meetings before and after they are consulted on. When final versions of documents have been produced, they are adopted by Councillors at a public council meeting</p>
	<p><b>Press conferences</b>  Press conferences may be held to inform the local media about a document which is being consulted on</p>

	<p><b>TV and radio interviews</b></p> <p>Members of Council staff and elected Councillors may be interviewed by local and national TV and radio, in relation to local planning policy documents. Harlow has been featured in recent years on BBC <i>Newsnight</i>, for example, in relation to housing provision in the district</p>
	<p><b>Notifications</b></p> <p>The Council keeps and maintains a secure database of people and organisations who wish to be informed on matters relating to local planning policy documents, and sends letters/emails to such contacts to inform them of when a document is being consulted on and when it is adopted and brought into force.</p> <p>People and organisations can be added to, or removed from, the database via the Council's website (<a href="http://www.harlow.gov.uk/local-plan">www.harlow.gov.uk/local-plan</a>)</p> <p>Additionally, if you are likely to be affected by the introduction of a policy document, then depending on legislative requirements you may be notified by letter/email of any consultation and eventual adoption</p>

3.11 Tables 3.3 to 3.11 provide more detailed information on the consultation methods during the preparation of the two main types of planning policy documents (Development Plan Documents and Supplementary Planning Documents).

3.12 The planning system is a transparent process. Therefore, when you respond to a public consultation, comments and information you submit – as well as your name – may be made available for public inspection on the Council's website and in relevant documents. Certain information will be redacted before it is published online. All information received during public consultations is held by the Council in accordance with the Data Protection Act 1998 and the Freedom of Information Act 2000.

### Hard-to-reach groups

3.13 The Council pays close attention to consulting hard-to-reach groups, such as disability groups and young people. It is recognised that the range of diversity within such groups means that generalisations cannot be made; therefore the issues facing these groups varies. These may include poor literacy, visual impairment, disabilities, difficulty travelling and limited internet access.

3.14 There are a number of methods which the Council may use to ensure sufficient consultation is carried out with hard-to-reach groups. Where resources allow, these methods may include:

- sending the groups hard copies of documents;
- producing easy-to-understand and easy-to-read summary leaflets;
- providing telephone interpreting services; and
- making meetings available with groups at accessible locations.

3.15 The Council's Planning Department works with the Council's Human Resources department and Corporate Equalities Group to ensure that it engages with hard-to-reach groups in the best way.

## Development Plan Documents

- 3.16 Tables 3.3 to 3.8 detail the required stages of the preparation of a Development Plan Document (DPD) and the consultations that the Council will carry out. The requirements meet or exceed the minimum legislative requirements.
- 3.17 Depending on the circumstances of an individual document and availability of resources, the actual level of consultation may be further increased.

*Table 3.3: STAGE 1. Pre-publication and evidence gathering*

Description	Consultation
<p>Information is gathered to support the preparation of the DPD, including the development of an evidence base, and the identification of potential issues and options. One or more draft documents relating to the DPD may be produced and consulted on</p>	<ul style="list-style-type: none"> <li>• Notify relevant consultees of how they can make comments about what the DPD should contain and the date by which comments must be submitted</li> <li>• Where appropriate and where resources allow, hold exhibitions, public meetings and/or focus groups</li> <li>• If a draft document relating to the DPD is published:               <ul style="list-style-type: none"> <li>○ Consult on the document for an appropriate length of time</li> <li>○ Make the document available for viewing</li> <li>○ Notify relevant consultees of what the document is about, where and when it can be viewed, how they can make comments on it and the date by which comments must be submitted</li> <li>○ Publish a notice and/or article in the <i>Harlow Star</i>, detailing what the document is about, where and when it can be viewed, how comments on it can be made and the date by which comments must be submitted</li> <li>○ Once the consultation is complete, produce a Consultation Summary Report detailing the consultation process, the responses received and how the responses have been considered</li> </ul> </li> </ul>

*Table 3.4: STAGE 2. Publication of the DPD*

<b>Description</b>	<b>Consultation</b>
Taking into account the outcomes of Stage 1, one or more drafts of the DPD are produced, published and consulted on	<ul style="list-style-type: none"> <li>• Consult on the DPD for of a minimum period of six weeks</li> <li>• Make the DPD available for viewing</li> <li>• Notify relevant consultees of what the DPD is about, where and when it can be viewed, how they can make comments on it and the date by which comments must be submitted</li> <li>• Publish a notice and/or article in the local press detailing what the DPD is about, where and when it can be viewed, how comments on it can be made and the date by which comments must be submitted</li> <li>• Where appropriate and where resources allow, hold exhibitions, public meetings and/or focus groups</li> <li>• Once the consultation is complete, produce a Consultation Summary Report detailing the consultation process, the responses received and how the responses have been considered</li> </ul>

*Table 3.5: STAGE 3. Submission of the DPD*

<b>Description</b>	<b>Consultation</b>
The submission version of the DPD is submitted to the Secretary of State	<ul style="list-style-type: none"> <li>• Make the DPD available for viewing</li> <li>• Notify consultees who were notified at Stages 1 &amp; 2 (including people who have requested notification of the submission of the DPD) that it has been submitted, and where and when it can be viewed</li> </ul>

*Table 3.6: STAGE 4. Public Examination*

<b>Description</b>	<b>Consultation</b>
The submitted DPD is examined in public by the independent Planning Inspector, who tests it to ensure it is sound, has a robust evidence base to support it and has been prepared in accordance with the adopted SCI	<ul style="list-style-type: none"> <li>• Six weeks before the start of a public hearing (held by the Planning Inspector), notify any consultee who has made a representation on the DPD of the name of the Inspector, and where and when the public hearing is being held</li> <li>• The Inspector may invite the Council to make modifications to documents, which would be consulted on by the Planning Inspector</li> </ul>

*Table 3.7: STAGE 5. Publication of Inspector's Report*

<b>Description</b>	<b>Consultation</b>
Following the Public Examination, the Inspector produces a Report setting out any changes the Council must make to the document(s)	<ul style="list-style-type: none"> <li>• Make the Inspector's Report available for viewing</li> <li>• Notify consultees who have requested notification of publication of the Inspector's Report that it has been published</li> </ul>

*Table 3.8: STAGE 6. Adoption*

<b>Description</b>	<b>Consultation</b>
Following the publication of the Inspector's Report, the Council makes any changes requested by the Inspector. The document is then adopted by Councillors at a public council meeting	<ul style="list-style-type: none"> <li>• Make the adopted DPD available for viewing</li> <li>• Send a copy of the Adoption Statement to the Secretary of State and to consultees who have requested notification of the adoption of the DPD</li> </ul>

Notes:

- Any document made available for viewing is available for inspection at public places in Harlow (e.g. the Civic Centre or Harlow Central Library) and on the Council's website
- Notifications are sent via email and/or letter
- 'Relevant consultees' are detailed at paragraphs 3.20 to 3.23

## Supplementary Planning Documents

- 3.18 Tables 3.9 to 3.11 detail the process of the preparation of a Supplementary Planning Document (SPD) and the required consultation. The requirements meet or exceed the minimum legislative requirements.
- 3.19 Depending on the circumstances of an individual document and availability of resources, the actual level of consultation may be further increased.

*Table 3.9: STAGE 1. Pre-publication and evidence gathering*

Description	Consultation
Required information is gathered to support the preparation of the SPD	<ul style="list-style-type: none"> <li>• Notify relevant consultees of how they can make comments about what the SPD should contain, and the date by which comments must be submitted</li> <li>• Where appropriate and where resources allow, hold exhibitions, public meetings and/or focus groups</li> </ul>

*Table 3.10: STAGE 2. Publication of a draft document*

Description	Consultation
Taking into account the outcomes of Stage 1, a draft SPD is produced	<ul style="list-style-type: none"> <li>• Consult on the SPD for of a minimum period of four weeks</li> <li>• Make the SPD available for viewing</li> <li>• Notify relevant consultees of what the SPD is about, where and when it can be viewed, how they can make comments on it and the date by which comments must be submitted</li> <li>• Publish a notice and/or article in the <i>Harlow Star</i>, detailing what the SPD is about, where and when it can be viewed, how comments on it can be made and the date by which comments must be submitted</li> <li>• Where appropriate and where resources allow, hold exhibitions, public meetings and/or focus groups</li> <li>• Once the consultation is complete, produce a Consultation Summary Report detailing the consultation process, the responses received and how the responses have been considered</li> </ul>

*Table 3.11: STAGE 3. Adoption*

Description	Consultation
Following consideration of representations received during Stage 2, the SPD is modified. It is then adopted by Councillors at a public council meeting	<ul style="list-style-type: none"> <li>• Make the adopted SPD available for viewing</li> <li>• Send a copy of the Adoption Statement to the people who have requested notification of the adoption of the document</li> </ul>

## Notes:

- Any document made available for viewing is available for inspection at public places in Harlow (e.g. the Civic Centre or Harlow Central Library) and on the Council's website
- Notifications are sent via email and/or letter
- 'Relevant consultees' are detailed at paragraphs 3.20 to 3.23

## Relevant consultees

3.20 Current relevant legislation categorises consultees into specific consultees and general consultees. It states that, in the preparation of a planning policy document (specifically Development Plan Documents), local planning authorities must:

- consult with specific consultees which are considered to have an interest in the subject of the document;
- consult with general consultees which are considered appropriate; and
- consult with residents or others carrying on business which are considered appropriate to invite comments.

3.21 Paragraphs 3.22 and 3.23 list the types of specific and general consultees for Harlow. The contact details of the individuals and groups are stored internally and updated when a consultation takes place to ensure consultations are carried out correctly and appropriately. The lists are therefore not an exhaustive guide of who may be consulted.

## 3.22 Specific consultees

- Relevant and adjoining county councils
  - Essex County Council
  - Hertfordshire County Council
- Neighbouring district, city and/or borough councils
  - Epping Forest District Council
  - East Hertfordshire District Council
- Town / parish councils (note: there are none within the Harlow district)
  - Sawbridgeworth Town Council
  - Eastwick and Gilston Parish Council
  - Epping Upland Parish Council
  - Hunsdon Parish Council
  - Matching Parish Council
  - Nazeing Parish Council
  - North Weald Bassett Parish Council
  - Roydon Parish Council
  - Sheering Parish Council
- Electronic communication suppliers
  - British Telecom
  - Mobile Operators Association
- Electricity suppliers
  - EDF Energy Networks
- Gas suppliers
  - Transco

- British Gas
- Sewerage undertakers and water suppliers
  - Thames Water Utilities
  - Lea Valley Water plc
  - Three Valleys Water
- Local policing body
- Utility companies (e.g. power suppliers, gas suppliers)
- NHS England
- Coal Authority
- Environment Agency
- Historic England
- Sport England
- Natural England
- Network Rail Infrastructure Limited
- Highways England
- Homes and Communities Agency

### 3.23 **General consultees**

- Racial, ethnic or national organisations, including Harlow Ethnic Minority Umbrella and the Harlow and District Chinese Association
- Faith groups and churches
- Disability and access groups
- Mental health groups
- Older people groups
- Youth groups
- Woman's groups
- Gay, lesbian and transgender groups
- Gypsy and traveller groups
- Schools, colleges and other education/training providers
- Health groups
- Sports organisations, including Sport England
- Historical/archaeological groups
- Residents/tenants associations
- Housing associations
- Environmental and wildlife groups
- Business groups
- Developers, landlords, landowners and planning consultants/agents and other stakeholders who have expressed an interest in the preparation of the document(s)
- Democratically elected Members of the Council
- Others
  - Public transport companies
  - Community transport providers
  - House builders
  - East of England Ambulance Service
  - Essex Fire and Rescue
  - Arts organisations
  - Citizens Advice Bureau
  - Local branches of professional institutions

- Anyone who has previously made a comment on a document which will form part of the HLDP and/or has been placed on the Council's consultation portal database, and has requested to be kept informed

## **Duty to Co-operate**

- 3.24 National legislation and guidance is clear that Local Planning Authorities and other public bodies must engage constructively, actively and on an ongoing basis with each other on a number of cross-boundary matters during the preparation of Local Plans. Such matters include the provision of necessary transport, healthcare and education infrastructure.
- 3.25 The duty to co-operate is not a duty to agree, but Local Planning Authorities must make every effort to secure the necessary cooperation of cross boundary matters. The Council's compliance with the Duty to Co-operate will form part of the Inspector's decisions on whether documents which are subject to examination are sound.
- 3.26 The bodies which the Council is required to engage with under the duty to co-operate includes, but is not limited to, the following:
- Essex County Council
  - Epping Forest District Council
  - East Hertfordshire District Council
  - Uttlesford District Council
  - Environment Agency
  - English Heritage
  - Homes and Communities Agency
  - NHS England / West Essex CCG

## 4. Development Management

- 4.1 The Planning Department is responsible for determining applications received by the Council. These decisions therefore shape the character of the district – now and for generations to come. As there are often differing views and competing interests on proposals, it is the Council’s role to make an informed decision on what outcomes will be in the best interest of the community, having regard to local planning policies for the area and the potential impacts of the proposal.
- 4.2 An application is made to the Council for a specified form of development. There are various types and scales of development proposed, these are outlined in tables 4.3 and 4.4.. Each year, the Council receives and determines hundreds of applications.

### Pre-application

- 4.3 Many residential and commercial works, including changes to the exterior of properties and erection of new buildings, require planning permission prior to the works being carried out. A ‘Do I need planning permission?’ form can be submitted to the Planning Department, via the Council’s website, to ascertain whether planning permission for particular types of work or land uses are required before any changes or works can commence.
- 4.4 A Case Officer in the Planning Department will check the history of the property which is the subject of the pre-application submission, whether the property is covered by any restrictions such as Article 4 Directions, and whether the proposed development is classed as permitted development. A response is given within eight weeks, but may be issued sooner depending upon available resources.
- 4.5 It is important to note that aside from permission from the Planning Department, other consents may also be required, such as Covenant Control consent and Building Regulations consent, before commencing any development works. More information on this can be obtained by checking with the Planning Department and by contacting the Council’s Covenant Control and Building Control Departments. Contact details are available on the Council’s website at [www.harlow.gov.uk/planning-building](http://www.harlow.gov.uk/planning-building)
- 4.6 There is currently no charge for seeking pre-application advice, although an appropriate fee may be introduced at a later date. Seeking pre-application advice is pro-actively encouraged, as it is a useful way of identifying and resolving possible issues at an early stage and obtaining an understanding of the likely key issues. It also provides an opinion regarding the principle of the proposed schemes, and ensures that submitted applications are of a high quality and contain the required information, This helps to streamline the application process.
- 4.7 Any views expressed by Case Officers during the pre-application process are informal and are not binding on any subsequent decision that is made by the Council. Additionally, to ensure impartiality is retained, the Planning Department

is not able to offer advice on which architects, planning consultants and/or other consultants should be employed in the preparation of a planning application. Information on these is available online and through the Yellow Pages.

4.8 It is expected that for large scale major and departure applications that the applicants carry out a pre application consultation. This may involve public meetings, exhibitions, development briefs and leaflets to inform the public of their proposals, as appropriate. A number of online resources are available to suggest ways to involve and inform the community. A planning application is considered to be a 'departure application' if it is not in accordance with the provisions and policies of the adopted Local Development Plan. If you are unsure what type of planning application your proposal is, contact the Planning Department to check.

4.9 Such pre-application consultation allows applicants and developers to gather the views of local residents about their proposals, which can be taken into account in the preparation of the application before it is formally submitted to the Council. The Planning Department suggest that the details and results of all consultation and involvement exercises are reported in a statement in the applicant's application. The Planning Department does not get involved with this type of pre-application consultation, to ensure an impartial position is retained.

### Application stage

4.10 When an application has been submitted to the Council, it will be registered, validated and assigned to a Case Officer, and any relevant consultees will be notified of the application.

### Development Management Consultation Methods

4.11 Table 4.1 indicates the ways in which the Council will consult on applications. These methods meet or exceed the minimum legislative requirements. Depending on the circumstances of an individual case and availability of resources, the actual level of consultation may be further increased.

*Table 4.1: Development Management Consultation Methods*

	<p><b>Website</b></p> <p>On the Council's website, each application is available to view, with details of the application, progress of determination, relevant documents and drawings, and information on how to comment on the application. Once an application has been determined, the Case Officer's report will also be published online, with the decision notice which contains any conditions imposed if permission is granted. Comments made by others as part of the consultation are also available to view. Full information for older applications may not be available to view online (contact the Planning Department if you are unable to find the information you are looking for). The Council's website also includes a weekly list of all applications which have been</p>
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	received and applications which have been determined
	<b>Local Media</b> Press notices advertising certain applications are published in the local media. This will include details of the application, the dates of the consultation and how to make comments.
	<b>Site Notices</b> Site notices for certain applications are displayed in close proximity to the application site
	<b>Council meetings</b> Certain applications will be discussed by Councillors at the Development Management Committee. These are public meetings which anyone can attend, although those wishing to speak must first notify the Governance Support Section, at least 24 hours in advance of the meeting. This is in accordance with part 4, rule 19.2 of the Council's Constitution.
	<b>Neighbour Notifications</b> In some cases properties adjoining a site relating to a submitted application will be notified of the application by letter and given guidance on how to make comments

Table 4.2 details the exact consultation requirements for different types of application.

Table 4.2: Types of Application

DEVELOPMENT TYPE			DEVELOPMENT CATEGORY
Dwellings	<i>Number of residential units</i>	<i>Site area (where number of units unknown)</i>	
	200 or more	<b>O</b> <b>R</b> 4 ha or more	LARGE-SCALE MAJOR
	10 to 199	<b>O</b> <b>R</b> 0.5 ha or more but less than 4 ha	SMALL-SCALE MAJOR
	1 to 9	<b>O</b> <b>R</b> less than 0.5 ha	MINOR
Offices/ Research & Development/ Light industry; General industry/ storage/ warehousing; Retail distribution and servicing	<i>Floor space to be built</i>	<i>Site area</i>	
	10,000 m <sup>2</sup> or more	<b>O</b> <b>R</b> 2 ha or more	LARGE-SCALE MAJOR
	1,000 m <sup>2</sup> or more but less than 10,000 m <sup>2</sup>	<b>O</b> <b>R</b> 1 ha or more but less than 2 ha	SMALL-SCALE MAJOR
	less than 1,000 m <sup>2</sup>	<b>O</b> <b>R</b> less than 1 ha	MINOR
Gypsy and Traveller Pitches	<i>Number of pitches</i>	<i>Site area (where number of units unknown)</i>	
	200 or more	<b>O</b> <b>R</b> 4 ha or more	LARGE-SCALE MAJOR
	10 to 199	<b>O</b> <b>R</b> 0.5 ha or more but	SMALL-SCALE

			less than 4 ha	MAJOR
	1 to 9		less than 0.5 ha	MINOR
All other large scale major, small scale major or minor developments	<i>Floor space to be built</i>	<b>O</b> <b>R</b>	<i>Site area</i>	
	10,000 m <sup>2</sup> or more		2 ha or more	LARGE-SCALE MAJOR
	1,000 m <sup>2</sup> or more but less than 10,000 m <sup>2</sup>		1 ha or more but less than 2 ha	SMALL-SCALE MAJOR
	less than 1,000 m <sup>2</sup>		less than 1 ha	MINOR

4.12 Table 4.3 prescribes the neighbour notification requirements for an application, depending on the development category it falls under. The requirements meet or exceed the minimum legislative requirements. Depending on the circumstances of an individual case and availability of resources, the actual level of neighbourhood notification may be further increased.

*Table 4.3: Neighbour Notification Requirements for Application*

<b>DEVELOPMENT CATEGORY</b>	<b>NOTIFICATION</b>
LARGE-SCALE MAJOR DEVELOPMENTS	Press notice and either a letter to all properties within 80 metres of the site boundary and a site notice
SMALL-SCALE MAJOR DEVELOPMENTS	Press notice and either a letter to all properties within 40 metres of the site boundary and a site notice.
MINOR DEVELOPMENTS	A letter to all properties within 40 metres of the site boundary and a site notice
OTHER PROPOSALS	See Table 4.4

4.13 **In addition to the requirements for the types of development listed above, site notices are also displayed and a press notice published in the local media if the planning application:**

- **is a departure from the adopted local plan (i.e. it is not in accordance with it); or**
- **is an Environmental Impact Assessment application accompanied by an environmental statement; or**
- **affects a public right of way.<sup>2</sup>**

4.14 Table 4.4 prescribes the type of neighbour notification which will be issued for types of application not detailed above. The requirements meet or exceed the minimum legislative requirements. Depending on the circumstances of an individual case and availability of resources, the actual level of neighbourhood notification may be increased further.

*Table 4.4: Neighbour Notification Requirements for Application categorised as 'Other Proposals'*

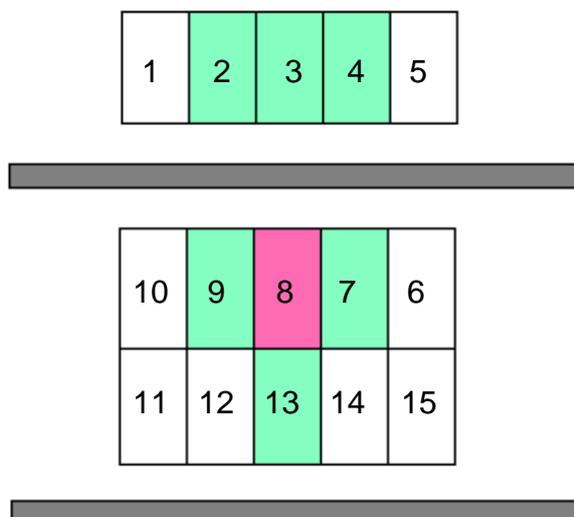
<sup>2</sup> As defined by part 3 of the Wildlife and Countryside Act 1981

<b>OTHER PROPOSAL TYPE:</b>		<b>NOTIFICATION</b>
All Change of Use applications		Letter to all abutting properties and site notice
Householder developments	Including extensions, conservatories, loft conversions, outbuildings and garages	Letter to all abutting properties
Advertisements	Including posters, notices, signs and displays of certain types and sizes	Letter to all abutting properties
Listed Building Consents	To alter or extend a listed building, or carry out partial or whole demolition	Letter to all abutting properties and site notice
Conservation Area Consents	Whole demolition of a building in a conservation area.	Letter to all abutting properties and site notice
Certificates of Lawful Development	Establishing whether the existing or proposed use of a building is/will be lawful with no need for planning permission	No notification
Discharge of Planning Conditions		No notification
Notifications of Prior Approvals	Details of certain schemes, including telecommunications and changes of use, are submitted to the Council	Letter to all abutting properties
Hedgerows	Works on hedgerows	Letter to all abutting properties
TPO or TCA Works	Works on trees which are protected by Tree Preservation Orders or within Conservation Areas	Letter to all abutting properties
Any application which is a departure from the Local Plan. (I.e. it is not in accordance with it).		Site notice and press notice.
An Environmental Impact Assessment accompanied by an Environmental Statement.		Site notice and press notice.
Any application which affects a public right of way. <sup>3</sup>		Site notice and press notice.
Any application affecting a Listed Building or Conservation Area or their setting.		Site notice and press notice.

Fig. 4.1 demonstrates the properties which will be sent letters when the requirement is for a letter to be sent to all abutting properties.

<sup>3</sup> As defined by part 3 of the Wildlife and Countryside Act 1981

Fig. 4.1: Neighbourhood Notification Example



In the example on the left, property 8 is the property to which the planning application relates. The following properties would be consulted:

- Numbers 2 – 4 (opposite and diagonally opposite at the front)
- Numbers 7 & 9 (abutting either side)
- Number 13 (abutting to rear)

Other properties may also be consulted if there are overlapping boundaries

### Other Consultees

4.15 There are a number of organisations which the Council are required to consult with to seek their professional views on a submitted application, depending on the type and scale of the application. The requirements for which organisations will be consulted and when are set out in the relevant planning legislation. The organisations which may be consulted by the Council include, but are not limited, to the following:

- An adjoining district, town, borough or city council
- An adjoining parish or town council
- The British Waterways Board
- Historic England
- The Environment Agency
- Essex County Council
- The Health and Safety Executive
- Local railway operator
- Natural England
- Highways England
- Sport England
- The Theatres Trust

4.16 In addition, depending on the type and scale of the application, Harlow Council may also consult the following non-statutory bodies:

- Campaign for the Protection of Rural England
- Civil Aviation Authority
- Department for the Environment, Fisheries and Rural Affairs
- Essex County Fire & Rescue Service
- Essex Police
- Essex Wildlife Trust
- Harlow Council departments (including Properties and Facilities, Environmental Health and Regeneration)

- Local organisations (including residents associations, the Harlow Area Access Group and the Harlow Civic Society)
- Member of Parliament for Harlow
- NHS England / NHS West Essex Clinical Commissioning Group (where the application is for 50 or more dwellings, or is for C2 use)
- Utilities companies (e.g. electricity/water suppliers)

## **Commenting on Applications**

- 4.17 Anyone can make a comment – positive or negative – on a planning application. Any material planning considerations will be taken into consideration by the Case Officer during the determination of the application, potentially resulting in changes being made to the proposal, conditions being added to grant of permission, or refusal of the application. Comments which are non-material and not related to planning issues, such as effects on property value, cannot be considered.
- 4.18 Comments must be made in writing before the specified end date of the consultation and must include your name and address. They can be emailed to [planning.services@harlow.gov.uk](mailto:planning.services@harlow.gov.uk) or sent by post or by hand to Harlow Council, Civic Centre, Water Gardens, Harlow, CM20 1WG.
- 4.19 Late comments submitted after the end date of the consultation may be accepted up until the time at which the application is determined. The Local Planning Authority is able to determine any application following the expiry of the consultation period, in accordance with the adopted Scheme of Delegation, as set out within the Council's Constitution.
- 4.20 Anonymous or confidential comments cannot be taken into account. All written comments on an application will only be acknowledged if an acknowledgement is requested. Any person who comments on an application will be notified of any decision made by the Council on the application, including if the application is to be considered at the Development Management Committee.
- 4.21 The planning system is a transparent process. Therefore, when you respond to a public consultation, comments and information you submit – as well as your name – will be made available for public inspection in relevant files. They may also be made available on the Council's website. Certain information will be redacted before it is published online. All information received during public consultations is held by the Council in accordance with the Data Protection Act 1998 and the Freedom of Information Act 2000.
- 4.22 Case Officers must remain impartial regarding commenting on applications and therefore cannot advise you on comments you wish to make. Officers will, however, be able to clarify any planning-related questions you may have about the application. In exceptional circumstances, for example when consulting with hard-to-reach groups, a face-to-face meeting with the Case Officer at the Civic Centre may be arranged, subject to availability of resources.
- 4.23 The consultation period for most planning is 21 days (14 days for some applications). Notification letters will state when responses need to be returned

to the Council. Where legislation requires, a longer period of time will be given to certain bodies.

## **Decision stage**

- 4.24 Many applications are determined by the Planning & Building Control Manager (or when absent, the Development Manager), based on the recommendations in the Case Officer's report. The report assesses whether the proposal is acceptable in accordance with local and national policies. Comments made by members of the public and organisations, as well as other material considerations, are also considered. Based on these assessments, a recommendation is made in the report with reasons for why that recommendation has been made.
- 4.25 Most applications will be determined within an 8-week timeframe, although for applications for major types of development, this is extended to 13 weeks and 16 weeks for applications for Environmental Impact Assessment development. Following the determination of an application, a decision notice is produced which specifies the decision, the approved plans, conditions attached to the planning permission and reasons for the conditions.
- 4.26 When the final decision on an application has been made, all those who commented on it will be informed of the decision and any conditions or reasons relating to the granting or refusing of permission.
- 4.27 In some circumstances, applications will be determined by the Development Management Committee, which is a body of democratically elected Council Members. In this case, the Committee Members are guided by the report and recommendation produced by the Case Officer. The application will then be discussed and decided at a meeting of the Committee which the public can attend. Members of the public are allowed to speak at these meetings for a maximum of three minutes per person (with up to three parties in favour of a proposal and up to three parties against a proposal), as long as they have registered their interest to do so with the Council by 4pm on the day before the Committee.
- 4.28 The circumstances in which the Committee determines applications are set out in the Council's Development Management Scheme of Delegation, which is available on the Council's website, under the Council's Constitution.
- 4.29 Applications are occasionally revised after they have been submitted. Most revisions are minor and do not require re-consultation, but interested parties will generally be informed of the revisions. For more major changes, the Council will re-consult those people originally notified of the application, typically with a 10-day period of consultation. If the changes are significant, the applicant may be requested to withdraw the application and submit a new one.

## **Post-decision stage**

- 4.30 If an applicant is unhappy with the decision that the Council has made on their application, they can appeal to the Planning Inspectorate. Applicants may

appeal when an application has been refused, if an application has not been decided by the target deadline, or if they are unhappy with any conditions that have been placed on a permission.

- 4.31 If an applicant is unhappy with way their application has been processed and considered, they can complain using the Council Complaints Procedure and, if need be, can also involve the Local Government Ombudsman. More information on this is available on the Council's website.
- 4.32 In the event of an appeal, those who were previously notified about the application will be informed of the appeal process and how they can be involved. A Planning Inspector, on behalf of the Secretary of State for Communities and Local Government, will allow or dismiss the appeal (i.e. grant or refuse permission), based on evidence supplied to them.

### **Breaches in Planning Control**

- 4.33 Anyone who has concerns that any works being carried out are in breach of the relevant planning controls can contact the Planning Department to report the suspected breach. An enforcement case will be opened and the matter will be investigated, with site visits being undertaken and, where breaches of planning control have been identified, enforcement action will be taken. Anonymous comments or reports cannot be accepted. All initial complaints are dealt with in confidence and details of the complainants will not be made known without their agreement. However, the substance of the complaints themselves is not confidential. In some cases it may be necessary to rely on evidence from complainants in order to take action.

## 5. Glossary

This Glossary provides information on the terms and acronyms which may be used throughout letters and documents published or issued by the Forward Planning and Development Management teams. Specific documents may also contain a separate glossary to further ease reading.

<b>AAP</b>	<b>Area Action Plan</b>	A document that provides a planning framework for areas where significant change is needed or anticipated
<b>AMR</b>	<b>Authority Monitoring Report</b>	Assesses the effectiveness of Local Development Plan policies, including the types & numbers of planning applications determined and housing completions each financial year
<b>CIL</b>	<b>Community Infrastructure Levy</b>	A means of securing planning obligations, supported by documents setting out how sums of money for various infrastructure projects would be apportioned and how the levy is calculated
<b>DCLG</b>	<b>Department for Communities and Local Government</b>	Central Government department responsible for preparing legislation and guidance on town planning
<b>DPD</b>	<b>Development Plan Document</b>	A certain type of document that forms part of the Local Development Plan
<b>Duty to co-operate</b>		Under the Localism Act 2011, the Council has a legal duty to engage constructively, frequently and actively with specified bodies during Local Development Plan preparation
<b>EA</b>	<b>Environment Agency</b>	National body which protects and improves the environment and promotes sustainable development
<b>Examination in Public</b>		An interrogatory process led by the Planning Inspectorate to examine the soundness of a DPD
<b>GPDO</b>	<b>General Permitted Development Order</b>	An order which sets out certain permitted development rights which allow changes to happen to a property without the need for planning permission
<b>LDS</b>	<b>Local Development Scheme</b>	Sets out a programme for preparing documents related to the Local Development Plan
<b>Local Development Plan</b>		The statutory development plan for the district which sets out long-term spatial visions and the associated policies. It comprises DPDs and other documents such as SPDs and the SCI
<b>Localism Act</b>		The Act details Central Government's agenda for decentralisation and democratic engagement, by empowering councils, communities and individuals
<b>Neighbourhood Plan</b>		A plan produced by a designated neighbourhood forum with the support of local people
<b>NPPF</b>	<b>National Planning Policy Framework</b>	National government policy on planning issues. The NPPF was introduced in 2012 and replaced most existing national policies and guidance
<b>NPPG</b>	<b>National Planning Practice Guidance</b>	National government guidance on planning issues, introduced in 2014

<b>Planning Inspectorate</b>		National body which undertakes planning appeals, examinations and inquiries
<b>Policies Map</b>		A map which illustrates the policies contained in the Local Development Plan and visually displays any designated areas (such as employment areas and areas of ecological importance)
<b>S106</b>	<b>Section 106 agreement</b>	A legal agreement, following negotiation with applicants who have planning permission, which secures the delivery of community benefits, such as the physical construction of facilities
<b>SA</b>	<b>Sustainability Appraisal</b>	The appraising of the potential social, environmental and economic impacts of policies to ensure they are in accordance with sustainable development objectives
<b>SCI</b>	<b>Statement of Community Involvement</b>	Details the Council's commitment to consulting local people, businesses and organisations on planning matters, including the determining of planning applications and the preparation of planning policies
<b>SEA</b>	<b>Strategic Environmental Assessment</b>	Formal environmental assessments applied to policies, plans and programmes
<b>SHLAA</b>	<b>Strategic Housing Land Availability Assessment</b>	Assessment which determines the availability and viability of potential housing sites
<b>SHMA</b>	<b>Strategic Housing Market Assessment</b>	Assessment which provides evidence on the types of housing that are needed to meet current and future demand
<b>SPD</b>	<b>Supplementary Planning Document</b>	Provides supplementary information to the policies contained in the Local Development Plan
<b>TCA</b>	<b>Tree within a Conservation Area</b>	A tree or trees situated in an area of notable environmental or historical interest or importance which is protected by law against undesirable changes. The Conservation Area status gives automatic blanket protection to all trees that fall within its boundary.
<b>TPO</b>	<b>Tree Preservation Order</b>	An order which preserves a single or a group of trees, meaning the tree(s) cannot be topped, lopped or felled without consent

## Appendix 1: SCI Draft Review consultation

A draft of this SCI was consulted on in conjunction with the Emerging Strategy and Further Options consultation for the emerging Local Development Plan. As such, the SCI Draft Review consultation ran for a period of six weeks from 14 April to 30 May 2014, and was advertised on the Council's website and in the local press.

2,381 letters and emails were sent to consultees to notify them of the Emerging Strategy consultation, and the letters and emails included details of the SCI Draft Review consultation, how comments could be made and when they must be made by.

Responses from two organisations were received regarding the SCI Draft Review and resulting modifications were made, as follows:

<b>Respondent</b>	<b>Comments</b>	<b>Officer Response</b>
Natural England	We are supportive of the principle of meaningful and early engagement of the general community by the public, community and other organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications. We regret we are unable to comment, in detail, on individual Statements of Community Involvement	Noted
West Essex CCG and NHS England (agent: Lawson Planning Partnership)	Welcome the Council's pro-active encouragement of applicants to seek pre-application advice	Noted
	Development Management: It is requested that a list of 'statutory' consultees is included in the SCI	SCI Draft Review amended accordingly
	Development Management: It is requested that a list of suggested 'other main consultees for planning applications' is added to the SCI and that NHS England is included within this list.	SCI Draft Review amended accordingly
	Development Management: Concerning planning application consultations, NHS England should be consulted on Class C3 residential development (all tenures) comprising 50 or more dwellings; and all Class C2 development	SCI Draft Review amended accordingly

In addition to the amendments to the SCI Draft Review outlined above, a number of other small modifications (including layout alterations and wording changes) were made to increase the clarity of the document.

## Appendix 2: Minor amendments- February 2016

In February 2016 a few minor amendments were made to the document. These amendments were not consulted on as they caused no changes to standards or to policies set out within the document. The changes were made to increase the clarity of the document and make it as user-friendly as possible. Where relevant, updates were also made to the list of specific consultees. For example English Heritage has now changed its name to Historic England. The full list of changes is outlined in the table below:

<b>Amendment</b>	<b>Reason for Amendment</b>
Table 3.2 Under 'Social Networking', 'Council Facebook and Twitter accounts' has been changed to 'Council's social media accounts'	Other/new forms of social media may be used in future.
Table 3.4, Table 4.1 'Harlow Star' and been changed with 'local press' or 'local media'	Other/new publications may be used in future.
Paragraph 3.22 and Paragraph 4.15 Consultees list has been updated. 'English Heritage' has become 'Historic England', 'The Marine Management Organisation' has been removed, and 'Highways Agency' has become 'Highways England'.	Organisations have changed their names since this publication of this document in 2014. The Marine Management Organisation are not a specific consultee for Harlow.
Paragraph 3.26 'Uttlesford District Council' were added to the list of Duty to Cooperate bodies.	Uttlesford have been identified with the same Housing Market Area as Harlow, Epping Forest and East Hertfordshire.
Paragraph 4.2 Examples of development were removed.	This is to avoid confusion and duplication as the information is provided in Tables 4.3 and 4.4.
Paragraph 4.9 Reference to the Localism Act 2011 removed	Pre-application advice within the Localism Act was withdrawn in 2014.
Table 4.1 the appropriate details for those wishing to speak at Development Management Committee have been clarified.	This now matches the wording in the Council's Constitution.
Paragraphs 4.13 and 4.14 removed	Reference to Code of Practise for Publicity and Neighbourhood Notifications is no longer relevant as these standards are set out in this document.
Paragraph 4.18 moved to underneath Table 4.3	It is relevant to the content of Table 4.3
Paragraph 4.25 Clarification that comments and information are available both in hard copies and online.	This is to avoid confusion.
Paragraph 4.37 Title added.	To clarify that paragraph 4.37 related to Breaches in Planning Control rather than Post-decision stage.