

# A G E N D A

## Planning Committee

Date: **Friday, 2nd March, 2007**

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Time: **10.00 a.m.**

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Place: **The Council Chamber,  
Brockington, 35 Hafod Road,  
Hereford**

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Notes: Please note the **time, date** and **venue** of the meeting.

*For any further information please contact:*

*Pete Martens, Members Services, Tel  
01432 260248*

***e-mail: [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk)***

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**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Planning Committee

To: Councillor T.W. Hunt (Chairman)  
Councillor J.B. Williams (Vice-Chairman)

Councillors Mrs. P.A. Andrews, B.F. Ashton, P.J. Dauncey, Mrs. C.J. Davis, D.J. Fleet, J.G.S. Guthrie, P.E. Harling, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde, Brig. P. Jones CBE, R.M. Manning, R.I. Matthews, Mrs. J.E. Pemberton, R. Preece, D.C. Taylor, P.G. Turpin and W.J. Walling

	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4. MINUTES</b>	1 - 10
To approve and sign the Minutes of the meeting held on 19th January, 2007.	
<b>5. CHAIRMAN'S ANNOUNCEMENTS</b>	
To receive any announcements from the Chairman.	
<b>6. NORTHERN AREA PLANNING SUB-COMMITTEE</b>	11 - 12
To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 31st January, 2007.	
<b>7. CENTRAL AREA PLANNING SUB-COMMITTEE</b>	13 - 14
To receive the attached report of the Central Area Planning Sub-Committee meeting held on 17th January and 7th February, 2007.	
<b>8. SOUTHERN AREA PLANNING SUB-COMMITTEE</b>	15 - 16
To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 24th January and 21st February, 2007.	
<b>9. REPORTS OF THE HEAD OF PLANNING SERVICES</b>	
To consider the following planning application and authorise the Head of Planning Services to impose any additional or varied conditions and reasons which he considered to be necessary.	

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| <p><b>10. DCCW2006/3705/F - NEW DETACHED HOUSE WITH GARAGE AND VEHICULAR ACCESS THERETO AT WEIR VIEW, BREINTON, HEREFORD, HR4 7PR</b></p> <p><b>For: Mr. D.J. Hyett per D.J. Hyett, Architect R.I.B.A. 27 East Street, Hereford, HR1 2LU</b></p> <p>To considered and application which has been referred by the Head of Planning Services because the Central Area Planning Sub-Committee is minded to grant permission contrary to the Council's policies and officer advice.</p> <p><b>Ward: Credenhill</b></p> | <p>17 - 24</p>  |
| <p><b>11. PROPOSED REVISED PLANNING ENFORCEMENT POLICY</b></p> <p>To consider proposed revisions to the Council's Enforcement Policy.</p>  | <p>25 - 36</p>  |
| <p><b>12. STATEMENT OF COMMUNITY INVOLVEMENT</b></p> <p>To consider the Council's Statement of Community Involvement (SCI) and to be informed of the Inspectors view into the soundness of the document.</p>   | <p>37 - 114</p> |
| <p><b>13. DATE OF NEXT MEETING</b></p> <p>20th April, 2007</p>   |                 |

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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 19th January, 2007 at 10.00 a.m.**

**Present:** Councillor T.W. Hunt (Chairman)

**Councillors:** H. Bramer, Mrs. C.J. Davis, G.W. Davis, D.J. Fleet, P.E. Harling, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde, Brig. P. Jones CBE, R.I. Matthews, Mrs. J.E. Pemberton, Ms. G.A. Powell, R. Preece, D.C. Taylor, Mrs E.A. Taylor, W.J.S. Thomas and W.J. Walling

**In attendance:** Councillors P.J. Edwards, J.P. Thomas and R.M. Wilson

**100. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs PA Andrews, BF Ashton, PJ Dauncey, JGS Guthrie, PG Turpin and JB Williams.

**101. NAMED SUBSTITUTES (IF ANY)**

The following named substitutes were appointed:-

<b>MEMBER</b>	<b>SUBSTITUTE</b>
Mrs PA Andrews	Mrs EA Taylor
PJ Dauncey	WJS Thomas
JGS Guthrie	H Bramer
PG Turpin	Ms G Powell
JB Williams	GW Davis

**102. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting

**103. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 24th November, 2006 be approved as a correct record and signed by the Chairman

**104. CHAIRMAN'S ANNOUNCEMENTS**

**Award of an MBE to Dr Keith Ray, County Archaeologist.**

Congratulations were extended to Dr Keith Ray who had been created an MBE in the New Years Honours List for services to local government. This was a tribute to all the hard work Dr Ray had undertaken for a number of local authorities, and especially Herefordshire Council. Dr Ray had significantly increased the profile of the Council's archaeological service within the County. He had put a great emphasis on building capacity within local communities and helped them to interpret and understand their heritage and origins. He had engaged a wide audience and shown

that local authorities could work successfully with a number of other bodies and organisations to meet common objectives.

#### **Achievement Against Best Value Performance Indicator 109 – Planning applications**

In the final quarter of 2006, the Development Control Performance against the Best Value targets were as follows:

Major applications determined within 13 weeks: 60% (target 60%)

Minor applications determined within 8 weeks: 84% (target 65%)

Other applications determined within 8 weeks: 90% (target 80%)

The cumulative figures for 2006/07 so far are as follows:

Majors: 72%

Minors: 82%

Others: 92%

These figures are particularly satisfactory because they also compare favourably with the extended targets which will be used by DCLG for the allocation of next year's Planning Delivery Grant. Those extended targets are:

Majors: 70%

Minors: 77%

Others: 92%

It is therefore hoped that, in addition to the £61,000 Planning Delivery Grant already announced (for performance to July 2006) a further (and larger) award would be made when the performance figures for the whole of 2006/07 are known.

#### **Achievement Against Best Value Performance Indicator 204 – Appeals**

In the period April to December 2006 a total of 62 appeals against refusal of permission have been determined, with only 11 upheld. This gives a percentage upheld of only 18%.

There is no national Best Value Performance target for appeals upheld, although the national average is around 33%. The local target in the Directorate Service Plan is for no more than 25% of appeals to be upheld. Current performance for the first three quarters of 2006/07 is therefore very satisfactory.

#### **Polytunnels**

A High Court case concerning polytunnels and other matters at Tuesley Farm in Waverley Borough was determined before Christmas. The judgement, in that case, was that the polytunnels on the site were structures which required planning permission. The High Court decision was not going to be appealed to a higher court and therefore the judgement would stand. This may have consequences for this Council's Code of Practice for polytunnels. Until the transcript of the judgement was published however, it would be difficult to draw any conclusions on the legal aspects of the case. It was therefore intended to wait until the transcript of the judgement was published and seek further legal advice before setting in progress a review of the Code of Practice.

### **105. NORTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED: That the reports of the meetings held on 6th December, 2006 and 3rd January, 2007 be received and noted.**

**106. CENTRAL AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 13th December, 2006 be received and noted.

**107. SOUTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the reports of the meetings held on 29th November and 20th December, 2006 be received and noted.

**108. PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT**

The Team Leader Local Planning presented the report of the Forward Planning Manager about a proposed Draft Supplementary Planning Document (SPD) which set out the Council's policy and use of planning obligations for consultation purposes. He said that the document was included within the Council's Local Development Scheme (January 2007) and was being produced in line with the regulations of the new planning system introduced under the Planning and Compulsory Purchase Act 2004. He explained the purpose of the SPD and its role in supporting the policies and proposals in the Council's Development Plan Documents. He said that Policies S1 and DR5 of the Herefordshire Unitary Development Plan referred to Planning Obligations and that the purpose of the SPD would be to clarify to all interested parties the Council's policy stance on the subject. If adopted, it would become a material consideration in the determination of planning applications where contributions were sought. The Council had undertaken an initial consultation and information gathering process in July, 2006 and had sought the views of selected Parish Councils and a number of interested organisations and stakeholders as to the form that the SPD should take. A Members Seminar had been held in November, 2006 and a number of issues arising from it had been incorporated into the SPD, the main aim of which was to:

- provide as much certainty as possible to landowners, prospective developers and other interested parties;
- ensure a uniform application of policy;
- ensure the process was fair and transparent;
- enable developers to have a 'one stop shop' approach to establishing likely contributions expected; and
- facilitate a speedier response from the authority to development proposals.

The Director of Environment said that the preparation of the SPD was the culmination of a number of years work and operational experience, and he thanked the Officers for their hard work in preparing such a comprehensive and informative document.

The Committee considered the details of the draft proposals and Councillor DJ Fleet commented that it was vital for realistic thresholds to be secured in respect of affordable housing and felt that this should be 50% rather than the 35% proposed in the report. The Team Leader Local Planning said that it was important to keep such

thresholds at a realistic level but that the situation needed to be kept under constant review as the Development Plans progressed. In answer to a question by Councillor RM Wilson, the Head of Planning Services said that a S106 monitoring officer would be the first point of contact for an applicant when making payments or serving notices as required by an agreement. The monitoring officer would then ensure that payments were allocated to the appropriate funds or supplied to the service provider as appropriate and would issue receipts and acknowledgements of compliance where necessary. The monitoring officer would track compliance with each obligation in the agreement as the development proceeds and all agreements/undertakings would be monitored through the use of a Planning Obligations database.

Councillor H Bramer asked what would happen if a developer was unwilling or refused to enter into an agreement and the Head of Planning Services said that it was important for the Council to negotiate agreements with a developer which would benefit the community, rather than giving the impression that such consents could be bought. Also if a proposal came forward that was acceptable on its own merits then an obligation should not be sought unnecessarily. Furthermore the proposals for obligations would be from a national planning standard. Councillor RI Matthews said that it was essential for affordable housing to be secured wherever possible in the rural areas but urged the officers to encourage house types that were in keeping with the existing villages architecture.

The Committee discussed further details of the draft document and commended it to the Cabinet Member (Environment).

#### **RESOLVED THAT**

**the draft Supplementary Planning Document be endorsed and commended to the Cabinet Member (Environment) for submission to Cabinet for approval.**

#### **109. REPORTS OF THE HEAD OF PLANNING SERVICES**

The Committee considered the following planning applications and authorised the Head of Planning Services to impose any additional or varied conditions and reasons which he considered to be necessary.

#### **110. DCCE2006/3117/F - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 13 NO. TWO BED APARTMENTS WITH ASSOCIATED EXTERNAL WORKS. AMENDMENT TO ACCESS ROAD PREVIOUSLY APPROVED (DCCE2005/0977/F) MILL COURT VILLAGE, LEDBURY ROAD, HEREFORD (PHASE 2)**

The Development Control Manager presented his report about an application for the erection of thirteen residential units on land off Ledbury Road, Hereford. Consideration of the application had been deferred at the previous meeting for further negotiations with the applicants about the inclusion of affordable housing within the scheme. He said that the County Ecologist had required the imposition of further conditions regarding a wildlife protection plan and zone along the brook adjoining the site if permission was granted. He also said that the Transportation Manager was satisfied with the revised access arrangements from Ledbury Road.

The Development Control Manager said that investigation had revealed that the threshold for affordable housing within the Herefordshire Unitary Development Plan (UDP) in urban areas was 0.5 ha or 15 dwellings, also the new PPS3 suggests 15 dwellings as a national indicative minimum site. Permission was previously granted

on land adjoining the application site which was in a different ownership and not part of the new site. On this basis the UDP policies could not be used to insist with an element of affordable housing with the new application site because the two were separate and fell below the required threshold individually.

Councillor DJ Fleet was disappointed to learn that the site did not qualify for affordable housing and suggested that investigation be made into modifying the policies to cater for any similar applications in future. Councillor WJS Thomas felt that the two sites should be viewed as one for affordable housing because they benefited from a shared access over Council highway land.

Having considered all the facts relating to the application and the advice given by officers, the Committee decided that it should be approved.

**RESOLVED THAT**

- 1) **The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms set out in Appendix 1 to the report of the Head of Planning Services; and any additional matters and terms as he considers appropriate.**
- 2) **Upon the completion of the aforementioned planning obligation, and subject to there being no objection from Conservation Manager in respect of the outstanding matters that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by Officers, including those required in respect of highway matters.**
  - 1 **A01 (Time limit for commencement (full permission) )**  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
  - 2 **B01 (Samples of external materials )**  
**Reason: To ensure that the materials harmonise with the surroundings.**
  - 3 **F16 (Restriction of hours during construction )**  
**Reason: To protect the amenity of local residents.**
  - 4 **F48 (Details of slab levels )**  
**Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.**
  - 5 **G01 (Details of boundary treatments )**  
**Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**
  - 6 **G02 (Landscaping scheme (housing development) )**  
**Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.**

- 7 G03 (Landscaping scheme (housing development) - implementation )  
Reason: To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment.
- 8 G09 (Retention of trees/hedgerows )  
Reason: To safeguard the amenity of the area.
- 9 No development shall commence on the site or machinery or materials be brought on to the site for the purpose of development until adequate measures have been taken to prevent damage to Eign Brook and to those trees which are to be retained. Protective measures must include:
- a) Protective fencing, of a type and form agreed in writing with the local planning authority, to be erected along the boundary of the 5-metre exclusion zone. This fencing must be at least 2.0 metres high and sufficiently robust to deter construction traffic.
- b) No excavations, site works, trenches, channels, pipes, services or temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the exclusion zone.
- Reason: In order to preserve the character and amenity of the area.
- 10 H09 (Driveway gradient)  
Reason: In the interests of highway safety.
- 11 H13 (Access, turning area and parking)  
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
- 12 H21 ((Wheel washing)  
Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.
- 13 H27 (Parking for site operatives)  
Reason: To prevent indiscriminate parking in the interests of highway safety.
- 14 H29 (Secure cycle parking provision)  
Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of accommodation in accordance with both local and national planning policy.

**INFORMATIVES:**

- 1 Your attention is drawn to the requirements of Part M of the Building

Regulations 1991 in respect of the need to provide access and facilities for the disabled.

- 2 N03 - Adjoining property rights
- 3 N11A - Wildlife and Countryside Act 1981 (as amended) - Birds
- 4 N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 - Bats
- 4 HN1 – Mud on highway
- 5 HN5 – Works within the highway
- 6 HN8 – Section 38 Agreements
- 7 HN13 – Protection of visibility splays on private land
- 8 N15 - Reason(s) for the Grant of PP/LBC/CAC
- 10 N19 - Avoidance of doubt

*Councillor DJ Fleet abstained from the voting on this item.*

**111. DCNC2006/3364/F - PROPOSED TEMPORARY MOBILE HEALTH FACILITIES (TEMPORARY FOR SEVEN YEARS) AT BROAD STREET CAR PARK, LEOMINSTER, HEREFORDSHIRE**

The Development Control Manager presented his report about an application for temporary permission for seven years for the periodic siting of mobile health facilities on Broad Street car park at Leominster. The proposal formed part of an NHS initiative to provide diagnostic facilities through the private sector, it had been approved by Herefordshire Primary Care Trust and was intended to provide high quality health services for people living in the Leominster area. The units would be sited for periods of between one and three days per week or between 52 and 156 days per year. This fell beyond the scope of the temporary use of land for 28 days as described by the Town and Country Planning (General Permitted Development) Order 1995, and had lead to the necessity for the application.

Councillor JP Thomas one of the Local Ward Members welcomed the initiative but was concerned at the loss of key town centre car parking spaces for such long periods and the adverse affect this would have on the local economy and tourism. He felt that further investigation should be made into a more suitable location in the town that did not have the same drawbacks. Whilst recognising the importance of the proposal, the Committee shared the views of Councillor Thomas that alternative sites should be investigated for it.

**RESOLVED THAT**

**Consideration of the application be deferred for investigation to be made into an alternative location for the proposal.**

**112. DCSE2006/3238/O - PROPOSED AGRICULTURAL DWELLING WITH GARDEN AT STEPPE HOUSE FARM, PENCRAIG, ROSS-ON-WYE, HEREFORDSHIRE HR9 6HR**

The Development Control Manager said that at its meeting on 20th December, 2006 the Southern Area Planning Sub-Committee was minded to grant permission contrary to recommendation for an agricultural dwelling with garden at Steppe House Farm, Pencraig. The Head of Planning Services had referred it to the Planning Committee because of the issues involved. These centred around the fact that the need for a permanent dwelling had not been shown and the proposal would conflict with adopted and emerging policies which sought to protect the countryside, particularly the Wye Valley Area of Outstanding Natural Beauty, from unnecessary residential development.

The Development Control Manager said that a letter had been received from the agent acting for the applicants to say that they had to vacate the farmhouse at the behest of the developer so that he could incorporate it into the scheme of residential development of the existing farm buildings. The Agent had claimed that there were compelling grounds for approval to be granted because the application met the tests set out in PPG 7. The family had owned the farm for the past ninety-eight years but had encountered financial difficulties during the last five due to foot and mouth disease and had received no compensation. Approval would enable a new house to be built and the debts to be cleared. Notwithstanding this the Officers did not feel that the application met the functional and financial tests set out within the Councils policies.

In accordance with the criteria for public speaking, Mr Goldsworthy the agent acting on behalf of the applicants, spoke in favour of the application.

Councillor Mrs JA Hyde the Local Ward Member said that the Sub-Committee had considered that permission should be granted because in their opinion the functional case for a dwelling had been made and the farm had been profitable for many years but had suffered in recent years. This had created the situation where the applicant had been forced to sell the existing farmhouse and buildings. She said that it was appropriate permission to enable the family to continue to live and farm on the land and she felt that the application could be seen as an exception to policy because of the particular circumstances involved. Councillor GW Davis supported this view, feeling that because of the size of the farm and number of livestock involved it was essential for the family to have a dwelling on site because it would be difficult for them to manage it off site. Councillor Mrs JE Pemberton said that the family had demonstrated their commitment to the farm and that it was only the particular circumstances which had forced them down this route. She also felt that an exception could be made to policies. Councillor WJS Thomas also felt that it was important to support the application otherwise there was a danger of a long established family farm being lost. He also considered that the scheme had enabled much improved access and highway safety to the site.

Councillor JW Hope had considerable reservations about the application, feeling that the need had been overplayed and could be measured by first having a mobile home for three or four years. He felt that granting the application could set a dangerous precedent for other applications. The Chairman and Councillor DJ Fleet shared this view and felt that the applicants had exacerbated the problem by selling of all the buildings and that they could purchase a property elsewhere and use a mobile unit during key farming times. The Development Control Manager said that the policies referred to in the recommended reasons for refusal were those dealing with new agricultural workers' dwellings whereby national and local policies took a very restrictive stance. The fact that the applicants were selling the existing farmhouse



could be indicative of a lack of agricultural need. The relevant UDP policy similarly implied that the normally restrictive open countryside policies should not be circumvented by selling existing farmhouses simply to create a farm with no on-site residential accommodation thereby requiring a new farmhouse. Both policies advised against such practice in order to prevent the creation of sporadic residential development in open countryside. He drew attention to the view of the County Land Agent who had concluded that this largely arable farm holding did not justify a farmhouse and that a financial test had not been met by the application. Irrespective of the past existence of a farmhouse on the property, the proposal to erect a new farmhouse did not meet the policy tests for new residential development in open countryside as set out in Planning Policy Statement 7 and the UDP.

Having considered all the facts regarding the application and notwithstanding the advice of the officers, the Committee did feel that there were sufficient grounds for the application being approved with appropriate conditions.

### **RESOLVED That**

**planning permission be granted subject to an agricultural occupancy condition and any other appropriate conditions considered to be necessary by the Head of Planning Services.**

113. **DCSE2006/1146/F - CREATION OF A GREEN SPACE FOR RECREATIONAL USE BY WHOLE COMMUNITY. LANDSCAPING TO CREATE TWO FLAT AREAS TO PROVIDE PLAYGROUND AND GENERAL USE AREA FOR CHILDREN AND ADULTS AT LAND BEHIND GOODRICH SCHOOL, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HY**

A report was presented by the Development Control Manager about an application for the creation a recreational space for community use on land behind Goodrich School, Goodrich. He said that the application was included on the Committee's Agenda for 9th June 2006 but had been withdrawn arising on objections from Central Networks about a play area beneath overhead power cables. The applicants had been in discussion with Central networks and agreed arrangements for the cables to be re-routed underground. He also reported the receipt of two further letters of objection.

In accordance with the criteria for public speaking, Mr Lowe of Goodrich and Welsh Bicknor Parish Council spoke in favour of the application.

Councillor H Bramer said that the local Ward Member was generally in favour of the proposal but had some concerns about the future ongoing maintenance of the land and the funding arrangements. The Development Control Manager said that these were areas that had been addressed by the Parish Council in preparing the scheme.

### **RESOLVED**

**That planning permission be granted subject to the following conditions:**

- 1 **A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2 **G01 (Details of boundary treatments )**

**Reason: In the interests of visual amenity and to ensure dwellings have**

satisfactory privacy.

**3 G04 (Landscaping scheme (general) )**

**Reason: In order to protect the visual amenities of the area.**

**4 G05 (Implementation of landscaping scheme (general) )**

**Reason: In order to protect the visual amenities of the area.**

**5 No development shall take place until details of the fencing, surfacing and play equipment forming part of the children's play area have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: To ensure a safe and satisfactory play area.**

**Informative:**

**1 N15 - Reason(s) for the Grant of Planning Permission**

**114. PROGRAMME OF MEETINGS**

The Committee noted the following meetings which were scheduled for the remainder of the year:-

2nd March, 2007

20th April, 2007

The meeting ended at 11.46 a.m.

**CHAIRMAN**

PLANNING COMMITTEE

2ND MARCH, 2007

## REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meeting held on 31st January, 2007

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### Membership:

**Councillors:** Councillor J.W. Hope M.B.E (Chairman)

Councillor K.G. Grumbley (Vice-Chairman)

Councillors B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen, R.B.A. Burke, P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, P.E. Harling, B. Hunt, T.W. Hunt, T.M. James, Brig. P. Jones C.B.E., R.M. Manning, R. Mills, R.J. Phillips, D.W. Rule M.B.E., R.V. Stockton, J.P. Thomas and J.B. Williams (Ex-officio).

### PLANNING APPLICATIONS

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
  - (a) applications approved as recommended – 5
  - (b) applications refused as recommended – 1
  - (c) applications refused contrary to recommendation but not referred to Planning committee – 6
  - (d) applications identified in advance for a site inspection – 1
  - (e) applications deferred for further information - 2
  - (f) number of public speakers – 1 Parish Council; 0 objectors and 4 supporters

### PLANNING APPEALS

2. The Sub-Committee received an information report about 4 appeals received, 2 dismissed and 1 upheld.

**J.W. HOPE M.B.E**  
**CHAIRMAN**  
**NORTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for meeting held on 31st January, 2007**



PLANNING COMMITTEE

2ND MARCH, 2007

## REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meetings held on 17th January and 7th February, 2007

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### Membership:

**Councillors:** D.J. Fleet (Chairman)

R. Preece (Vice-Chairman)

Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew,  
A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie,  
T.W. Hunt (Ex-officio), Mrs. M.D. Lloyd-Hayes, R.I. Matthews,  
J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms G.A. Powell,  
Mrs. S.J. Robertson, Miss F. Short, Mrs. E.A. Taylor, W.J.S. Thomas,  
Ms A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams  
(Ex-officio) and R.M. Wilson.

### PLANNING APPLICATIONS

1. The Sub-Committee has met twice and dealt with the planning applications referred to it as follows:-
  - (a) applications approved as recommended - 11
  - (b) applications minded to approve contrary to recommendation - 1
  - (c) applications deferred for further information - 1
  - (d) applications deferred for site inspection - 2
  - (e) number of public speakers - 13 (parish - 2, objectors - 4, supporters - 7)

### PLANNING APPEALS

2. The Sub-Committee received information reports about 3 appeals that had been received and 8 that had been determined (allowed - 3, dismissed - 4, withdrawn - 1).

**D.J. FLEET  
CHAIRMAN  
CENTRAL AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meetings held on 17th January and 7th February, 2007**



PLANNING COMMITTEE

2ND MARCH, 2007

**REPORT OF THE SOUTHERN AREA PLANNING  
SUB-COMMITTEE**

Meetings held on 24th January, 2007 and 21st February, 2007

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**Membership:**

**Councillors: Councillor P.G. Turpin (Chairman)  
Councillors H. Bramer (Vice-Chairman)**

**M.R. Cunningham, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, J.W. Edwards, Mrs. A.E. Gray, T.W. Hunt (Ex-officio), Mrs. J.A. Hyde, J.G. Jarvis, G. Lucas, D.C. Taylor and J.B. Williams**

**PLANNING APPLICATIONS**

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
  - (a) applications approved as recommended - 7
  - (b) applications refused as recommended - 3
  - (c) applications minded to approve (1 referred to Planning Committee) - 2
  - (d) applications minded to refuse - 2
  - (e) number of public speakers - 4 (Parish Council – 1, objectors - 3, supporters - 8)

**PLANNING APPEALS**

2. The Sub-Committee received information reports about 7 appeals received and 18 determined (12 Dismissed, 4 Upheld, 2 Withdrawn).

**P.G. Turpin  
CHAIRMAN  
SOUTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meetings held on 24th January, 2007 and 21st February, 2007.**





**DCCW2006/3705/F - NEW DETACHED HOUSE WITH GARAGE AND VEHICULAR ACCESS THERETO AT WEIR VIEW, BREINTON, HEREFORD, HR4 7PR**

**For: Mr. D.J. Hyett per D.J. Hyett, Architect R.I.B.A. 27 East Street, Hereford, HR1 2LU**

**Date Received: 23rd November 2006    Ward: Credenhill    Grid Ref: 45214, 39945**

**Expiry Date: 18th January 2007**

Local Member:    Councillor R.I. Matthews

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 17th January 2007 in order to carry out a Members' site visit. The site visit was carried out on 30th January 2007.

The application was subsequently considered by the Central Area Planning Sub-Committee at its meeting on the 7<sup>th</sup> February 2007 when Members resolved to grant permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 7<sup>th</sup> February 2007 the Central Area Planning Sub-Committee was recommended to refuse this application for the following reason:

- 1. The application site is located outside any identified settlement boundary, in an area of open countryside as defined by the Herefordshire Unitary Development Plan. Within this location there is a general presumption against any new residential development and therefore the proposal is contrary to Policy H7 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**

An additional reason for refusal on design grounds had been included in the original committee report but had been overcome by revised plans submitted before the meeting of the Area Sub-Committee.

In the debate the members of the Area Sub-Committee expressed the view that a policy intended to restrict new residential development in open countryside was not appropriate to Breinton Common which had, hitherto, been identified as a small settlement in the former South Herefordshire District Local Plan. A site visit had been undertaken and those members familiar with the site felt that the proposal was a satisfactory form of infill development. The Area Sub-Committee resolved to grant planning permission delegating any conditions to the Head of Planning Services.

During the debate the Development Control Manager drew the attention of the Sub-Committee to the advanced state of the preparation of the Unitary Development Plan (UDP) which was being reported to full Council on 9<sup>th</sup> February 2007 with a recommendation from Cabinet that it be adopted. The formal adoption procedures are expected to be completed by 23<sup>rd</sup> March 2007.

The views expressed by the Area Sub-Committee were in conflict with the policy approach taken in the UDP to restrict the status of “Smaller Settlements” to those with significant facilities such as a school, a shop, good public transport links etc. Breinton Common did not satisfy the relevant criteria and was therefore excluded from the list of Smaller Settlements in the UDP. No objections had been made to this change in its status during the UDP preparation. Furthermore, in cases where such changes in status had been challenged through the UDP process the Inspector had supported the Council’s approach to its classification (and re-classification) of villages. In these circumstances there is a significant risk that a decision to grant planning permission in the face of the UDP policy would set a precedent for further development in the locality, effectively treating Breinton Common as a de-facto smaller settlement for development control purposes. Such an approach may have implications for other similar settlements which have lost their “Smaller settlement” status.

The Parish Council objected to the proposals because, in their view, the application of UDP policies was entirely appropriate in this case.

The decision of the Sub-Committee to approve this application raised a crucial policy issue and therefore this application has been referred to this Committee for further consideration. The report which follows has been updated since the Central Area Sub-Committee by omitting the second (design) reason for refusal which has been overcome through the submission of revised plans.

**1. Site Description and Proposal**

- 1.1 The application site is comprised of the south eastern half of the existing domestic curtilage serving the property known as Weir View which is located at the north western end of Breinton Common, on the southern side of the unclassified road which runs roughly east-west through Breinton Common.
- 1.2 The application seeks permission to erect a two storey four bedroom dwelling with a detached garage within the subdivided curtilage.

**2. Policies**

2.1 Government Guidance:

Planning Policy Statement 7: Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy DR1 - Design
- Policy DR2 - Land Use and Activity
- Policy DR7 - Flood Risk
- Policy H7 - Housing in the Countryside Outside Settlements
- Policy H10 - Rural Exception Housing
- Policy H13 - Sustainable Residential Development

2.3 South Herefordshire District Local Plan:

- Policy GD1 - General Development Criteria
- Policy C44 - Flooding

Policy SH10 - Housing in Smaller Settlements

### 3. Planning History

- 3.1 Outline planning permission no. 35720 Site for the erection of one dwelling with garage. Approved 13th March 1973.
- 3.2 DCCW2006/2270/F Proposed new dwelling. Refused 25th August 2006.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency: No objection. The site is theoretically located within Zones 2 and 3 on the indicative flood plain maps, however it is physically situated at a ground height of 70 metres which is 16 metres above the highest recorded flood level in that area, consequently the Environment Agency accept that the site is not within a designated flood plain and raise no objections.
- 4.2 Welsh Water: No objection, subject to the development being connected to a private drainage system.

#### Internal Council Advice

- 4.3 Traffic Manager: No objection, subject to the imposition of standard conditions.
- 4.4 Forward Planning Manager: Objection - the UDP can be given material weighting in regards to this application due to the Plan being through independent inquiry and the publication of Inspector's Report. The site is located in what is considered 'open countryside', outside and away from any of the listed main villages (Policy H4) or smaller settlements (Policy H6). In such locations, development is strictly limited to the exceptions detailed in Policy H7 (Housing in the Countryside outside of Settlements). It is considered that the application does not meet any listed exception within the policy and is therefore contrary to policy. Rural exception housing is allowed through Policy H10. Clear long term local need must be identified and established, however it is considered that the location and settlement is unsuitable for such a one off dwelling, even in the event of any need, given the lack of facilities and service provision within the immediate area. In regards to the issue of local need, clearly housing provision exists in the area, as the applicant lives there presently. There is no 'net need' for a further dwelling. Although desirable to remain in the area, this desire needs to be compared to the overall local need and the issue of development in the open countryside. Although the proposal tailors the new dwelling in regards to the specific requirements of the applicant and one sympathises with his personal need, it is unlikely subsequent occupiers would have exactly the same requirements. No representations were made in regards to Breinton or Breinton Common's lack of designation as either a main village or smaller settlement. In line with settlements where representations were made for inclusion, such as St. Owens Cross, these locations were dismissed at the Inquiry by the Inspector as being places where development should not be encouraged for reasons including their lack of facilities and services. Overall it is considered that the proposal is contrary to national and local planning policy.

## 5. Representations

5.1 Breinton Parish Council: Objection - This application site is located in 'an area of open countryside' as defined by the UDP and therefore where there is general presumption against any new residential development. The Parish Council fully supports the Herefordshire Unitary Development Plan as it affects Breinton and for that reason cannot support this application. Furthermore, even if this application had been made under the South Herefordshire District Local Plan, the Parish Council would still maintain that the proposed dwelling is too large for the site and represents 'cramming' in relation to its neighbours. Eight out of eleven mature trees would be cut down, not only destroying the surrounding environment but also affecting its ability to absorb excess water. This latter is particularly important as Breinton is situated on a hillside leading down to the river and there is a general problem with storm water run-off in the area.

5.2 The appellant's agent has submitted a supporting statement which can be summarised as follows:

"The applicant has lived in the locality for 40 years and has throughout that time held an intention to build a second dwelling within the curtilage, planning permission was previously approved in the 1970's although this was allowed to lapse, the existing house has now become unsuitable for the applicant's needs. The applicant wishes to build a modern house which could be simply converted in the future to provide ground floor accommodation."

5.3 Fourteen copies of a duplicated letter signed by local residents have been received in support of the application.

5.4 A petition signed by 26 people has also been submitted in support of the application.

The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

6.1 Having regard to the relevant policies of the Development Plan, the primary issues in determining this application are considered to be:

- The Principle of Development
- Other Development Control Criteria

### Principle of Development

6.2 Breinton Common was previously defined as a smaller settlement by Policy SH10 of the South Herefordshire District Local Plan, within which small-scale housing development may have been acceptable. However it is no longer recognised by the UDP as an area suitable for new residential development, therefore its settlement status has effectively been removed.

- 6.3 In the interests of securing sustainable patterns of development the UDP establishes a clear presumption against any form of residential development outside of an identified settlement boundary as defined by Policies H1 and H2 or those smaller settlements identified in Policies H4 and H6.
- 6.4 Outside of these areas Policy H7 makes provision for specific exceptions, which are limited to dwellings required for an essential agricultural, forestry or other economic requirement, the conversion of an existing rural building and the replacement or extension of an existing dwelling. Therefore the primary issue in determining this application is considered to be the weight to attach to the emerging policies of the UDP, as against those of the adopted South Herefordshire District Local Plan.
- 6.5 The UDP is now in the final stages before its formal adoption, having been approved by full Council as the policy of the Council on 9<sup>th</sup> February 2007. The final formal adoption procedure is expected to be completed though the statutory notice of adoption on 23<sup>rd</sup> March 2007.
- 6.6 Following publication of the Inspector's Report, there are a number of policies against which no modification was proposed. Therefore it is appropriate to view those policies as having significant weight in the determination of planning applications.
- 6.7 In this particular case Policy H6 is not proposed for modification and will consequently remain unaltered and unchallenged.. It has therefore been subject to the proper consultation process and can as a result now properly be relied upon to replace the South Herefordshire District Local Plan Policy SH10.
- 6.8 More specifically no challenge or objection as to whether or not Breinton Common should continue to be identified as a 'smaller settlement', was raised for the consideration by the Inspector during the UDP Inquiry. Consequently, the application site is now as a matter of policy clearly located outside of any area identified as being suitable for new residential development.

#### Other Development Control Criteria

- 6.9 Notwithstanding the in principal policy objection to the proposal, having consideration for the character and appearance of the wider locality, the originally proposal dwelling was considered to be out of scale with that of the neighbouring properties. However, that concern has been overcome through submission of revised plans.

#### Conclusion

- 6.10 The application site is located outside of any area identified as being suitable for new residential development and also represents an inappropriate form of development in the context of the locality. Therefore the proposal is contrary to the relevant policies in the Herefordshire Unitary Development Plan and as such, refusal is recommended.

### **RECOMMENDATION**

**That planning permission be refused for the following reason:**

- 1. The application site is located outside any identified settlement boundary, in an area of open countryside as defined by the Herefordshire Unitary Development Plan. Within this location, there is a general presumption against any new**

**residential development and therefore the proposal is contrary to Policy H7 of the Herefordshire Unitary Development Plan.**

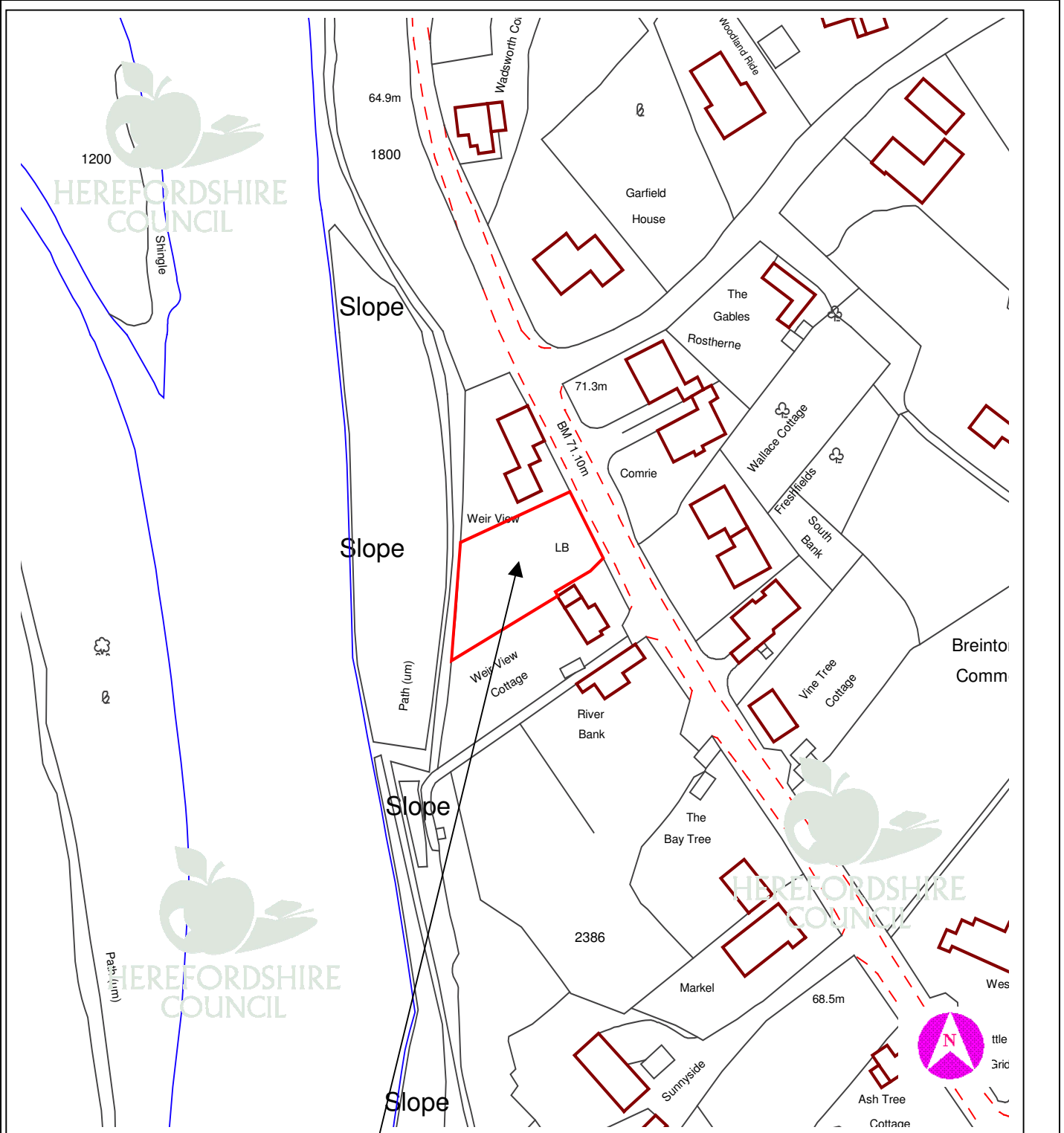
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2006/3705/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Weir View, Breinton, Hereford, HR4 7PR

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## **PROPOSED REVISED PLANNING ENFORCEMENT POLICY**

**Report By: Head of Planning Services**

### **Wards Affected**

County-wide

### **Purpose**

1. To update the Council's Planning Enforcement Policy

### **Financial Implications**

2. None.

### **Background**

3. The current Planning Enforcement Policy was approved by a Key Decision in 2003 and is published on the Council's website. However, since 2003 there have been changes in the policy background to planning enforcement, i.e. the replacement of the former local and structure plans by the Unitary Development Plan, along with some adjustments to Enforcement Practice including the introduction of six monthly reports to this Committee on enforcement activity. It is therefore felt that it would be helpful to update the Policy. The degree of change is relatively minor and, therefore, on the advice of the Head of Legal and Democratic Services the Policy can be updated without a further Key Decision. The updated policy, along with an explanation of the principal changes, is therefore being reported to this Committee for its endorsement as a working document, before being forwarded to the Cabinet Member for his approval.
4. It is appropriate to seek approval for an updated Policy to co-incide with the adoption of the Unitary Development Plan – it is therefore intended that the new Policy is brought into effect immediately upon the anticipated adoption of the Unitary Development Plan on 23<sup>rd</sup> March 2007.

### **The Proposed Changes in the New Policy**

5. The proposed updated policy is attached as an appendix to this report. The proposed changes from the previous policy can be summarised under four headings:
  - a) Updating references to the operative development plans, which are now the Regional Spatial Strategy and the Unitary Development Plan. Updating to the job titles where they have changed.
  - b) Refinements to the definition of the three priorities of cases: high, medium and low.
  - c) Explicit acknowledgement that, once a site has been visited, it may result in the priority accorded to a case being re-classified

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Further information about this report is available from Peter Yates, Development Control Manager on 1782

- d) Stating the current (i.e. since April 2006) arrangements for reporting enforcement activity to this Committee.

**a) Updating references**

6. The updating of the development plans and job titles comes about simply by virtue of changes in these circumstances since the first Enforcement Policy was approved in 2003.

**b) Revised Priorities**

7. The revisions to the definitions of the three Priorities has come about because, in the past year of monitoring enforcement work within the Team, it has become apparent that almost all cases could be categorised as being of "Medium" category, and it is simply not practicable to make the initial site visit within two working days (as set out in the old Policy) for all cases. The proposed policy therefore focuses the definition of "High Priority" to make it clear which are the case which must be inspected within one working day. The proposed revised definitions of the Priorities are:

**Level 1 – High priority** where there is a serious and urgent risk that the breach will result in irreversible damage to material planning interests. A site visit and investigations will be commenced within 1 working day for:

- Breaches of Listed Building control where demolition or alterations are taking place which are known to detract severely from the special architectural and historic interest of the listed building.
- Breaches of planning control in Conservation Areas or AONBs where there is clear evidence that immediate, irreparable and significant damage would be caused to the character or appearance of the Conservation Area, or the special landscape character of an AONB
- Removal of hedgerows, works to trees protected by a Tree Preservation Order and works to trees in Conservation Areas where hedges or trees which make a major contribution to the County's natural heritage are under immediate threat.
- Breaches of control or conditions causing significant irreversible damage to the environment
- Breaches of planning control which are resulting in serious damage to the biodiversity of a site in an area subject to special protection such as an SSSI, cSAC or SWS,
- Breaches of Planning Control which are resulting in permanent and serious damage the archaeological interest of a site, especially where it is a Scheduled Ancient Monument.

**Level 2 - Medium priority** for breaches involving building operations. A site visit and investigations will usually be commenced within 5 working days for:

- Breaches of planning control involving building work which would be significantly contrary to landscape and conservation policies set out in the development plan.
- Breaches of planning control or conditions which results in serious harm or loss of amenity or nuisance to a neighbourhood

**Level 3 – Low priority** where investigations and, if necessary, a site visit will be commenced within 10 working days for:

- Breaches of Advertisement control
- Development involving small domestic structures such as sheds or fences.
- Breaches of control where the use is likely to be temporary and capable of being resolved without formal action.

- Breaches not included in levels 1 and 2 above.

#### **c) Revising Priority Classifications after Investigation**

8. Along with redefining the Priorities above it is felt that the Policy should also acknowledge explicitly that once the preliminary investigation has been undertaken a case may well be re-classified to a different Priority if it becomes clear that the damage to the environment is either more or less significant than first thought.

#### **d) Monitoring Performance**

9. There are no national or local indicators for performance management of planning enforcement activity, and hence, in the past, there has been no reporting of enforcement matters through the Council's normal performance monitoring procedures. Instead, since April 2006 there has been a six monthly report to the Planning Committee, in April and October 2006 respectively. It is proposed to continue with this practice. It is, therefore, appropriate for the updated Planning Enforcement Policy to recognise current performance management and reporting practices and endorse them assuming that the Planning Committee is happy with these arrangements. The next such report is due to the next Planning Committee meeting on 19<sup>th</sup> April 2007.

### **RECOMMENDATION**

#### **THAT;**

**The revised Planning Enforcement Policy be supported, subject to any comments Members may wish to make, and forwarded to the Cabinet Member, Environment for approval as a policy of the Council to come into effect upon the adoption of the Unitary Development Plan.**



# HEREFORDSHIRE COUNCIL PLANNING ENFORCEMENT POLICY



Herefordshire Council's Planning Enforcement Policy was first approved, as a Key Decision, by the Cabinet Member (Environment) on 27<sup>th</sup> February 2003.

The Policy was updated in 2007 and, with the agreement of the Planning Committee on [date], this revised version was approved by the Cabinet Member (Environment) on [date], and came into effect on [date].

## Contents.

1. Aims of Policy
2. Enforcement Powers
3. Enforcement Practice in Herefordshire
4. Enforcement Strategy
5. Principles
6. Assessing the Need for Enforcement Action
7. Service Standards
8. Priorities for Action.
9. Monitoring of Planning Conditions and Legal Agreements
10. Case Management
11. Information and Publicity
12. Performance Monitoring.

### 1. Aims of the Policy

To control unauthorised development, works and operations and ensure effective compliance with planning permissions, listed building and other related consents and regulations through an approach to enforcement that is proportionate, targeted, consistent and clear.

### 2. Enforcement Powers

There are several tools available to the Council to deal with breaches of planning control under the Town and Country Planning Acts.

- Requisition for Information - often served to gather information on ownership of land or buildings prior to serving one of the notices listed below.
- Planning Contravention Notice - can be served where it appears that there may have been a breach of planning control and the Council requires information about activities on the land or nature of the occupier's interest in the land.
- Breach of Condition Notice - can be served where there is a failure to comply with any condition or limitation imposed on the grant of planning permission.
- Enforcement Notice - can be served to remedy an actual breach of planning control by requiring an unauthorised use to stop or building works to be removed. A notice can also be served to restrict or condition a particular operation, which is otherwise unacceptable. There is a right of appeal against the notice.
- Stop Notices - can be served in conjunction with an Enforcement Notice to require unauthorised activities to cease before the Enforcement Notice comes into effect.

In practice the threat of claims for compensation are a real deterrent to serving this type of notice.

- Temporary Stop Notices - can be served to require unauthorised activities to cease for 28 days, they are not required to be served with an enforcement notice.
- Injunctions - can be sought in the County Court or High Court to restrain any actual, or expected, breach of planning control.

The Council may initiate a prosecution in all cases where the requirements of a notice or injunction are not met in the stated timescale.

In addition to the powers outlined above, Planning Services is also responsible for investigating and controlling the following –

- Unauthorised works to Listed Buildings - It is an offence to carry out unauthorised works to a Listed Building or demolish it without consent. Prosecution can be pursued under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Alternatively the Act also includes the power to serve a Listed Building Enforcement Notice to which there is a right of appeal
- Unauthorised works to protected trees - It is an offence to carry out unauthorised work to trees protected by a Tree Preservation Order. Works to trees in a Conservation Area should be notified to the Local Planning Authority in advance. In both instances the Council has power to prosecute offenders and require the planting of replacement trees.
- Unauthorised removal of hedgerows - Under the Hedgerow Regulations 1997, the Council is responsible for protecting 'important' hedgerows.

It is an offence to remove a rural hedgerow if the owner has not served a Hedgerow Removal Notice on the Council or where the Council has served a 'Hedgerow Retention Notice'. Enforcement of the Regulations may involve prosecution, requiring the planting of a replacement hedgerow or the service of an injunction to restrain any actual or apprehended offence.

- Unauthorised advertisements - The Council may prosecute any person who displays an advertisement in contravention of the Advertisement Regulations.
- Land adversely affecting amenity - Section 215 of the Town and Country Planning Act 1990 enables a Local Planning Authority to serve a notice requiring steps to be taken to remedy the condition of land where it is not being suitably maintained and is an eyesore as a result. There is a right of appeal to the magistrates' court.
- Contraventions of Hazardous Substances Control - It is a criminal offence under the Planning (Hazardous Substances) Act 1990 to exceed controlled quantities of hazardous substances or fail to comply with a condition on Hazardous Substances Consent. Prosecution is through the Magistrates Court. The Council can also serve a contravention notice and apply for an Injunction.
- Within Hereford Area of Archaeological Importance it is an offence to undertake any operations which disturb the ground, flood or tip without giving 6 weeks notice to the Council who are the administering authority.
- The Council also has powers to carry out works to protect listed buildings under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 3. Enforcement in Herefordshire

Over 1000 enforcement enquiries are received by the Council each year. Many of these are dealt with quickly as investigation reveals there is either no breach of control, or a minor technical breach is discovered which can be put right informally. More serious cases may require formal enforcement action.

The types of enforcement cases encountered in Herefordshire vary widely. They include breaches of planning conditions, unauthorised development and changes of use such as the siting of mobile homes on agricultural land. The following table sets out the number of Enforcement, Breach of Condition or Planning Contravention Notices served in each of the four years from 2003 to 2006.

<b>Numbers and Types of Notices</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
Enforcement Notices	10	19	19	36
Breach of Condition Notices	13	26	17	29
Planning Contravention Notices	6	23	57	101
Totals	29	68	93	166

The Council is also responsible for taking action against unauthorised works to listed buildings, works to or the removal of protected trees without consent, the removal of hedgerows in contravention of the Hedgerow Regulations, and contravention of procedures that operate within Hereford Area of Archaeological Importance.

Five Planning Enforcement Officers are based in the Development Control team in Planning Services. They investigate cases from initial complaint through to the service of formal notices, appeals and court action. Historic Buildings Officers are closely involved in cases involving unauthorised works to Listed Buildings.

The Council's Conservation Section takes the lead where the unauthorised removal of trees and hedgerows are involved.

The Enforcement team and other officers also works closely with Building Control Surveyors who inform them when work has started on site and make an initial check on whether development is proceeding in accordance with the approved plans.

The Legal Practice Manager and senior officers in Planning Services have powers delegated by the Planning Committee to make decisions on whether to take enforcement action. In addition, the decision to prosecute rests with the Legal Practice Manager. The Council's Legal Services team provides legal advice on cases as required and handle the serving of Enforcement Notices and prosecutions.

### 4. Enforcement Strategy

**The Herefordshire Plan is guided by a vision to build a strong, competitive and innovative economy; to properly protect the environment; and to create fair and thriving communities. Planning enforcement controls and monitors development to ensure changes respect and protect the environment**

**The Council takes its responsibilities for enforcement seriously and will pursue formal action whenever it is considered appropriate.**

Public confidence in the development control process is quickly undermined if unauthorised development is allowed to proceed without any apparent attempt by the local planning authority to intervene before serious harm to amenity results from it.

The Council has discretion to take enforcement action when it regards it as expedient. In taking action the Council will be guided by the following considerations that are set out in Planning Policy Guidance Note 18.

- The Council has the primary responsibility for taking whatever enforcement action is necessary in the public interest.
- The Local Government Ombudsman may find 'maladministration' if the Council fails to take effective enforcement action which is plainly necessary within a reasonable timescale.
- In considering any enforcement action under the Planning Acts the decisive issue should be whether the breach of control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.
- Enforcement Action should always be commensurate with the breach of planning control to which it relates. For example, it is usually inappropriate to take formal enforcement action against trivial or technical breach of control which causes no harm to amenity in the locality of the site.
- The local planning authority will normally make an initial attempt to seek a negotiated solution by persuading the owner or occupier of the site to make an application and/or cease work. However, negotiations will not be allowed to hamper or delay whatever formal enforcement action may be required to make the development acceptable on planning grounds, or to compel it to stop.

Enforcement action under the Hedgerow Regulations and within Hereford Area of Archaeological Importance will be pursued in accordance with Government guidance and accepted best practice. Both the Conservation and Development Control Teams within Planning Services will continue to work together to ensure a unified approach to planning enforcement matters.

## 5. Principles

The Council signed up to the Enforcement Concordat in November 2000. This document was drawn up by the Access to Business Group and sets out the principles under which all local authority enforcement functions should be administered.

- Performance will be measured against agreed **standards**.
- There will be **openness** in dealing with business and others.
- Enforcers will be **helpful, courteous** and **efficient**.
- Complaints procedures will be **publicised**.
- Enforcement decisions will be taken in a **proportionate** manner.
- Enforcement Officers will strive for high standards of **consistency**.

## 6. Assessing the need for enforcement action or prosecution

In deciding whether enforcement action or prosecution is expedient the Council will take the following steps:



1. Establish the facts - to find out what is happening on a site or in a building, who the owner/occupier is and the relevant planning history of the site.

In doing this the Enforcement Officer may do any or all of the following-

- Visit the site. This will usually be unannounced and photographs may be taken. Where circumstances require it the site visit may be done under warrant.
- Interview the owner and/or occupier. Such interviews are used to obtain information about the alleged breach of planning control and to give information about the enforcement process and options available.
- Occasionally, in serious cases where an offence may have been committed, it may be necessary to conduct an interview under caution as required by the Police and Criminal Evidence Act 1984.
- Issue of Planning Contravention Notice or other statutory request for information.
- Check the Councils files for planning permission, planning conditions or other correspondence, which may be relevant to the alleged breach of planning control.
- Make enquiries with other statutory bodies and enforcement agencies to co-ordinate action

2. Analyse the information gathered - Enforcement officers will discuss their findings with planning officers, Historic Buildings Officers and other professionals as appropriate.

The Enforcement Officers will consult relevant legislation and the Unitary Development Plan for Herefordshire to establish the degree of harm to interests the Council has a duty to protect.

In addition, before any formal enforcement action is taken the provisions of the Human Rights Act 1998 will be taken into account. Essentially this will involve consideration of whether taking action, or not taking action, will interfere with one of the convention rights. The rights of both the complainant and the offender have to be taken into account.

3. Decide which of the following categories the breach of control falls into:-
  - a) Development or unauthorised works that require enforcement action or prosecution (in appropriate cases) to be commenced immediately.
  - b) Development or work that requires permission or consent and there is a reasonable chance that permission or consent will be granted.
  - c) Development or works judged to be of a type or degree that it would not be expedient to take enforcement action.
  - d) Development that is permitted development and therefore does not require planning permission.
  - e) Development that is exempt from enforcement action due to the passage of time and is considered lawful.
  - f) Development that does not constitute a breach of planning control.
  - g) Development or works that appear to fall within the remit of another enforcing agency will be referred to the agency concerned.

4. Prepare a report - Where it is decided to take action a report will be written for consideration by a named senior officer who has delegated powers to authorise enforcement action or prosecution. A report is also prepared where a breach has occurred but it is not considered expedient to take formal action.

## 7. Service Standards

The following service standards and priorities are set for dealing with complaints.

- In general, complaints will be accepted by telephone, via the Council's website or directly by email, or in writing and recorded on a Complaints Form. There are occasions when the complainant will be requested to submit their complaint in writing particularly where it is anticipated that a serious breach has occurred. Anonymous calls and letters will be dealt with at the discretion of the Enforcement Officer in consultation with the relevant Team Leader and/or Development Control Manager.
- The Enforcement Officers will endeavour to acknowledge written complaints within 3 working days, where appropriate in a manner consistent with the Council's published customer standards, which apply across all services.
- Complainants will normally be informed of progress in writing, by email or by telephone within 10 working days of the alleged breach being reported. They will be updated as appropriate and informed of proposed action, if any, within 10 working days of a decision on the case being made.
- The Council will not divulge the details of the complainant to any person against whom the complaint is lodged. There may however be cases where the complainant's evidence will be crucial to successful enforcement action and an approach will be made to request that they act as a witness.
- Where a breach of planning control has taken place it will be dealt with in accordance with the following priorities.

## 8. Priorities for Action

**Level 1 – High priority** where there is a serious and urgent risk that the breach will result in irreversible damage to material planning interests. A site visit and investigations will be commenced within 1 working day for:

- Breaches of Listed Building control where demolition or alterations are taking place which are known to detract severely from the special architectural and historic interest of the listed building.
- Breaches of planning control in Conservation Areas or AONBs where there is clear evidence that immediate, irreparable and significant damage would be caused to the character or appearance of the Conservation Area, or the special landscape character of an AONB
- Removal of hedgerows, works to trees protected by a Tree Preservation Order and works to trees in Conservation Areas where hedges or trees which make a major contribution to the County's natural heritage are under immediate threat.
- Breaches of control or conditions causing significant irreversible damage to the environment
- Breaches of planning control which are resulting in serious damage to the biodiversity of a site in an area subject to special protection such as an SSSI, cSAC or SWS,

- Breaches of Planning Control which are resulting in permanent and serious damage the archaeological interest of a site, especially where it is a Scheduled Ancient Monument.

**Level 2 - Medium priority** for breaches involving building operations. A site visit and investigations will usually be commenced within 5 working days for:

- Breaches of planning control involving building work which would be significantly contrary to landscape and conservation policies set out in the development plan.
- Breaches of planning control or conditions which results in serious harm or loss of amenity or nuisance to a neighbourhood.

**Level 3 – Low priority** where investigations and, if necessary, a site visit will be commenced within 10 working days for:

- Breaches of Advertisement control
- Development involving small domestic structures such as sheds or fences.
- Breaches of control where the use is likely to be temporary and capable of being resolved without formal action.
- Breaches not included in levels 1 and 2 above.

Following the initial investigation it is possible that individual cases will be re-classified to a different priority level and the programme of action adjusted accordingly.

## 9. Monitoring of Planning Conditions and Legal Agreements

Monitoring planning conditions is an integral part of a pro-active enforcement policy. Enforcement Officers will monitor conditions on planning permissions and other consents and approvals to ensure they are complied with in consultation with Building Control Surveyors and officers from the Conservation section.

The increasing use of legal agreements under section 106 of the Town and Country Planning Act and section 278 of the Highways Act is generating significant work in monitoring their implementation. Agreements may require work to be carried out within a specific timescale, control occupancy, make financial contributions or involve the provision of facilities such as open space.

Monitoring, although an important function in the Council's role in development control, will nevertheless be a secondary one. The section does not have the resources to systematically monitor and "sign off" all development. The investigation of reported breaches of planning control will receive priority. Nonetheless, officers will prioritise monitoring legal agreements, major applications, Listed Building Consents and applications that have been particularly controversial in a neighbourhood. In some cases the 'development team' approach, involving officers from outside the Planning Service and project management techniques will be used to ensure the proposed scheme is implemented in accordance with the approved plans and agreements.

## 10. Case Management

All complaints will be recorded on the Council's MVM computer system. Action will follow the steps set out in this Policy. The Enforcement Officer will investigate, consider and make a recommendation on each case. The decision whether or not to take action will be made by the Enforcement Officer in consultation with the

appropriate senior officer and recorded on the MVM system. All current cases will be reviewed by the Area Team Leaders on a regular basis.

In cases where action is proposed a review of the case will be set out in a report and signed by an officer named in the Council's Scheme of Delegation in order that the action is properly authorised. Where an Enforcement Notice or prosecution is involved the case is sent to Legal Services for the appropriate notice or summons to be issued.

Enforcement appeals will be dealt with jointly by enforcement officers and the case officer for any related planning application or such other planning officer as allocated by the Area Team Leader.

The enforcement officers will also work in partnership with officers from Environmental Health and Transportation where direct action is required to deal with fly posting and other unauthorised advertisements.

## **11. Information and Publicity**

Complainants will be informed of any action, or otherwise, the Council is proposing to take in accordance with this policy.

Where appropriate, publicity will be given to cases where enforcement appeals have been successful or have resulted in a successful prosecution.

## **12. Performance Monitoring**

A programme of reporting enforcement statistics to Planning Committee was established during 2006/07 along with the development of performance indicators for Enforcement work. Typical reports included:

- Numbers of complaints received
- Number and types of notices issued
- Details of outcomes of cases
- Results of enforcement appeals

Andrew Ashcroft  
Head of Planning Services  
March 2007

## STATEMENT OF COMMUNITY INVOLVEMENT

Report By: Forward Planning Manager

### 1. Wards Affected

Countywide

### 2. Purpose

- 2.1 To seek adoption of the Council's Statement of Community Involvement (SCI) and be informed of the Inspectors report into the soundness of the document. This document is required as part of the new planning system and will set out how the Council will consult on planning matters.

### 3. Background

- 3.1 Reports were presented to Planning Committee on the 30<sup>th</sup> September 2005, 20th January 2006 and 21<sup>st</sup> April 2006 which provided information on the new planning system and the need to prepare a Statement of Community Involvement (SCI). The reports provide information on the progress being made with the production of the SCI document.

- 3.2 The purpose of the SCI is to:

- Identify who will be consulted on particular types of documents and applications and when they will be actively involved in plan making and in reaching decisions on planning applications;
- Set out transparent, accessible and meaningful approaches to community involvement in plan preparation and decision making on planning applications;
- Encourage early involvement in decision making between the community, interest groups and stakeholders. This can help to resolve any initial conflicts and can generate a sense of ownership early in the process and on agreed outcomes.
- Recognise and understand the different needs of all sections of the community and stakeholder interests and establish the most effective means of enabling all sections of the community to make their views known and help shape planning decisions in their areas;
- Explain how the results of the consultations will be fed into preparation of local development documents and how those involved will be kept informed;
- Set out standards for the Council to achieve and explain how the process will be resourced and managed and how the new planning process will be co-ordinated with other community involvement and consultation initiatives undertaken by the Council.
- To ensure that the Council complies with the adopted Statement of Community Involvement when preparing its Local Development Documents and this compliance must be kept under review and revised where necessary.

3.3 The process by which an SCI is prepared is laid down by Government in the Town and Country Planning (Local Development)(England) Regulations 2004. The following provides a summary of some of the key regulations:

- Reg 25 – Initial consultation
- Reg 26 – Draft SCI for public consultation
- Reg 27 – Consider and amend SCI as appropriate
- Reg 28 – Submit SCI to Secretary of State
- Reg 34 – Possible public examination
- Reg 35 – Binding Inspectors report
- Reg 35 – Publish Inspectors report
- Reg 36 - Adopt the SCI with any revisions

3.4 The Regulations require a Consultation Statement to be published to provide background information on the way Herefordshire Council has involved the community in the preparation of its SCI. This statement sets out in detail the consultation methods used to engage the wider community at each stage, a summary of the main issues raised and how they have been addressed. The statement which has been previously submitted to this Committee has now been updated to include reference to the final stages and the Inspectors report and will be published alongside the adopted SCI.

3.5 The last Committee report provided information on the representations that were made at the submission stage of the SCI (Regulation 28). The consultation at the submission stage was about gaining support or otherwise to a document that had been submitted to the Secretary of State for consideration. There were 11 objectors resulting in 31 individual objections to various parts of the SCI and 32 supports with one organisation not commenting. In line with Regulation 33 copies of all representations that were received at this stage, which relate to the nine tests of soundness of the document and could not be met by the Council, were submitted to the Secretary of State for consideration. The Inspector has now given consideration to these and the Council is now in receipt of the Inspector’s report which is binding on the authority.

3.6 The nine tests of soundness are identified below and can be found at paragraph 4.24 of PPS 12:

1	Does the SCI comply with the minimum requirements for consultations as set out in the Town and Country Planning (Local Development) (England) Regulations 2004?
2	Does the SCI’s strategy for community involvement link with other community involvement initiatives (eg the community strategy)?
3	Does the SCI identify in general terms which local community groups and other bodies will be consulted?
4	Does the SCI identify how the community and other bodies can be involved in a timely and accessible manner?

	and accessible manner?
5	Are the methods of consultation to be employed suitable for the intended audience and for the different stages in preparation of local development documents?
6	Are the Resources available to manage community involvement efficiently?
7	Does the SCI show how the results of the community involvement will be fed into the preparation of development plan documents and supplementary planning documents?
8	Does the SCI set out a mechanism for reviewing the SCI?
9	Does the SCI clearly describe the policy for consultation on planning applications?

## 4 Inspector's Report

- 4.1 The Inspector dealt with the representations through the written representation procedure.
- 4.2 Appendix 1 provides an extract from the Inspectors report and includes his 12 recommendations.
- 4.3 These are all binding on the authority.
- 4.4 The Inspector found that subject to the 12 recommendations set out in his report, the Herefordshire SCI is sound.

## 5 Next stage

- 5.1 In line with Regulation 35 the Council is required to publish the Inspectors report. The report needs to be made available at all deposit locations throughout the County, on the Council's website and a letter needs to be sent to all those who made a representation at the submission stage notifying them of the publication of the Inspectors report.
- 5.2 In line with Regulation 36 the Council also needs to formally adopt the SCI with the revisions identified in the Inspectors report and issue an adoption statement. A copy of the revised SCI is provided at appendix 2 of this report.

## RECOMMENDATION

**THAT the Cabinet member receives the Inspectors Report and submits the revised SCI to Cabinet for adoption as the Council's policy in respect of consultation on planning matters in line with the Town and Country Planning (Local Development)(England) Regulations 2004.**

### Background papers

SCI Pre-Submission Draft (January 2006)  
 SCI Submission Draft (June 2006)  
 SCI Inspector's report (February 2007)  
 SCI Consultation Statement (February 2007)  
 The Planning and Compulsory Purchase Act 2004  
 Town and Country Planning (Local Development)(England) Regulations 2004.  
 Planning Policy Statement 12

**APPENDIX 1: SUMMARY OF THE INSPECTORS REPORT**

The following provides an extract of the Inspector's report into the soundness of Herefordshire Council's SCI.

**Test 1: Does the SCI comply with the minimum requirements for consultations as set out in the Town and Country Planning (Local Development) (England) Regulations 2004?**

- The Council has undertaken the consultation required under Regulations 25, 26 and 28 of the Town and Country Planning (Local Development) (England) Regulations 2004 and I am satisfied that this has been conducted satisfactorily.
- Having regard to "DPD matters" and "proposals matters", see Regulation 24 (4), the Council should have included a statement regarding notification requests in earlier documentation, including the advertisements.
- This test is met subject to the following recommendation:

**Recommendation**

**(R1)** The Council are to notify all those who made a representation on the submission SCI of the publication of the Inspector's report and adoption of the SCI.

**Test 2: Does the SCI's strategy for community involvement link with other community involvement initiatives (eg the community strategy)?**

- Section 6 recognises the links between the LDF, the SCI and the Community Strategy. Paragraph 6.6 acknowledges that the LDF is a way of delivering the aims of the Community Strategy, and states that the Council will utilise existing strategies in the consultation on LDDs. The SCI also makes reference to other community strategies (in Paragraph 6.2), such as the Local Transport Plan, Economic Development Strategy and Housing Investment Strategy and states that consideration will be given to how these will be linked in terms of objectives and consultation.
- This test is met.

**Test 3: Does the SCI identify in general terms which local community groups and other bodies will be consulted?**

- The Council has set out in Section 5 and Appendix 2 of the SCI those groups which will be consulted. This list includes the statutory bodies from PPS12 Annex E. It is stated at Paragraph 5.3 of the SCI that the Council hold a database of consultees' details and that this will be updated as necessary.
- In the interests of clarity, the title of Appendix 2 should be amended and I recommend accordingly.



- The re-organisation of certain consultation bodies, such as Post Office Property Holdings, should be acknowledged in the SCI and I recommend an additional sentence be added to this effect.
- This test is met subject to the following recommendations:

### Recommendations

**(R2)** In Appendix 2 at the top of Page 41, the word 'Proposed' should be deleted from the title.

**(R3)** In Appendix 2 at the top of Page 41, replace the introductory paragraph with the following sentence:

"Please note, this list is not exhaustive and also relates to successor bodies where re-organisations occur. An up to date consultation list is available from the Forward Planning section of Planning Services."

### **Test 4: Does the SCI identify how the community and other bodies can be involved in a timely and accessible manner?**

- The first section of the table in Paragraph 10.1 at Page 23 shows that the Council will involve and inform people from the early stages of DPD preparation. Table 1 on Pages 19 - 21 sets out the range of methods the Council will employ to do this. The Council clarify in the table on Pages 23 - 28 the stages at which consultation will take place and who will be consulted at those stages. It shows that consultation will take place with the key stakeholders during the issues and options stage of DPD production in accordance with Regulation 25. I am satisfied that providing these stages are followed the consultation proposed will be undertaken in a timely and accessible manner.
- For the sake of completeness, the diagram on Page 11 should contain a reference to the additional period of consultation for site allocation representations under Regulations 32 and 33.
- This test is met subject to the following recommendation:

### Recommendation

**(R4)** In the diagram on Page 11, within the third circular text box on the second row, add an asterisk referring to an explanatory note within the diagram to read as follows:

"An additional period of 6 weeks consultation is allowed after submission but before the examination in the event of site allocation representations being made."

### **Test 5: Are the methods of consultation to be employed suitable for the intended audience and for the different stages in preparation of local development documents?**

- Table 1 on Pages 19 - 21 sets out the methods that the Council propose to use to involve the community and stakeholders. These cover a range of recognised consultation techniques that will present information via a range of different media. The Council acknowledge the benefits and disadvantages of the different methods and indicate at what stages of LDD preparation the various methods might be employed.
- Section 7 of the SCI acknowledges that the Council may have to provide extra support to facilitate consultation with certain groups or individuals, and proposes (in Part 9) how they might do this. Paragraphs 7.1 – 7.3, 7.12 – 7.16, 9.9, 9.11 and 9.13 – 9.16 explain how the Council will make their information accessible to all members of society.
- The notice on the inside front cover should contain full contact details for obtaining documents in alternative formats and I provide a recommendation to this effect.
- Contact details for obtaining LDF documents in alternative formats should also be provided at an appropriate point in the body of the SCI and I provide a recommendation accordingly.
- Explicit reference should be made within the SCI to the Race Relations Act and Disability Discrimination Act.
- I am satisfied that the methods of consultation proposed in the SCI are suitable for the intended audiences and for the different stages in LDD preparation.
- This test is met subject to the following recommendations:

### Recommendations

**(R5)** Replace the notice on the inside front cover with the following statement:

“This and other Local Development Framework documents can be made available on request in large copy print, audio cassette, Braille or languages other than English. If you require the document in one of these formats please contact: Emma Lawrence, Herefordshire Council, Forward Planning, P.O. Box 4, Plough Lane, Hereford, HR4 0XH Tel: 01432 383357 E-mail: elawrence@herefordshire.gov.uk”

**(R6)** In Paragraph 9.11, replace the words ‘will be considered’ with a new sentence to read:

“Documents in other formats may be obtained from: Emma Lawrence, Herefordshire Council, Forward Planning, P.O. Box 4, Plough Lane, Hereford, HR4 0XH Tel: 01432 383357 E-mail: elawrence@herefordshire.gov.uk”

**(R7)** A new numbered paragraph should be added following Paragraph 9.11 as follows:

“The Council will make every effort to meet the requirements of the Disability Discrimination Act 1995 and the Race Relations Act 2000.”

**Test 6: Are the Resources available to manage community involvement efficiently?**

- Paragraph 9.12 of the SCI explains how the Council will seek to ensure that sufficient resources are put in place to achieve the scale of consultation envisaged.
- In response to my request for additional information, the Council have proposed an amendment to the SCI. This provides greater clarity and I recommend this amendment be made to the SCI.
- This test is met subject to the following recommendation:

**Recommendation**

**(R8)** Following Paragraph 9.12, insert a new numbered paragraph to read as follows:

“The budget for Local Development Framework preparation will meet the costs of the legal requirements for community involvement in plan-making. The Council's Local Development Scheme sets out a phased programme for the preparation of Local Development Documents, ensuring that consultation activities are staggered and that the SCI's requirements can be met without undue pressure on resources. Resources for the Local Development Framework are assessed through the Council's budget review process, which will include consultation requirements. Where possible, consultations will be coordinated with other departments, external stakeholders and local communities to lever in more resources.”

**Test 7: Does the SCI show how the results of the community involvement will be fed into the preparation of development plan documents and supplementary planning documents?**

- Paragraphs 9.14 and 9.5 and Section 10 provide information on how the results of community involvement will be taken into account by the Council and used to inform decisions. It is clear from Section 10 that the Council also propose to report on consultation processes and that this material will be publicly available. However, the SCI provides insufficient detail on decision-making processes and how the results of consultation inform the content of the LDDs.
- In response to my request for further detail on how decisions are taken with regard to consultation, the Council have proposed additional text for the SCI. In the interests of clarity, I recommend that this be included.
- This test is met subject to the following recommendation:

**Recommendation**

**(R9)** At the end of Section 10, add a final numbered paragraph headed “Decision Making Processes” to read as follows:

“The Council will maintain a record of consultation responses received during the preparation of planning documents and will present a transparent decision-making process

to the community. Consultation responses are one of the matters to be taken into account by Councillors when making decisions on plan-making. A Statement of Compliance will be produced for every planning document which will include summaries of all consultation responses received as well as officers' responses which will identify where the document has been amended in light of responses received. The Statement of Compliance will be reported to members no later than the date that they consider making decisions on planning documents. The comments received will be made publicly available so they can be viewed by others with an interest in the matter.

When a DPD is submitted to the Secretary of State, the Regulations require that a Statement of Compliance is also provided. The Inspector when testing the soundness of the DPD at examination will use the Statement of Compliance to determine whether the SCI has been correctly followed. If there has been a failure to comply with the SCI or the Regulations, in a way that undermines the DPD, the Inspector can recommend that the document be withdrawn."

**Test 8: Does the SCI set out a mechanism for reviewing the SCI?**

- Section 12 of the SCI provides information on monitoring and explains that the SCI will be formally reviewed in accordance with the LDS. Paragraphs 2.9 and 12.3 confirm the Council's intent to review the SCI on an annual basis through the Annual Monitoring Report.
- I am satisfied that the Council has mechanisms for reviewing the SCI and have identified potential triggers for the review of the SCI.
- This test is met.

**Test 9: Does the SCI clearly describe the policy for consultation on planning applications?**

- The SCI at Section 11 clearly describes the Council's policy for consultation on planning applications. This section meets the minimum requirements and provides additional methods of consultation. Section 11 also distinguishes between procedures appropriate to different types and scale of application, and includes information (Paragraphs 11.27 – 11.39) on how the consultation results will inform decisions.
- It would be useful if the SCI made specific reference to the longer statutory time period for consultation that may be applicable in certain circumstances, and I recommend a change to acknowledge this.
- Subject to the following recommendations this test is met.

**Recommendation**

**(R10)** In Paragraph 11.18 at the fourth sentence add the following sentence to the text in parentheses:

"Some bodies, such as Natural England, are allowed a longer period of time to comment on applications where this is prescribed by legislation."

### Conclusions

- 11.1 The Council have set out in Appendix 17 of their Consultation Report (October 2006) a number of proposed changes to the SCI in response to representations received on the submission document. These suggested amendments do not affect the substance of the SCI but they do improve the clarity and transparency of the submission SCI. I therefore agree that they be included and they are listed in Appendix C of this Report.
- 11.2 Whilst I have attempted to identify as many consequential amendments as possible that may follow from my recommendations, it seems inevitable that issues of consistency may arise. In the event of any doubt, please note that I am content for such matters, plus any minor spelling, grammatical or factual matters to be amended by the Council, so long as this does not affect the substance of the SCI.
- 11.3 Subject to the recommendations set out in this Report, the Herefordshire Council SCI (June 2006) is sound.

### **Recommendations**

**(R11)** The Council should implement their proposed changes as listed in Appendix C of this Report except where covered by a Recommendation in the body of this Report.

**(R12)** The Council should remove Appendix 9 and all other references to previous stages of this document.


The proposed changes in appendix C include:

- Delete the old Appendix 9 and replace with a new appendix 9 which provides guidance notes on how to make a representation at submission stage.
- Amend appendix 2 into the categories of 'Specific', 'General' and 'Other' to reflect the advise Annex 5 of PPS12
- Delete Hereford Charter Trustees and Strategic Rail Authority from Appendix 2
- Include the following LDF consultees to Appendix 2 – Museums, Libraries and Archives – West Midlands, Tourism West Midlands, Midlands Architecture and Designed Environment.
- Replace reference to ODPM with the Department for Communities and Local Government
- Delete Tetlow King from appendix 2 and replace with West Midlands RSL Planning Consortium
- Amend Hereford and Worcester Ambulance Service NHS Trust to West Midlands Ambulance Service NHS Trust in Appendix 2.

**Appendix 2: Statement of community Involvement (Final version for adoption)**

## Statement of Community Involvement



 **Statement of Community Involvement, Pre-Submission Draft, January 2006, Questionnaire**

**Introduction**

A draft Statement of Community Involvement (SCI) has been produced and is currently the subject of consultation, as required by statutory regulations.

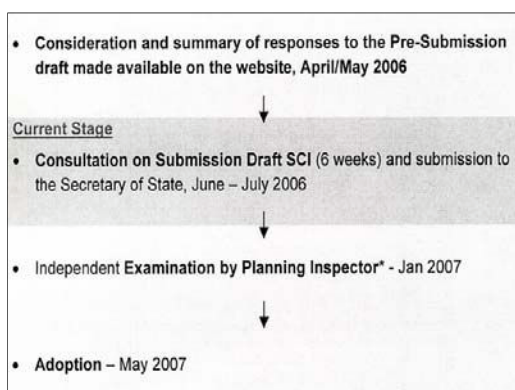
An initial questionnaire sent out in October 2005 provided useful information which has been incorporated into the draft SCI.

This follow up questionnaire:

- Helps to guide you through the chapters of the draft SCI in a structured way.
- Provides opportunities for feedback on its contents – have we got it right?

Please note that this questionnaire should be read in conjunction with the SCI.

**Q1** Chapter 7 (see paragraph 7.15) there is a list of community groups that are harder to include in consultation processes. Are there any others we have not considered?



Adopted March 2007

**This and other Local Development Framework documents can be made available on request in large copy print, audio cassette, Braille or languages other than English. If you require the document in one of these formats please contact:**

**Emma Lawrence,  
Herefordshire Council,  
Forward Planning,  
PO Box 4,  
Plough Lane,  
Hereford,  
HR4 0XH.  
Tel: 01432 260000  
Email: [elawrence@herefordshire.gov.uk](mailto:elawrence@herefordshire.gov.uk)**



## **Foreword**

Transparent, accessible and meaningful approaches to community involvement in decision making is an important part of the culture being developed in Herefordshire. The Council's Community Strategy has made great in-roads into achieving this looking to ensure joined up thinking and the involvement of local people in decisions which impact on their communities.

This Statement of Community Involvement looks to build on the progress made and provides a framework which identifies how the Council will engage with the community in respect of planning matters. This will ensure that people play a key role in deciding the future shape and appearance of their community.

No one knows their community like you do. It is therefore vital that you play an active part in terms of how communities grow and develop.

We value your views and welcome your involvement in the future planning of our County.

Thank you to everyone who has contributed to the process of preparing this document.

Councillor P. Edwards  
Cabinet Member (Environment)

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12. Monitoring and reviewing

## **Appendices**

## Executive summary

The new planning system, which was introduced through the Planning and Compulsory Purchase Act 2004 is intended to speed up plan preparation, be more effective in involving the community on planning matters, produce shorter, more flexible plans which are more responsive to change and draw together strategies which influence the nature of places and how they function.

This Act has introduced major changes to the way development plan documents are prepared. However, the planning applications procedure is not significantly affected by the introduction of the new planning system.

The new system requires the Council to prepare a Local Development Framework which is made up of a number of local development documents that together set out how the local area may change over the next few years.

One of these local development documents is a Statement of Community Involvement (SCI). The SCI sets out how the Council will engage with the community in respect of planning matters.

The process by which the SCI is prepared is laid out in statutory regulations so the SCI needs to comply and build on this established process.

The key areas that need to be addressed in the SCI are:

- **who** the Council will consult with on planning matters,
- **when** the Council will consult with them on planning matters and
- **how** the Council will consult on all planning matters.

Taking each of these in turn. The information in respect of **who** the Council will consult with on planning matters is laid out in **Appendices 2 and 3** of this SCI. Appendix 2 identifies over 1,000 national/regional/local bodies, organisations and individuals as consultees on preparation of development plan documents and appendix 3 lists consultees for planning applications.

An important part of the SCI is to identify those groups who are at risk of exclusion and identify ways in which their involvement in the process will be encouraged. Paragraph 7.15 lists the groups classed as those at risk of exclusion along with approaches for their involvement.

Section 10 of the SCI sets out **when** these consultees will be involved in the preparation of development plan documents. This process is set out in statutory regulations. **Section 10** specifies the procedure that will be followed for all development plan documents from start to finish establishing the consultation standards that will be applied. Key areas include the need for prior notification of consultation events to provide a lead in time allowing people to get ready for the approaching consultation. In addition feedback is a key part of the process as is front loading ie involving people at the beginning of the process resolving conflicts early on. In addition **Section 11** provides similar information for planning applications.

With respect to **how** the Council will consult on planning matters a range of consultation methods are provided in **Section 9** of the SCI. A wide range of methods have been

identified to address the cross section of bodies that are involved in the preparation of development plan documents and the consideration of planning applications.

This SCI has been prepared in the context of widespread consultation in line with the regulations. The consultation processes and results have been documented in an accompanying report to this SCI titled Statement of Consultation - Consultation Report. This should be read in conjunction with this SCI.

The SCI is not a stand-alone document and has links with many other strategies, which are documented in the SCI in Section 6. These plans and strategies do not form part of the LDF however they will be a major influence on development plan preparation within the County.

The SCI refers to the issue of resources and identifies that the SCI needs to operate within the resources available. In addition the need to monitor and review the SCI every year through the Annual Monitoring Report is specified.

## **1. Introduction –The new planning system**

**1.1** The Planning and Compulsory Purchase Act 2004 has recently introduced a new planning system which will affect the way development plans are made and how planning applications are consulted upon. This new system is intended to:

- Speed up plan preparation
- Be more effective in involving the community
- Produce shorter, more flexible plans that are more responsive to change
- Draw together those strategies of other agencies which influence the nature of places and how they function.

**1.2** Among the many changes, the Government has introduced the requirement under section 18 of the above Act to prepare a Statement of Community Involvement (SCI). The SCI sets out how the Council will engage with the community in respect of planning matters.

**1.3** This SCI has been compiled following comprehensive and successful consultation exercises which involved using a variety of consultation methods to gain information on how successfully the Council has consulted people on planning matters in the past and how it could make improvements. A consultation report accompanies this SCI which provides further details on the consultation processes undertaken and demonstrates that the consultations have been undertaken as specified in the regulations

## **2. How will the new planning system work?**

**2.1** As part of the previous planning system Herefordshire Council has prepared its Unitary Development Plan which is expected to be formally adopted in March 2007. The Council is committed to completing this plan under legislation referred to as 'transitional arrangements'. The UDP provides the land use framework for the County identifying what can be built and where and once adopted will be saved for a three year period while the authority moves over to the new system.

**2.2** The new system requires the Council to prepare a Local Development Framework (LDF) which is a folder of Local Development Documents (LDDs) that set out how the local area may change over the next few years. Planning Policy Statement 12 provides detailed guidance on developing the new framework. Herefordshire's Local Development Framework is made up of:

### **Local Development Document (LDD)**

**2.3** Local Development Documents comprise: Statement of Community Involvement, Development Plan Documents and Supplementary Planning Documents. Definitions of these documents are provided below.

### **Local Development Scheme (LDS)**

- 2.4 This is a list of what documents will be included in the Local Development Framework and timetable for their production. The LDS for Herefordshire can be found on the Council's website. The scheme is regularly reviewed. The LDS can be found on the Council's website at [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk) and then take the following path Planning/Forward Planning/Local Development Framework/Local Development Scheme.

### **Statement of Community Involvement (SCI)**

- 2.5 This sets out how and when the local community can become involved in the preparation of the Local Development Documents and in the consideration of planning applications. The Council must comply with its adopted SCI when preparing its LDDs and this compliance will be tested when these are independently examined.

### **Development Plan Documents (DPD)**

- 2.6 DPDs will have the status as part of the development plan for the area. They must be subject to sustainability appraisal and community involvement during their preparation and can only be adopted after independent examination resulting in recommendations which are binding on the Council.

DPDs will include the following:

- a Core Strategy that sets out the long term vision for the area and the policies required to deliver that vision. The Core Strategy will be linked to the Council's Community Strategy, especially those parts relating to development and the use of land.
- Development Plan policies will be based on topics such as housing, employment, and retail and will guide development in the County.
- Site specific allocations of land for individual uses eg housing, employment
- A Proposals Map illustrating the spatial extent of the policies
- Action Area Plans for key areas of change.

### **Supplementary Planning Documents (SPD)**

- 2.7 These documents are optional and may cover a range of issues, both theme based and site specific which provide additional detail to the policies in the development plan document. They will be similar to and replace the Supplementary Planning Guidance (SPG) previously prepared. They are subject to sustainability appraisal and community involvement and do not require independent examination.

### **Sustainability Appraisals (SA)**

- 2.8 Sustainability Appraisals are to form an assessment of the social, economic and environmental impacts of the policies and proposals contained within the LDF. All LDDs are subject to an SA to assess the contribution the document or policy

makes in achieving sustainable development in terms of social, economic and environmental factors.

### **Annual Monitoring Report (AMR)**

- 2.9** Finally the new planning system requires the Council to produce an Annual Monitoring Report. This report will consider the effectiveness of the policies within the Local Development Framework and identify what needs to be reviewed/prepared in the future. The AMR also sets out the Council's performance in achieving the key milestones set in the LDS.

### **Planning Applications**

- 2.10** The planning applications procedure is not significantly affected by the introduction of the new planning system although some minor changes have been made. This SCI has a section on the consultation processes to be utilised in the planning application process.

## **3. Role and purpose of the Statement of Community Involvement**

- 3.1** As identified a key element of these planning reforms is to ensure more effective community involvement in the planning process particularly in the early stages of plan preparation. The Council fully embraces the Government's objectives for improving community involvement in the planning system and has embodied in its Strategy for Community Involvement ways in which the Council will seek the views of the community and build on existing consultation mechanisms to continue to make community involvement more effective.
- 3.2** In complementing the above, the Statement of Community Involvement seeks to explain the Council's policy for actively engaging the local community and stakeholders throughout the preparation, alteration and continuing review of planning documents and in the consideration of planning applications.
- 3.3** The new planning system through its SCI looks to overcome the traditional reactive way people have previously become involved in the planning process by recognising that people who are likely to be affected by new developments should in the future be encouraged to participate more directly in the preparation of the documents which will form this framework and in the processing of planning applications. For plan documents this will help strengthen the evidence base of LDDs as well as encourage a sense of local ownership and commitment to plan policies and their delivery. It is also hoped that for both plan documents and planning applications this front loading approach will help to resolve conflicts and reach a consensus on essential issues in the early stages of the process, thereby reducing the time taken by examinations and revisions in the later stages.

**3.4** The role and purpose of this Statement of Community Involvement is to:

- Identify who will be consulted on plan documents and planning applications and when they will be actively involved in plan making and in reaching decisions on planning applications;
- Set out transparent, accessible and meaningful approaches to community involvement in plan preparation and decision making on planning applications;
- Encourage early involvement in decision making between the community, interest groups and stakeholders. This can help to resolve any initial conflicts and can generate a sense of ownership.
- Recognise and understand the different needs of all sections of the community and stakeholder interests and establish the most effective means of enabling all sections of the community to make their views known and help shape planning decisions in their areas;
- Explain how the results of the consultations will be fed into preparation of local development documents and how those involved will be kept informed;
- Set out standards for the Council to achieve and explain how the process will be resourced and managed and how the new planning process will be co-ordinated with other community involvement and consultation initiatives undertaken by the Council.
- Ensure that the Council complies with the adopted Statement of Community Involvement when preparing its Local Development Documents and compliance be kept under review and revised where necessary.

**3.5** Minimum consultation requirements are set by the Government in the Town and Country Planning (Local Development)(England) Regulations 2004. This statement demonstrates how these will be met.

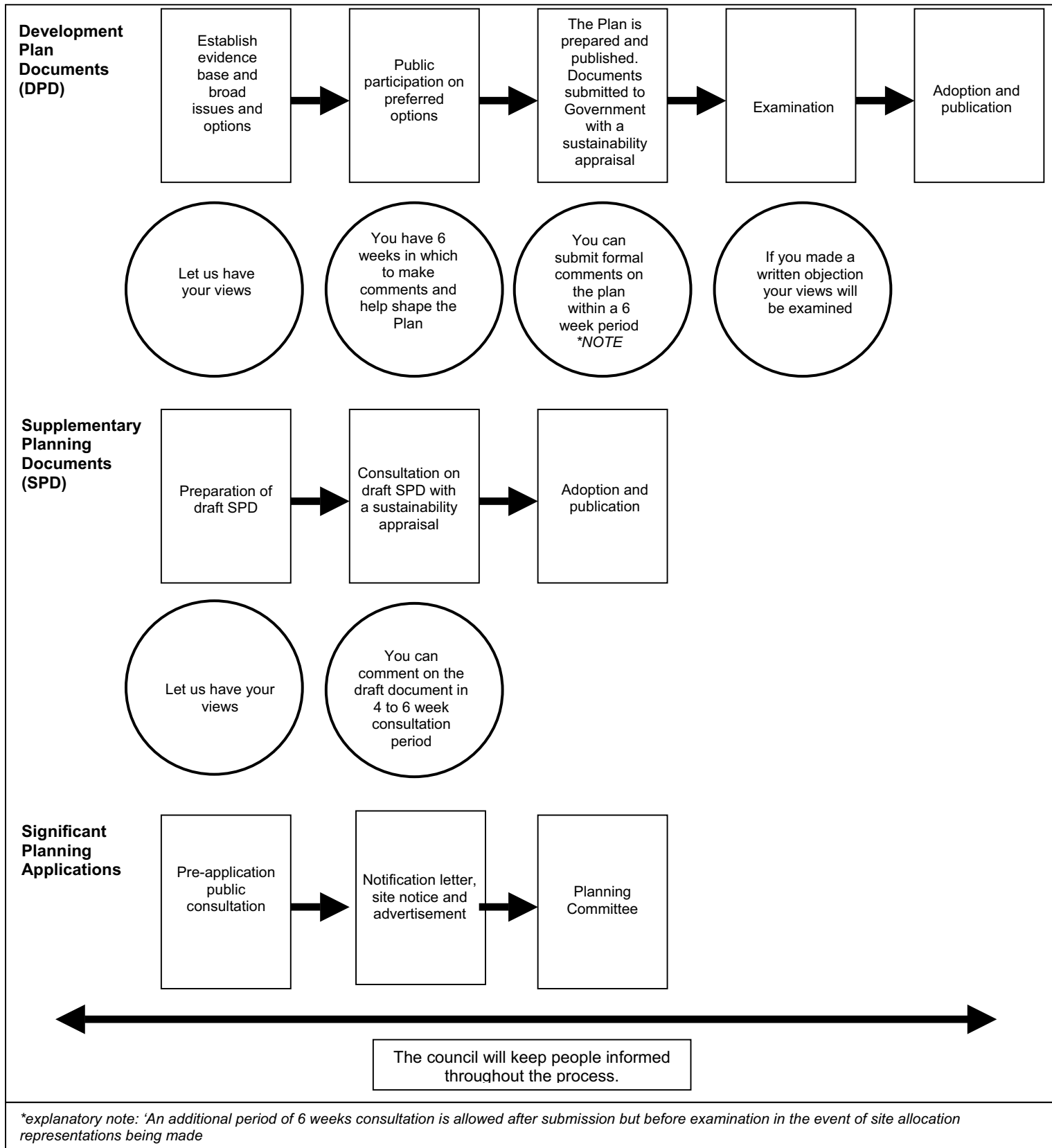
**3.6** This Statement of Community Involvement and other Development Plan Documents will be formally examined by independent inspectors from the Government's Planning Inspectorates team.

## **4. When can you get involved?**

**4.1** People can be involved in all aspects of the planning system including the preparation and examination of DPDs and SPDs and in the consideration of planning applications. The diagram below shows the opportunities for involving people in each of these parts of the planning system. More details are provided in section 10.



## Main opportunities for people to get involved in preparing DPDs, SPDs and in the planning application process



## 5. Who will be involved in the consultation?

- 5.1 The 2004 Regulations and PPS12 (Annex E) set out those bodies that the Council must consult with when preparing plan documents and planning applications.
- 5.2 The Council's understanding of the different groups and organisations within the County is based largely on those groups which it has had previous contact with over matters concerning planning and preparation of the strategies identified in Section 6. The main groups are Central, Regional, Local Government organisations, statutory bodies, community, voluntary, resident and interested groups, members of the public, Parish/Town Councils, local businesses, members of the Herefordshire Partnership, and developers/agents. Appendix 2 provides a comprehensive list of LDF consultees. Appendix 3 provides a similar list identifying those consulted where appropriate on individual planning applications.
- 5.3 The preparation of LDDs will be more relevant to some groups than others. The list will therefore be used as a guide to identifying the types of groups to involve and consult with. The groups and organisations will change over time and the LDF consultation database will be updated regularly to maintain an up to date and relevant list of groups and organisations to consult.

## 6. Links with other strategies

- 6.1 The new planning system aims to promote greater integration between the various strategies produced by local authorities and other organisations and the land use planning system.
- 6.2 For Herefordshire these strategies include:

### **Partnership Document**

**The Council's Community Strategy** forms the County's Community Plan and provides a vision for the County and a context for the development of planning strategy and detailed policies.

### **Council Strategies**

**The Corporate Plan** which outlines the Council's plans, measures and intentions to deliver better services all of which is based on research into the needs of local people and their views on what the Council should be working on.

**The Community Involvement Strategy** ensures that action is being taken so that Herefordshire people are able to express their views and aspirations and shape the development of the Council's policies and services that affect them.

**The Customer Service Strategy** sets out how the Council best delivers customer focused services. One of the ways it seeks to achieve this is to work with community groups to develop and shape the future of Herefordshire.

**The Communications Strategy** states who the Council's key audiences are, the key messages that need to be communicated to them and how the Council will do this. It contains a comprehensive action plan and methodology to measure the impact of the strategy.

**Other Council Strategies** are produced including the Local Transport Plan, Economic Development Strategy, Housing Investment Strategy all of which will have an influence on specific policy areas of future planning documents.

- 6.3 Whilst these plans and strategies do not form part of the LDF they will be a major influence on LDD development within the County. The UDP reflected the ambitions of the Council's Community Strategy and this approach to plan making/ decision taking will be continued.
- 6.4 Information and views received during the preparation of these strategies should provide a useful evidence base for the proposed LDDs. Developing a clear and effective relationship between the LDF and these strategies is a key objective of this SCI.
- 6.5 For example from a policy perspective, the Council is seeking to put in place an LDF that is responsive to local opinions about planning and development and what is wanted in the area. The Community Strategy brings together the aspirations and needs and priorities of the local community and in response guides and focuses the activities of the Council and a range of partner organisations. The LDF serves as a key delivery mechanism for those land use elements of the Community Strategy.
- 6.6 Wherever possible public involvement in LDDs and other strategies will be integrated to help create a better understanding of policy linkages. In addition economies of scale can be achieved through sharing resources and working corporately. Work in preparing and reviewing the Council's Community Strategy has established an important communication network of groups and organisations which is being utilised in preparing the LDF and its database.
- 6.7 There are also linkages to be made at a Parish level in those Parishes where Parish Plans have or are being prepared. This is particularly the case where Parishes wish to see the LDF reflect the spatial elements of their plans. Parish Plans are based on extensive community involvement and can provide valuable information and evidence to help inform preparation of the LDF.

## **7. Understanding the County of Herefordshire**

- 7.1 To be in a position to be able to develop a sound and effective SCI which is based on an inclusive approach, the Council needs to have a clear understanding of Herefordshire's community in terms of:
  - Community profile
  - Diversity of interests and hard to reach groups
  - Existing Partnerships and communication networks

- 7.2** This information will help identify any particular requirements and needs of different sections of the population and those under represented and hard to reach groups who traditionally have not engaged easily with the planning system.
- 7.3** The aim of this SCI is to give everyone an equal opportunity to become involved in the plan making process and to ensure that no one is disadvantaged or precluded from taking part and making their views known.

### **Community Profile**

- 7.4** Any meaningful and practical programme of community engagement must have regard to the physical characteristics of the County and the dispersed nature of settlements and communities. Community profiling is a useful tool in understanding the make up of the County.
- 7.5** Herefordshire covers an area of 217,973 hectares with a population of 177,800 (ONS Mid Year Estimate 2004). Hereford provides the main service centre for the County with a population of 55,940 (ONS Mid Year Estimate 2004) and is supported by five satellite market towns, Bromyard, Ledbury, Leominster, Kington, and Ross on Wye. Just under half the population of the County live in villages and hamlets scattered across the rural area and Herefordshire has one of the five lowest county population densities in England. There are 58 County Councillors covering 41 wards and 134 Town and Parish Councils in Herefordshire. Any meaningful and practical programme of community engagement must have regard to the dispersed nature of its settlements and communities.
- 7.6** The age profile of Herefordshire's population is older than that for England and Wales and the West Midlands region. The County also has a low proportion of residents from black and other minority ethnic backgrounds. At the time of the 2001 Census, 2.5% of the County's population were from ethnic minorities which is very low by national and regional comparisons. With the exception of seasonal workers, no single group numbers more than a thousand. The biggest group probably remains the traveller communities. However, the total is almost certainly rising with the influx of people from Eastern Europe and Portugal, principally to work in manufacturing and agriculture.
- 7.7** In Herefordshire there are more people migrating into the County than out in all age ranges except 15-29 year olds, who are generally more mobile and move to areas of greater opportunities for employment and higher education.
- 7.8** The Census indicates that the County has a higher percentage of lone pensioner households (15%) than England and Wales and a lower percentage of lone parent households with dependent children (5% in Herefordshire compared to 6% nationally). The County also has a higher level of retired individuals than England and Wales as a whole (16% compared to 14%) and 3% of the workforce were classed as unemployed which is similar to the national position.
- 7.9** In terms of education 19% of the population have obtained qualifications at degree level or higher which is similar to that of England and Wales (20%)

**7.10** 18% of all people in Herefordshire define themselves as having a long term limiting illness (LLI) in the Census (same as nationally) with 33% of all households having at least one person with an LLI (34% nationally). This reflects the age profile of the County.

**7.11** Overall the physical and social nature of the County gives rise to the following issues for effective consultation in Herefordshire:

- The dispersed nature of the population
- The need to consider using different consultation methods in urban and rural locations
- To consider the widest range of consultation methods to ensure a meaningful response
- Consider ways of how to consult and involve a population that is relatively elderly
- How to consult with a relatively small number of ethnic residents and those at risk of social exclusion
- How to engage with young people
- How to work with the large number of Town and Parish Councils in the County especially when some groups do not meet regularly.

**7.12 Diversity of interests and those at risk of exclusion**

As a result of previous experiences in engaging with different groups on planning matters and on the consultation work undertaken as part of the Council's Community Strategy it is understood that the following groups/ interests are harder to reach and less likely to participate and become involved:

Children and young people,  
Older people,  
Disabled People,  
Black and Minority Ethnic Groups (BME),  
People located in dispersed rural areas,  
Travellers and Gypsies,  
Those following different religions or with certain beliefs  
Adults with Learning difficulties.  
Homeless

**7.13** This is further substantiated in the Gaines report which was commissioned by Herefordshire Council from University College Chichester in September 2004. This report examines minority ethnic peoples experiences in Herefordshire and undertakes associated quantitative and qualitative research into areas like numbers, geographical spread, employment, income etc.

**7.14** In addition the Council has a diversity group, a race equality group and disability group. Planning needs to feed into and make use of these existing groups.

**7.15** In developing an inclusive approach to consultation the potential barriers to involvement need to be recognised and solutions sought. Initial thoughts on a suggested approach are set out below:

<b>Groups at risk of exclusion</b>	<b>Approach</b>
Children and young people	Work with the Council's Youth service and Children's Services Directorate and the Youth Council, Shadow Partnership Board, School Councils, and Youth Clubs to develop better links with young people. Parish Plans also provide an opportunity for schools to work with their parish councils to help develop ideas for their area which can then be fed into the planning process.
Older people	Make contact with Age Concern. Parish Plans also provide an opportunity for parish councils to involve the elderly in providing a vision for the development of their village, town etc.
Disabled People including those with numeracy, literacy disabilities	Utilise links with the Council's Community Involvement Coordinator, the Disability Action Group and Local Access groups.
Black and Minority Ethnic Groups	Utilise links with the Council's Community Involvement Coordinator, Race Equality Officer and Communities Against Racism (CAR)
People located in dispersed rural areas.	Utilise consultation methods eg use of the Council's website, community forums, parish plans
Travellers/Gypsies	Liaison with the Traveller Liaison Officer and Travelling Health Project and Race Equality Officer
Those following different religions or with certain beliefs	Liaison with the Race Equality Officer
Adults with Learning difficulties	Liaison with the People's Union Self – advocacy network
Homeless	Herefordshire Homelessness Forum and the Council's Strategic Housing section.

**\* Other organisations representing these groups are included in the consultee list provided at Appendix 2 of this SCI.**

## **7.16 Existing partnerships and communication networks**

It is important to recognise that well established local partnerships and communication networks representing many key organisations and groups exist and operate effectively within the County. To make good use of resources the Council will seek to engage with these partnerships and utilise these communication networks whenever it is possible and appropriate to do so.

## **8. Herefordshire's approach to community involvement**

### **Key principles to community involvement in Herefordshire**

- 8.1** In producing its SCI, the Council seeks to promote effective community involvement in the planning system. The Council corporately has a strong commitment to community engagement and has adopted the following objectives through its Strategy for Community Involvement:
- Opinion should be informed
  - Decisions should be based on evidence
  - Purpose should be clear
  - Consultation should be well planned and timely
  - Consultation should be inclusive
  - Methods should be appropriate and well-managed
  - Results should be acknowledged and fully considered
  - Accessible feedback should be given
  - Effectiveness should be evaluated
- 8.2** The Council is also producing a corporate communication strategy which will establish an overall framework within which the SCI will operate.
- 8.3** In following these principles the consultation approach developed within this SCI will reflect local circumstances, be deliverable building on existing practice, be meaningful and easy to understand and capable of being resourced and managed effectively.

## **9. Community involvement methods and techniques**

- 9.1** Section 7 identifies the key characteristics of the County. The dispersed population spread over a wide rural area raises particular problems in devising the most appropriate means of consultation to be used. There may also be problems in identifying representative groups to be consulted on behalf of ethnic minority or socially excluded groups, where fairly small numbers of people are involved. In order to widen the involvement of the community and especially those at risk of exclusion a broad range of methods will be used. In preparing this SCI and in developing the approach, it is necessary to give consideration as to how the authority informs, involves, consults and provides feedback.
- 9.2** To engage effectively over a range of planning documents the Council will use a combination of consultation methods appropriate to the policy area being prepared and its stage of preparation. Table 1 sets out a range of formal and informal community involvement methods and techniques which are considered most appropriate for use. This is based on the Regulations, advantages and disadvantages of different methods, local circumstances and previous experiences, feedback from the SCI questionnaires and the resources available to manage the community involvement process.

- 9.3 There is no significance in the order of the various methods and it is not anticipated that every one of these methods need be used. The list should be regarded as a menu from which to choose.

**Table 1 – Community involvement methods**

<b>Method</b>	<b>Main Considerations</b>
Council web site	Information can be provided quickly and efficiently and accessed by the public from their own home or office at a time which is convenient to them. This can overcome the problems of trying to consult over dispersed rural communities. However access to the internet is not universal and therefore may disadvantage certain groups. The Council has web access at all Info Points and libraries and will continue to consider ways in which access to web based information can be improved. Need to ensure web pages are user friendly. Use is likely to increase. Need to look at the potential of developing a web-based portal. The website needs to be publicised in the media.
Email	Information and responses can be provided quickly and efficiently. Increased use of this means of communication is sought particularly with Town and Parish Councils and formal consultees.
Formal advertisements eg statutory notices	Statutory requirements to publish notices advertising planning applications and to invite representations during preparation of LDDs.
Media coverage- press releases, adverts, radio	To be undertaken in accordance with the Councils media team. It is cost effective in terms of bringing local issues into the local arena. Items may only be reported if they are considered newsworthy.
Consultation documents available for sale or CD or inspection at Council offices, by post and on the web	Traditional means of consultation and the information supplied can be in detail. Information needs to be in plain English with simplified formats. However, limitations for people with mobility or sight disabilities and where English is not a language that is understood.
Leaflet, newsletters and brochures	Can publicise and explain in simple language and invite comment. The Parish newsletters are a good communication link and should be utilised where appropriate. Newsletters can be sent to all residents; however, may be viewed as junk mail and disregarded. Can be expensive to

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	distribute.
Formal written letter	Minimum requirements to consult statutory and other relevant consultation bodies by letter. High postage and administration costs.
Public Exhibitions/Public meetings/presentations	Can be used to circulate information, seek views and endorse proposals. Gives residents some flexibility in deciding when to visit and can encourage feedback. However people attending may not be representative of the whole community. It does take planning issues to the people and provides an opportunity for people to discuss local issues directly with planning officers in an environment which local people will be familiar and therefore comfortable with. High staff costs in producing display material and manning the exhibition with no guarantee of turn out. Countywide consultations require extensive coverage and numbers of events. Displaying information in local shops where people frequent should also be considered where appropriate.
Notices displayed on a site	Direct and local notification of proposals to those around a site, however notices can be vandalised or removed before the consultation period and this method is impractical for general development proposals and countywide issues.
Through partnership organisations and focus groups, existing forums/panels	Useful for topic based discussions and to find out what specific groups feel. Provides opportunity to discuss issues in depth and to have ongoing dialogue. However high direct costs of facilitating. Important to build on existing networks rather than reinvent.
Councillor networks	Councillors play a very important role in terms of community engagement. They are a recognised point of contact for the local community to go to with regard to Council matters. It is vital to ensure that Councillors are kept well briefed.
One to one meetings and briefings	Useful for seeking views from targeted groups/individuals however they are time consuming and impracticable to use on a comprehensive basis.

Parish and Town Council networks	Recognise that if Town and Parish Councils are effectively involved with consultation exercises they can provide an invaluable contact with local communities. Also opportunity to assist in the preparation and distribution of consultation material eg on town/parish/village notice boards and other locations felt appropriate.
Questionnaire/surveys	Enables quantifiable information to be collected. Questionnaires need to be well designed. No guarantee of likely response rate. Time consuming and costly.
Workshops	Organised discussion based event to present and gather information. Can be targeted at key stakeholders. Requires skilled facilitators to ensure objectives are achieved.
Planning Surgeries	Planning Surgeries are held in Leominster, Ross, and Ledbury on a regular basis to discuss development control matters. These are popular and help those who have difficulty reaching the offices in Hereford.

### **Resourcing and managing the process**

- 9.4** All key documents will be made available in a variety of formats. This will include paper and electronic and where required large print, languages other than English, or on audio cassette. Documents in other formats may be obtained from: Emma Lawrence, Herefordshire Council, Forward Planning, PO Box 4, Plough Lane, Hereford, HR4 0XH. Tel: 01432 260000. Email: elawrence@herefordshire.gov.uk
- 9.5** The Council will make every effort to meet the requirements of the Disability Discrimination Act 1995 and the Race Relations Act 2000.
- 9.6** In preparing this approach to community consultation and to ensure that it is deliverable consideration has to be given to the resources available to manage the process. The LDS sets out the resources the Council has at its disposal to prepare the LDF. Officer time is a key resource issue. A balance has to be struck between consultation and the various production and management issues associated with the range of LDDs that are to be prepared.
- 9.7** The budget for Local Development Framework preparation will meet the costs of the legal requirements for community involvement in plan making. The Council's Local Development Scheme sets out a phased programme for the preparation of Local Development Documents, ensuring that consultation activities are staggered and that the SCI's requirements can be met without undue pressure on resources. Resources for the Local Development Framework are assessed through the Council's budget review process, which will include consultation requirements. Where possible, consultations will be coordinated with other
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departments, external stakeholders and local communities to lever in more resources.

- 9.8** In addition as an LDD is being prepared particular issues may arise which may require additional community involvement work and the approach needs to be sufficiently flexible to enable this to be incorporated in the LDD preparation process. An issue that needs serious thought is the possible limitations on the ability of the community to fully engage in the consultation process.

### **Role of elected members**

- 9.9** Herefordshire Council has 58 councillors who are elected to represent the constituents of 41 wards. They have an important role to play in the community involvement process by keeping their local communities informed, representing their views and encouraging and assisting them to engage in the future planning and development of their area.
- 9.10** It is vital that all elected members are involved in the LDF preparation process to provide ownership, leadership and commitment to future implementation. Where appropriate and depending on the issue in question arrangements will be made with Councillors to involve them in emerging policy work. This approach will be additional to the Council's established procedures for decision making.

### **Planning Aid**

- 9.11** The West Midlands Planning Aid service offers free and independent planning advice to those individuals and community groups who cannot afford to pay consultants fees. They also provide a programme of training events aimed at helping people to understand the planning system and provide the necessary skills to enable people to actively play a part in influencing the future of their areas. The contact details are:

West Midlands Planning Aid  
Unit 319,  
The Custard Factory,  
Gibb Street,  
Birmingham,  
B9 4AA.

Planning Advice Helpline 01691 7668044  
Email [wmcw@planningaid.rtpi.org.uk](mailto:wmcw@planningaid.rtpi.org.uk)

## **10. Herefordshire's consultation standards for DPDs and SPDs**

- 10.1** The minimum legal requirements for consultation and public participation for the LDF are set down in formal regulations. Specified bodies must be consulted if the Council considers that the body may be affected by what is proposed. In addition to the formal bodies, it is the intention of the Council to involve the community at an early stage in the preparation of LDDs. This is essential to work towards the key objectives of openness and consensus and resolving conflicts.

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The following table illustrates the main stages in the preparation of DPDs and SPDs.

**DPD stage: Initial technical consultation – establish evidence base and prepare issues and options – Regulation 25**

(Ongoing community involvement process leading to development of preferred options)

**Herefordshire Council will:**

- Provide prior notification to all consultees on the LDF database that issues and options documents are to be published for consultation and are available for inspection. This will give people time to prepare for the consultation.
- Send copies of any issues and options documents to those relevant consultation bodies listed in the Regulations, PPS12, the SCI and any other interested party who requests it.
- Make copies of any issues and options documents available for inspection at the Council offices and any other venue the Council considers appropriate.
- Publish any issues and options documents on the Council website.
- Select a combination of community involvement methods appropriate to this initial informal consultation stage.

**DPD Stage: Pre-submission consultation on preferred options – Regulation 26**

(Statutory 6 week consultation period on preferred options document and sustainability appraisal report)

**Herefordshire Council will:**

- Provide prior notification to all consultees on the LDF database that the preferred options document and accompanying sustainability appraisal report will shortly be published for consultation and be available for inspection. This will give people time to prepare for the formal consultation.
- Send copies of the preferred options document and accompanying sustainability appraisal report to those relevant consultation bodies listed in the Regulations, PPS 12, the SCI and any other interested party who requests them.
- Publicise the Preferred Options consultation stage through media coverage.
- Publish by local advertisement a formal notice inviting representations within a specified 6 week period indicating where and when documents will be available for inspection.
- Make copies of the preferred options document and accompanying sustainability

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appraisal report available for inspection at the Councils offices and any other venue the Council considers appropriate.

- Publish the preferred options document and accompanying sustainability appraisal report on the Council's web site.
- Publish guidance notes on how to make a representation and what will happen when a representation has been received.
- Produce a standard response form to enable people to make representations in writing or on line via the Councils website.
- Select a combination of community involvement methods appropriate to the document being produced and its stage of preparation.
- Undertake more targeted consultation as required to raise awareness amongst those at risk of exclusion and under represented groups and organisations.
- Where site specific development allocations are proposed, undertake more targeted consultation with the local community in the vicinity of the site.
- Where possible meet requests from any group, organisation or individual to attend pre arranged meetings.
- Acknowledge receipt of all representations submitted.
- Consider all representations received within the specified 6 week period and use them to help prepare the submission DPD. (Regulation 27) (Comments made at this stage will not be carried forward to independent examination).
- Publish a summary of the representations received indicating how they have been considered and whether any changes are proposed as a result.

#### **DPD Stage: Submission of the DPD to Secretary of State – Regulation 28**

(Statutory 6 week consultation period on submission DPD and sustainability appraisal report)

##### **Herefordshire Council will:**

- Provide prior notification to all consultees on the LDF database (including those who made representations at the preferred options stage) that the submission DPD and accompanying sustainability appraisal report will shortly be published and submitted to the Secretary of State for independent examination and that the formal consultation period will soon be commencing. This will give people time to prepare for the formal consultation.
- Publish and submit a statement of compliance demonstrating how the Council has complied with its SCI. This will set out who and how the Council consulted at

pre-submission stage, the representations received and the main issues raised and how these have been addressed in the DPD.

- Send copies of the submission DPD and accompanying sustainability appraisal report to those relevant consultation bodies listed in the regulations, PPS12, the SCI and any other interested party who requested them.
- Publicise the submission stage via media coverage.
- Publish by local advertisement a formal notice inviting representations within a 6 week period, indicating where and when documents will be available for inspection.
- Make copies of the DPD, the accompanying sustainability appraisal report and other supporting documentation available for inspection at the Council offices and any other venue where pre-submission documents were displayed.
- Publish the DPD, the accompanying sustainability appraisal report and other supporting documentation on the Council's website.
- Publish guidance notes on how to make a representation for consideration by the Inspector and what will happen when a representation has been received (Appendix 9).
- Produce a standard response form to enable people to make representations in writing or on line via the Councils website.
- Select a combination of community involvement methods appropriate to the document being produced and its stage of preparation.
- Undertake more targeted consultation as required to raise awareness amongst groups at risk of exclusion and under represented groups and organisations.
- Where site specific development allocations are proposed, undertake more targeted consultation with the local community in the vicinity of the site.
- Where possible meet requests from any group, organisation or individual to attend pre arranged meetings.
- Acknowledge receipt of all representations duly made within the specified 6 week period.
- Not accept any late representations received after the close of the specified 6 week period.
- At the close of the 6 week period, make copies of any representations received available for inspection and if practicable publish them on the council's website (Regulation 31).
- Send to the Secretary of State a statement of the representations received, a summary of the main issues raised and copies of all representations (Regulation

31).

**Site allocations representations.**

- Where developers or individuals submit representations on the submission DPD that promote alternative sites for development, the Council will, as soon as reasonably practicable:
- Notify all consultees on the LDF database (including those who made the representations at the preferred options and submission stages) that the representations promoting alternative sites have been received.
- Make copies of any site allocation representations received available for inspection and if practicable publish them on the Council's website (Regulation 32).
- Publish by local advertisement a formal notice inviting further representations within a specified 6 week period, indicating where and when the site allocation representations will be available for inspection (Regulation 32).
- Send the Secretary of State a statement of the additional representations received, a summary of the main issues raised and copies of all additional representations (Regulation 33).

**DPD stage: Independent Examination – Regulation 34**

(Anyone with an outstanding objection has the right to have their representation considered by an Independent Planning Inspector at an examination into the soundness of the DPD)

**Herefordshire Council will:**

- Notify any person who made a representation on the submission document, the time and place at which the independent examination will take place and the name of the person appointed to carry out the examination.
- Only those representations which are received during the six week period(s) will be examined.
- Written representations, round table discussions, informal hearings or formal examinations may be involved, with each carrying equal weight. Only those seeking changes to the Plan have the right to appear and the Government anticipates that written representations can deal with the majority of cases.
- Publish this information on the Council's website and by local advertisement in a formal notice (Regulation 34).

### **DPD Stage: Inspectors Report – Regulation 35**

(After examination, the Inspector will produce a report which is binding upon the Council, with specific recommendations as to how the DPD must be changed)

#### **Herefordshire Council will:**

- Notify all relevant consultees on the LDF database that the Inspector's report has been received and when it will be published.
- As soon as reasonably practicable publish the Inspector's report and make it available for inspection at the Council offices and any other venue where pre-submission documents were displayed.
- Publish the Inspector's report on the Council's website.

### **DPD stage: Adoption and publication – Regulation 36**

(The Council must adopt the submitted DPD as changed by the binding Inspector's report)

#### **Herefordshire Council will:**

- Notify all relevant consultees on the LDF database that the DPD has been adopted and send them a copy of the adoption statement.
- Publish the adopted DPD, the adoption statement and accompanying sustainability appraisal report and make these documents available for inspection at the Council offices and any other venue where pre-submission documents were displayed.
- Publish these documents on the Council's website.
- Publish by local advertisement a formal notice stating that the adopted DPD and the adoption statement are available for inspection, indicating where and when they can be inspected.

### **Supplementary Planning Documents (SPDs)**

- 10.2** SPDs are produced to expand on policy and provide additional information and guidance in support of policies and proposal in DPDs. They can be site specific or topic based. The process for preparing an SPD is similar to that for a DPD, but simplified. There is no requirement to prepare preferred options and SPDs are not subject to independent examination. As with DPDs, their preparation is informed by community involvement and sustainability appraisal.



### **SPD Stage: Preparation of draft SPD**

#### **Herefordshire Council will**

- Select a combination of community involvement methods appropriate to the SPD being produced at this informal stage of evidence gathering and preparation.
- Where a site specific SPD is being prepared, undertake more targeted consultation with the local community in the vicinity of the site.

### **SPD Stage Consultation on draft SPD – Regulation 17/18**

(Statutory 4-6 week consultation period on draft and sustainability appraisal report)

### **SPD Stage: Adoption and publication**

(The Council will adopt the SPD having considered any representations received)

#### **Herefordshire Council will:**

- Prepare a statement setting out the main issues raised by representations received and how they have been addressed in the SPD the Council intends to adopt (Regulation 18).
- Notify those specific and general consultation bodies who were consulted at draft stage that the SPD has been adopted and send them a copy of the adoption statement (Regulation 19).
- Make copies of the adopted SPD, adoption statement of representations received available for inspection at the Council offices and any other venue the Council considers appropriate (Regulation 19).
- Publish these documents on the Council's website (Regulation 19).

## **10.3 Decision Making Process**

The Council will maintain a record of consultation responses received during the preparation of planning documents and will present a transparent decision making process to the community. Consultation responses are one of the matters to be taken into account by Councillors when making decisions on plan making. A Statement of Compliance will be produced for every planning document which will include summaries of all consultation responses received as well as officers' responses which will identify where the document has been amended in light of responses received. The Statement of Compliance will be reported to members no later than the date that they consider making decisions on planning documents. The comments received will be made publicly available so they can be viewed by others with an interest in the matter.

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When a DPD is submitted to the Secretary of State, the Regulations require that the Statement of Compliance is also provided. The Inspector when testing the soundness of the DPD at examination will use the Statement of Compliance to determine whether the SCI has been correctly followed. If there has been a failure to comply with the SCI or the Regulations, in a way that undermines the DPD, the Inspector can recommend that the document be withdrawn.

## **11. Herefordshire's consultation standards for planning applications**

- 11.1** Herefordshire Council places great importance on public involvement in the planning application process. This section explains how the Council will encourage the community to become involved in this process and also explains the Council's expectations of applicants.

### **Introduction**

- 11.2** This Statement of Community Involvement sets out a framework for involving the communities of the County in the processing of planning applications. The Council must consider all valid planning applications whether or not the proposals appear to comply or conflict with Council policies. All applicants are entitled to a decision on their planning applications within a reasonable timescale.
- 11.3** Most people first become involved in the planning application process when they submit a planning application or are made aware of an application in their immediate locality. The extent of consultation will vary according to the scale and likely impact of the proposed development. The most significant applications will receive the widest publicity and public involvement.

### **Significant Applications**

- 11.4** There are many types of planning applications ranging from house extensions to major engineering works and large redevelopment areas. The most "Significant" for the purposes of public consultation will be those which are likely to create the most public interest or controversy.
- 11.5** The Government defines "Major" planning applications as those that propose:
- Residential development of ten or more new houses
  - Residential development on a site of more than 0.5 hectares (1.2 acres)
  - New buildings with a floor space greater than 1,000 square metres (10,000 sq. ft.)
  - Any development with a site area of over 1 hectare (2.4 acres)
  - The working and winning of minerals or the use of land for mineral-working deposits
  - Waste development
- 11.6** Not all major applications are controversial, but the definition is useful to define their scale and is also used to define the target dates for determination of applications. Major planning applications are expected to be determined within

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thirteen weeks; all other applications are expected to be determined in eight weeks.

- 11.7** For the purposes of this Statement of Community Involvement the definition of “Significant” planning applications is:

<b>Definition of “Significant” Planning Applications</b>
<ul style="list-style-type: none"> <li>• Major applications which are likely to produce significant public interest or controversy.</li> <li>• Development which would be a departure from the Development Plan and would have a wide impact on the local environment.</li> <li>• Applications for uses which are themselves sensitive.</li> <li>• Proposals for conspicuous development in “Sensitive” landscapes as defined in the relevant Development Plan.</li> </ul>

**Community involvement at pre-application stage**

- 11.8** The Council positively encourages applicants to enter into early discussions about their proposals. Sometimes this will also involve important consultees, such as the Environment Agency, English Nature and the Council’s Traffic Manager. Planning Officers will at this stage advise applicants if their proposals are likely to be considered “Significant” and therefore need to be the subject of specific community involvement measures. Consideration could be given to providing some site notices to Town/Parish Councils for them to be displayed in suitable off-site (but within the locality) locations, which they consider appropriate. In addition Town/Parish Councils will be encouraged to display the decision notices on planning applications.

- 11.9** Where a proposed planning application is identified as in the “Significant” category the Council will expect the following actions by the intended applicants:

<b>Applicant’s duties with “Significant” Planning Applications</b>
<ul style="list-style-type: none"> <li>• Write to local residents, Ward member(s) and the Parish or Town Council to inform them of the proposed development.</li> <li>• Arrange a public meeting or exhibition in the locality, at an accessible venue, to explain their proposals to the public and to gauge their response.</li> <li>• Support their planning application with their own Statement of Community Involvement giving details of the meeting/exhibition and explain how any comments made have been taken into account in the final submission for planning permission.</li> </ul>

- 11.10** Applicants of “Significant” applications will be encouraged to discuss their proposals with the public and the relevant consultees and interest groups before they make their planning application. In this way would-be applicants can improve the public’s understanding of what is being proposed and, hopefully, achieve consensus over some or all of the key issues. There is a caveat though; the Council must stay impartial through this pre-application stage. Whilst Officers can provide some assistance their involvement must not be seen as committing the Council to a particular decision on any future application.

- 11.11** For all other applications the Council will encourage applicants to be open about their proposals and to consult with neighbours and other parties including the Parish/Town Council. Details of these discussions should be included with the application when submitted.

### **Community involvement when a planning application is submitted**

- 11.12** The Council has a practice of consulting widely on planning applications. Traditionally this has been done by sending individual letters to neighbours, erecting site notices, publicity in the local newspaper and notifications to Parish Councils. In addition all Ward Councillors are notified of applications within their ward. These practices will continue but there are now other wider opportunities for public consultation and involvement.
- 11.13** *Weekly List.* A weekly list of applications received is published and is available on the Council's website, from the home page Quick Links > Planning > Decision Notices > Weekly List of Planning Applications.
- 11.14** *Website.* The Council's website is being developed so that, from early in 2006, it will be possible to view the details of all planning applications including the forms, accompanying statements and submitted plans on-line. There will be a service of updating details where they have been changed through the course of the application's progress. In addition there will be a facility for searches on individual addresses or planning applications within a set time period. Further coverage of the Council's planning website will be considered for inclusion in Planning Notices and Press Releases.
- 11.15** *Statutory Advertising.* The regulations concerning planning applications require the Council to publicise certain types of planning and related applications through the "Public Notices" section of the classified advertisements in local newspapers. These planning applications must also have site notices (see panel below).
- 11.16** The following types of applications must be advertised in this way:
- Applications which need formal Environmental Impact Assessments
  - Development affecting a public right of way (e.g. footpaths and bridleways)
  - Works affecting a listed building
  - Development in and/or affecting a conservation area
  - Development which would be a significant "Departure" from the Development Plan
  - Development Proposals by Herefordshire Council itself
- 11.17** *Discretionary Advertisements.* The Council recognises that adjoining landowners and other interested people may not be easy to identify in every case and, in order to "reach" other interested parties makes wide use of discretionary advertisements in local news papers and site notices. Applications can be advertised in this way if the Council considers that there is likely to be significant local interest.

<b>Which newspapers do we use?</b>
Hereford Times Hereford Journal Ross Journal Ledbury Reporter Ross Gazette Malvern Gazette

**11.18** *Site Notices.* Herefordshire Council makes great use of site notices; most planning application sites are identified with site notices. Almost all applications for Listed Building Consent and Conservation Area Consent have site notices. All site notices are printed on bright yellow laminated paper and attached to a feature such as a gatepost or lamppost as close as possible to the site (or the public entrance to the site). The site notice identifies the address and application details and gives a time period for response (usually 21 days after it has been posted. Some bodies, such as Natural England, are allowed a longer period of time to comment on applications where this is prescribed by legislation.) Site notices are always used when there is some doubt about who owns or occupies the land next to a planning application site. An example of a Site Notice is given in Appendix 4. Consideration will be given to providing Town/ Parish Councils with some site notices and decision notices to place in suitable off-site (but within the locality) locations which the Town/Parish Council felt appropriate. Further consideration also needs to be given to the publicity of planning application decisions eg including a follow up notice on different coloured paper posted on the site. This colour coding system could be extended to differentiate between minor and major changes to applications.

<b>Site Notices:</b>
<ul style="list-style-type: none"> <li>• Are bright yellow.</li> <li>• Are displayed as close as practicable to the entrance to the site.</li> <li>• Identify the application site by name.</li> <li>• Describe the proposals and the reason(s) why the notice has been posted.</li> <li>• Give a date for response.</li> </ul>

**11.19** *Neighbour Notification.* The Council will normally send an individual letter to the occupiers of properties that immediately adjoin the site of a planning application. This does however vary. For example, where a planning application solely concerns a new access at the front of a house the Council would not normally notify a house at the rear which takes access from a different road altogether. By comparison, where a proposed house extension can be clearly seen and may affect houses either side and to the rear then those properties would receive notification letters. The notification system is based on the council's GIS system and this may not identify recently built dwellings or properties that have had a change in name. In cases where not all the adjoining properties can be identified a site notice will be used. The system is based on named addresses and there will be no notification necessarily to the owners of property or to owners/occupiers of open land. A

planning officer visits every planning application site and there will be a check of those properties notified and whether a further notification is needed.

- 11.20** The letter invites neighbours to inspect the plans and to make any comments they wish, with the time period for response usually 21 days. Responses should be made in writing. All responses will be kept on the application file and will be available for public inspection. Consequently such letters cannot be kept as confidential. Planning applications can be inspected at Info Points and on the Council's website.
- 11.21** Comments will be accepted from anyone who chooses to write about a planning application whether or not the letter writer received a neighbour notification letter. The matters raised in such a response will be taken into account by the Council in their determination of the application. However, it is worth bearing in mind that there are certain matters that cannot be taken into account when determining planning applications including the protection of private views over someone else's property and the effect of a development on the value of the house next door. Neighbour responses are normally acknowledged. Please see the "Guide to making Representations" in Appendix 5.
- 11.22** The Council will take account of any comments received up to the day on which the application is determined. Planning applications cannot be determined during the notification periods for advertisements, site notices and other consultee letters. However, once those periods have expired planning applications normally proceed quickly to determination on the basis of the information received at that point.
- 11.23** *Parish and Town Councils.* All applications are notified to the relevant Parish or Town Council, and many applications go to more than one where they are close to parish boundaries or affect more than one parish anyway. The period for response is usually 21 days.
- 11.24** *Other consultees.* There are many statutory and non-statutory consultees, and many of them can have a significant influence on the outcome of a planning application. Some deal with technical and complex matters, e.g. the Environment Agency and the Water Authorities. Some have specialist interests such as English Heritage, English Nature and the Conservation Advisory Panel. Some have a fairly narrow focus such as the Hereford and Gloucester Canal Trust, and others are interested in specific areas such as the AONB's and other special designated areas. Their comments are all valued and can influence the outcome of a planning application.

#### **What if the proposals are amended?**

- 11.25** Planning Officers will normally attempt to negotiate improvements to application proposals especially if an objection can be overcome and/or the quality of the proposal improved. This will sometimes require that re-consultation is needed. On these occasions it is at the discretion of the Planning Officer involved as to who gets re-consulted and how long is allowed for any response. A minor change is not likely to be subject to a re-

consultation. If the necessary change is too significant then the developer will be invited to withdraw the current planning application and make a new for the revised scheme. In these cases the whole consultation process will start afresh with the new application.

### **Community involvement in decision making**

- 11.26** The majority of planning applications are dealt with through the Council's "Scheme of Delegated Powers to Officers", i.e. the decision is made by Officers on behalf of the Council. This is done where the proposals are uncontroversial and/or the decision is consistent with established Council and national planning policies. Around 80% of planning applications are determined in this way. After a delegated decision consultees are notified of the result and given a contact name if they need further information.
- 11.27** Planning applications are referred to one of the three Area Planning Sub Committees or the main Planning Committee of the Council in the following circumstances:
- The Chairman of the relevant Committee has accepted a written request from the Ward member.
  - When the Officer recommendation is for approval and objections have been received (within the relevant timescale) that raise significant material planning considerations.
  - The proposal is contrary to policy but there are good reasons for recommending approval.
  - The Head of Planning Services considers the application to be of sufficient sensitivity that it needs referring to Committee.
- 11.28** A full explanation of the "Delegated" powers and the rules by which applications are referred to Committee is set out in the Council's Constitution.
- 11.29** There are three area Sub Committees – Northern, Central and Southern. These each meet once every four weeks. There will be occasions where planning applications are first reported to them and then referred on to the Planning Committee, which meets on a six-week cycle.
- 11.30** All Committee meetings are held at the Council Chamber at Brockington, Hafod Road, Hereford.
- 11.31** The Committee meetings are public and the agendas and reports are published five full working days in advance of each meeting. Copies of reports and minutes are available from the Council's offices and on the Council's website.
- 11.32** Members of the public who made comments on a particular application can speak at Committee in accordance with the Guide to Speaking At Committee (Appendix 6). Invitations to take part are sent one week prior to the meeting. This allows both objectors and supporters to make their key points in the meeting. The Councillors will then consider and debate the application based on the Officers' report, the comments received and the submitted plans.

- 11.33** Decisions on planning applications are made at Committee by simple majority voting, and the members of the public at Committee are able to see the voting take place.
- 11.34** After the decision has been issued objectors and supporters are normally informed of the outcome by letter. The public record of all planning applications and decisions is kept in the **Planning Register** that is available for public inspection at Blueschool House.
- 11.35** If the planning application is refused, or approved subject to conditions which the applicant finds to be unacceptable, then the applicant has a right of appeal to the **Planning Inspectorate**. This is an Agency of the government and is completely independent of the Council. Where appeals are received the Council will notify neighbours again and anyone who made representations in writing on the planning application.

#### **Other meetings and chances to discuss applications.**

- 11.36** Planning Officers will, by prior arrangement, visit Parish Council meetings and other public meetings to discuss planning policy issues.
- 11.37** Councillors can also be involved in the consultation process. Councillors receive notifications of planning applications in their Ward and can request, in accordance with the Council Constitution, that certain planning applications are reported to Committee and not dealt with under delegated powers.
- 11.38** It is, however, critical to the role of Councillors that they exercise caution if invited to attend meetings with developers, objectors or other groups with a particular interest in a planning application. There is a very strict **Code of Conduct** to ensure the Councillors remain impartial in their dealings with applications, and there are strict rules about "Declaring an Interest" where there is any possibility that the Councillor has a connection, however tenuous, with either the developer or any objectors. This is essential so that they can perform their duties of representing the interests of the whole Council in all matters.

## **12. Monitoring and reviewing**

- 12.1** Preparing this SCI has enabled the Council to give significant thought to how the authority is best able to involve people in planning matters from an early stage in the process.
- 12.2** Once the document is adopted the Council will keep the SCI under review by:
- Monitoring the success of community involvement techniques by assessing the representations received during the planning process
  - Any problems raised by consultees
  - Advice on best practice.



- 12.3** The document will be examined every year through the Annual Monitoring Report and any proposed review will be identified within the Council's LDS with a clear timetable for its production.
- 12.4** For further information or clarification on any aspect of the SCI please contact the Forward Planning section on 01432 260000 or email [ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk)

## **Appendices**

### **Appendix 1 SCI Glossary**

#### **Consultation**

The dynamic process of dialogue between individuals or groups, based upon a genuine exchange of views, and normally with the objective of influencing decisions, policies, or programming of action

#### **DPDs Development Plan Documents**

Planning documents that the Council must prepare which have to be subject to rigorous procedures of community involvement, consultation and independent examination. The DPD should include the following elements:

##### **a) Core strategy**

This document will provide the main planning framework for the District based on the vision, objectives and policies for achieving sustainable development. This document will link with the Regional Spatial Strategy and the Council's Community Strategy.

##### **b) Site specific allocations of land**

This will set out future allocations for employment, housing and other types of development in line with the Core Strategy

##### **c) Area action plans**

These plans set out detailed guidance for areas subject to significant change or where conservation is needed

##### **d) Proposal maps**

Identifies on a map site specific proposals and other land use designations and constraints

#### **Examination in public**

An examination of objections into the soundness of the SCI and future Local Development Documents will be chaired by an independent Inspector

#### **Front loading**

Community involvement in the production of Local Development Documents to gain public input and seek consensus from the earliest opportunity.

#### **Local Development Documents**

The Local Development Framework consists of Local Development Documents. These can be Development Plan Documents, Supplementary Planning Documents (SPDs) or other statutory documents such as the Statement of Community Involvement (SCI) and Annual Monitoring Report (AMR)

#### **Local Development Framework**

This will provide the framework for delivering the planning strategy and policies for the Herefordshire Council

#### **Local Development Scheme**

This is a three year timetable for the production of documents for the Local Development Framework

### **Issues and Options Document**

Summary of information gathered through the initial consultation. Identifies the key areas which need to be addressed and a variety of options for addressing them. The information will form the basis for the next round of consultation

### **Participation**

The extent and nature of activities undertaken by those who take part in public or community involvement

### **Planning and Compulsory Purchase Act 2004**

The piece of legislation that introduced the new development planning system of Local Development Documents which will eventually replace the Unitary Development Plan and also introduces a new statutory system for regional planning. The Act commenced in September 2004 and updates elements of the 1990 Town & Country Planning Act.

### **Planning Policy Statement**

These are statements prepared by the Government on a range of planning issues. The Local Development Documents should accord with guidance set out in the statements. They are intended to replace the existing series of Planning Policy Guidance notes (PPGs)

### **Planning Policy Statement 12**

This planning policy statement sets out the Government's policy on the preparation of local development documents, which will make up the Local Development Framework. It is supported by a detailed companion guide called Creating Local Development Frameworks. Both documents can be found on the Department for Communities and Local Government website [www.Department\\_for\\_Communities\\_and\\_Local\\_Government.gov.uk](http://www.Department_for_Communities_and_Local_Government.gov.uk).

### **Proposals matters**

The advertisement of the Development Plan Document in the newspaper and Council website with essential information such as the title of the document, the subject matter, the consultation period and the address for representations to be sent to. It must also have a statement asking those who make representations to state a preference for notification of the submission of a document to the Secretary of State and of adoption of the document.

### **Public engagement**

Actions and processes taken or undertaken to establish effective relationships with individuals or groups so that more specific interactions can take place

### **Public Involvement**

Effective interactions between planners, decision makers, individual and representative stakeholders to identify issues and exchange views on a continuous basis

### **Significant application**

A significant application includes: Major applications which are likely to produce significant public interest or controversy, development which would be a departure from the Development Plan and would have a wide impact on the local environment, applications for uses which are themselves sensitive and proposals for conspicuous development in "Sensitive" landscapes as defined in the relevant Development Plan.

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### **Statement of Community Involvement**

This sets out the planning authority's proposals for involving the local community in plan making and development control. It is not a DPD but is subject to independent examination.

### **Strategic Environmental Assessment (SEA)**

An environmental assessment of certain plans and programmes, including those in the field of planning and land use, which complies with EU Directive 2001/42/EC. The environmental assessment involves the:

- preparation of an environmental report
- carrying out of consultations
- taking into account of the environmental report and the results of the consultations in decision making
- provision of information when the plan or programme is adopted
- showing that the results of the environment assessment have been taken into account

### **Sustainability Appraisal (SA)**

An assessment of the impacts of policies and proposals on economic, social and environmental matters contained within the Local Development Framework. The SEA will form the environmental part of the SA.

### **Supplementary Planning Document**

These will cover a range of issues and expand on the policies contained within the DPDs. They need to be subject to community involvement and consultation however they are not subject to independent examination. SPD are the replacement guidance for Supplementary Planning Guidance (SPG). The production of SPD should be set out in the Councils Local Development Scheme.

### **The Town and Country (Local Development) (England) Regulations 2004**

Sets out procedures for dealing with Local Development Documents and Sustainability Appraisal including preparation, consultation and dealing with inquiries.

### **Transitional arrangements**

The Planning and Compulsory Purchase Act 2004 introduced major changes to the way the planning system operates. Transitional arrangements have been put in place by Government to assist local authorities to progress from the old system of development plans to the production of Local Development Frameworks.

### **Valid representation**

Comments which are submitted in the appropriate way within the timescales specified and meets the requirements of the statutory regulations

## Appendix 2 - List of LDF consultees

**Please note, this list is not exhaustive and also relates to successor bodies where reorganisations occur. An up-to-date consultation list is available from the Forward Planning Section of Planning Services.**

The groups and organisations on this list are likely to change over time. An up to date LDF consultation list is available from the Forward Planning section of Planning Services.

### **National**

All Town/Parish Councils within the County of Herefordshire

Alfrick and Lulsley Parish Council  
Ashford Carbonel Parish Council  
Bedstone and Bucknell Parish Council  
Berrow Parish Council  
Bromfield Parish Council  
Bromsberrow Parish Council  
Burford Parish Council  
Castlemorton Parish Council  
Clifton upon Teme Parish Council  
Clungunford Parish Council  
Drybrook Parish Council  
Dymock Parish Council  
English Bicknor Parish Council  
Gorsley & Kilcot Parish Council  
Greete Parish Council  
Hanley Parish Council  
Hopton Castle Parish Meeting  
Kempley Parish Council  
Knighton Town Council  
Leigh & Bransford Parish Council  
Little and West Malvern Parish Council  
Longhope Parish Council  
Lower Sapey Parish Council  
Ludford Parish Council  
Lydbrook Parish Council  
Malvern Town Council  
Malvern Wells Parish Council  
Martley Parish Council  
Mitcheldean Parish Council  
Monmouth Town Council  
Newent Town Council  
Onibury Parish Council  
Oxenhall Parish Council  
Presteigne Town Council  
Richard's Castle Parish Council  
Ruardean Parish Council

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Stanford with Orleton Parish Meeting  
Staunton (Coleford) Parish Council  
Stoke Bliss, Kyre & Bockleton Parish Council  
Suckley Parish Council  
Tenbury Town Council

Brecon Beacons National Park  
Forest of Dean District Council  
Gloucestershire County Council  
Malvern Hills District Council  
Monmouthshire County Council  
Powys County Council  
Shropshire County Council  
South Shropshire District Council  
Worcestershire County Council

Advantage West Midlands  
BBC Transmission Headquarters  
British Energy  
British Gas Transco  
British Telecom  
Commission for Rural Communities  
Dwr Cymru Welsh Water  
Electronic Communication Companies  
English Heritage  
Environment Agency  
Environment Agency - Upper Severn Area  
Environment Agency (Wales)  
Gas Companies  
Government Office for the West Midlands  
Highways Agency  
Midlands Electricity Board  
Midlands Electricity Plc  
National Grid Transco  
National Power Plc  
Natural England  
Natural England (West Midlands)  
Nuclear Electric Plc  
Radiocommunications Agency  
Royal Commission Historical Monuments of England  
Severn Trent Water Ltd  
South West Regional Development Agency  
Strategic Rail Authority  
The Georgian Group  
The Theatres Trust  
Welsh Development Agency  
West Midlands Regional Health Authority  
West Midlands Regional Planning Body

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### **Government Departments**

Department for Cultural, Media and Sport  
Department for Education and Skills (GOWM)  
Department for Environment, Food and Rural Affairs (DEFRA)  
Department for Transport (GOWM)  
Department of Constitutional Affairs  
Department of Health  
Department of Trade and Industry (GOWM)  
Department of Work and Pensions  
Government Office for the West Midlands (GOWM)  
Home Office  
Ministry of Defence  
Office of Government Commerce (property Advisers to the Civil Estate)

### **General Consultation Bodies**

#### **(Interest/community groups and voluntary bodies etc)**

ABLE (Information and Advice)  
ADAS Rosemaund  
Age Concern  
Agricultural Assistance  
Alliance of Vol Orgs in Health & Social Care  
Alzheimer's Society  
Association for the Promotion of Herefordshire  
Association of Local Councils  
AVRA (Arrow Valley Res Assoc) and Ramblers Assoc  
Belmont Voice  
Bovingdon Park Home Estate  
British Association for Shooting and Conservation  
British Horse Society  
British Museum  
British Red Cross Society  
British Roads Federation Ltd  
British Wind Energy Association  
Bromyard Swimming Pool Trust  
Bulmer Foundation  
Byways & Bridleways Trust  
Campaign for Real Ale Ltd  
Carers Action  
Castle Street & District Residents Association  
Central Council for Physical Recreation & CTC  
Centre for Home Education UK Ltd  
Chamber of Commerce  
Chamber of Commerce Hereford & Worcester  
Church Commissioners for England  
Churches Together in Ross & District  
City Centre Forum  
City of Hereford Charter Trustees  
CLD Youth Counselling Trust  
Clyro Community Council

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Coal Authority  
 Commission for Architecture and the Built Environment  
 Commission for Racial Equality  
 Communities Against Racism  
 Community Council of Hereford and Worcester  
 Community Dev Workers Forum  
 Community First  
 Community Mental Health Services  
 Community Voluntary Action  
 Confederation of British Industry WM  
 Confederation of Passenger Transport  
 Connexions Herefordshire & Worcestershire  
 Cotswold Line Promotion Group  
 Council for British Archaeology  
 Country Land & Business Association  
 Country Landowners Association  
 County Association of Local Councils  
 Courtyard Trust  
 Craswell Community Project  
 Crucorney Community Council  
 Cycle Hereford  
 Cyclist Touring Club  
 Deaf Direct  
 Disability Network Group  
 Dore Community Transport  
 Drug Service for Herefordshire  
 Eardisland Community Millennium Fund  
 East Herefordshire Area Committee  
 ECHO (extra choices across North)  
 Employment Service  
 English Sports Council (West Midlands)  
 Enterprise Link Manager  
 Environmental Services Association  
 Equal Opportunities Commission  
 Farm Shops Initiative  
 Farm Wildlife Advisory Group (FWAG)  
 Farming & Rural Conservation Agency  
 Federation of Small Businesses  
 Flavours of Herefordshire  
 Forestry Authority (West England Consultancy)  
 Fownhope Local History Group  
 Fownhope Residents Association  
 Freight Transport Association  
 Friends of Castle Green  
 Friends of the Black Hill  
 Friends of the Earth (Herefordshire)  
 Garden History Society  
 General Aviation Awareness Council, Bloomfields Ltd  
 Golden Valley Pro-Rail Partnership

Herefordshire Statement of Community Involvement 2007



Golden Valley Railway Partnership  
Greytrees Trust  
Grosmont Community Council  
Gypsy Council  
Health and Safety Executive  
Health Living Community  
Heart of England Fine Foods  
Help the Aged  
Hereford & Worcester Employment Service  
Hereford Access for All  
Hereford Allotments Association  
Hereford and Worcester Chamber of Commerce  
Hereford and Worcester County Scout Council  
Hereford and Worcester FWAG  
Hereford and Worcester Gardens Trust  
Hereford Careers Centre  
Hereford Centre for the Arts  
Hereford Charter Trustees  
Hereford Childrens Fund Panel  
Hereford City Centre Forum/HIA  
Hereford City Partnership Ltd  
Hereford City PCCG Vice Chairman Able Rep  
Hereford Civic Society  
Hereford Dial-a-Ride/Community Transport Forum  
Hereford Diocese  
Hereford Industrial Assoc  
Hereford Market Auctioneers Ltd  
Hereford RNIB  
Hereford Road Action Association  
Hereford Trades Council  
Hereford TUC  
Herefords Centre of Ind Living  
Herefordshire & Gloucestershire Canal Trust  
Herefordshire & Worcs Earth Heritage Trust  
Herefordshire & Worcs Sports Partnership  
Herefordshire Aero Club  
Herefordshire and Worcestershire Employment Service  
Herefordshire Assoc of Governors  
Herefordshire Assoc. of Local Councils  
Herefordshire Association for the Blind  
Herefordshire Bus Operators Forum  
Herefordshire CAB  
Herefordshire Carers Support  
Herefordshire Citizens Advice Bureaux  
Herefordshire Community National Health Service  
Herefordshire Community Safety & Drugs Partnership  
Herefordshire Council for Voluntary Youth Services  
Herefordshire Council for Voluntary Youth Services  
Herefordshire Disability Action Group  
Herefordshire Statement of Community Involvement 2007

Herefordshire EYDCP  
 Herefordshire Federation of Womens' Institute  
 Herefordshire Food Links  
 Herefordshire Football Association  
 Herefordshire Group Training  
 Herefordshire Growing Point  
 Herefordshire Health Promotion Unit  
 Herefordshire Homelessness Forum  
 Herefordshire Industrial Assoc  
 Herefordshire Joint Charter Group  
 Herefordshire Lifestyles  
 Herefordshire Literacy Project  
 Herefordshire Market Towns Forum  
 Herefordshire Mencap  
 Herefordshire Nature Trust  
 Herefordshire Ornithological Club  
 Herefordshire Pedestrian, Access & Cycle Forum  
 Herefordshire River Leaders  
 Herefordshire Society of Architects  
 Herefordshire Sports Council  
 Herefordshire Taxi Association  
 Herefordshire Trade Federation  
 Herefordshire Trades Council  
 Herefordshire Voluntary Action  
 Herefordshire Wildlife Trust  
 Herefordshire Witness Service  
 Herefordshire Women's Aid  
 Herefordshire Young Farmers  
 Herefordshire Youth Consortium  
 Herefordshire Youth Council  
 Hfd Against Supermarkets Squashing our Local Economy  
 Hfds Rural Transport Partnership  
 HM Inspectorate of Pollution  
 HM Principal Inspector Health & Safety  
 HM Railway Inspectorate  
 Homestart Herefordshire  
 Hope for Children and their Families  
 House Builders Federation  
 Housing Corporation  
 Individual/Hfd Travellers Support Group/FoE  
 Job Centre  
 Joblink c/o Employment Service  
 Kings Acre Residents Association  
 King's Thorne Residents Group  
 Kingstone Rural Protection Group  
 Kington & District North Hereford Chamber Commerce  
 Kington Historical Society  
 Land Access and Recreation Association  
 Land Use Consultancy

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Learning & Skills Council  
 Ledbury & District Access Group  
 Ledbury & District Civic Trust Limited  
 Ledbury & District Volunteer Bureau  
 Ledbury Area Cycle Forum  
 Ledbury Community Association  
 Ledbury Community Transport  
 Ledbury Shopmobility  
 Ledbury Youth First  
 Ledbury Youth First  
 Legal Services Commission  
 Leominster & District Community Assoc  
 Leominster Area Regeneration Company  
 Leominster Civic Trust  
 Leominster Historical Society  
 Leominster Shopmobility  
 Library Reading Group  
 Library Users Group  
 Lifeline Car Scheme  
 Lifestyles  
 Llangrove Village Voice  
 Llanigon Community Council  
 Llantilio Crossenny Community Council  
 Malvern Hills AONB Joint Advisory Committee  
 Malvern Hills Conservators  
 Malvern Hills District Agenda 21 Coordinating Group  
 Marches Consortium  
 Marches Energy Agency  
 Marches Family Network  
 Marches Line Users Association  
 Marden Women's Institute  
 Market Traders Association  
 Mediation Herefordshire  
 Mencap  
 Midland Area Association of Amenity Societies  
 MIND Herefordshire  
 Minerals Valuers Office  
 Moreton on Lugg Local History Group  
 National Air Traffic Services Ltd  
 National Farmers Union  
 National Federation of Builders  
 National Federation of Bus Users  
 National Playing Field Association  
 National Trust  
 National Union of Agriculture  
 Northern Herefordshire Area Committee  
 Offa's Dyke Association  
 Old Radnor Community Council  
 'One to One' Befriending

Herefordshire Statement of Community Involvement 2007

Open Spaces Society  
Pembridge United Charities  
Pension Service  
People's Union  
Physical & Sensory Support Services  
Physical Activity Network  
Planning Aid  
Plynlimon Trust  
Probation Service  
Protect Ross on Wye  
Rail for Herefordshire  
Rail Freight Group  
Rail Passengers Council  
Rail Users' Consultative Committee Western England  
Railway Development Society  
Ramblers Association  
Regeneration Partnership Bromyard  
Regeneration Partnership Kington  
Regeneration Partnership Leominster  
Regeneration Partnership Ross  
Rep. Private Sector Landlords  
Robert Owen Society  
Ross & District Community Development Group  
Ross Action Committee  
Ross Charity Trustees  
Ross Community Development Steering Group  
Ross Country Cars  
Ross Creative Learning Centre  
Ross on Wye & District Civic Society  
Ross on Wye Community Development Association  
Ross-on-Wye District Community Association  
Rothewas Access Group  
Royal College for the Blind  
Royal Society for the Protection of Birds  
Rural Community Council for Hereford & Worcester  
Rural Development Service  
Rural Development Service West Midlands  
Rural Media Company  
Rural Regeneration Zone  
Rural Residents Association  
SCORE  
SHARP  
Shopmobility  
Society for the Protection of Ancient Buildings  
South Wye Regeneration Partnership  
Southern Marches Partnership  
Sport England  
St James and Bartonsham Community Association  
St Martins Bowling Club

Herefordshire Statement of Community Involvement 2007

Stone Roofing Association  
Supported Housing Young People's Project  
Sustrans  
Teme Valley Youth Project  
Tenant Farms Association  
Tenbury Tourism Association  
TESS, Central Marches BDC  
The Herefordshire Education & Business Partnership  
The Reasonable Adjustment Reablement Trust  
The South Wye Regeneration Team  
Transport 2000 (Hereford and Worcester)  
Transport Sharing Scheme North Herefordshire (HVA)  
Traveller Health Project  
Travellers Support Group  
Unity Garden  
Victim Support  
Voluntary Sector Assembly  
Voluntary Sector Assembly  
West & East Midlands Strategic Rail Authority  
West Mercia Housing Group  
West Midlands Conservancy  
West Midlands European Network  
West Midlands Ldz  
West Midlands Local Government Association  
West Midlands Planning Consortium  
West Midlands RSL Planning Consortium  
Wheels to Work (HVA)  
Withies Close Residents Association  
Woodland Trust  
Woolhope Naturalists Field Club  
Workmatch  
WRVS Country Cars  
Wye Valley AONB, Joint Advisory Committee  
Zig Zag

**Other Consultees**

**(Landowners, developers, builders, property companies and agents)**

Active Commissions  
Adams Holmes Associates  
Advance Housing  
Advanced Planning and Architecture Ltd  
Alan Pickford Consultancy  
Alder King  
Andrew Morris & Co  
Archdiocese of Cardiff  
Area Land Agent  
Arena Lettings  
Arkwright Owens  
Ataghan Limited

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ATB Landbase  
AXYS Design  
Balfours Chartered Surveyors  
Banner Homes Group Plc  
Barkholme  
Barry Bufton Estate Agent  
Barton Willmore  
Barton Willmore Planning  
BE Planning  
Beard Company  
Beaumonts Solicitors  
Bell Cornwall Partnership  
Belmont Abbey, Director of Public Health  
Blasemere Limited  
Bloor Homes  
Border Oak  
Boyer Planning Ltd  
Brightwells Limited  
British Waterways  
Brock Planning Consultancy  
Bromford Housing Group  
Bryant Homes Technical Services Ltd  
Building Design Practice  
Burton & Co  
C G M S  
C M S Ltd  
C. G. Property  
Carter Jonas  
CB Hillier Parker Limited  
Chapman Warren  
Chase & Partners  
Chesterton  
Christopher F Knock  
Churston Heard  
Clee, Tompkinson & Francis  
Cluttons LLP  
Cobb Property Ltd  
Colin Buchanan and Partners  
Collier & Brain  
Connells Land and Planning  
Cooperative Group Property Division  
Crest Strategic Projects  
Crown Castle  
Crown Estate Commissioners  
CSJ Planning Consultants Ltd  
D2 Planning Ltd  
David Champion & Associates  
David Edwards and Associates  
David Russell Associates

Herefordshire Statement of Community Involvement 2007

David Walters Building Surveyor  
DDM  
Dean-Walker Bateman Architects  
Defence Estates  
Derek Prosser Associates  
Development Plan UK  
Dialogue - Communicating Planning  
Doolittle & Dalley  
Doorbars  
DPDS Consulting  
Drivers Jonas  
DTZ  
Duchy of Cornwall  
Elgar Housing Association  
Finale Properties  
Flint & Cook Estate Agents  
Forestry Commission  
Form 2000 Ltd  
FPD Savills  
Fuller Peiser  
G. Herbert Banks  
Gabb & Co. Solicitors  
Garner Southall Partnership  
Geoff Jones Architect  
George Wimpey  
GL Hearn Planning  
Gladestry Community Council  
Gloucestershire Housing Association  
GMA Planning  
Goldfinch (Projects) Ltd  
Gough Planning Service  
Greenwood Development Planning  
Gregory Grey Associates  
GVA Grimley  
H P Goodwin & Sons  
H.J. Pugh & Co  
H.P.Bulmer Ltd  
Halcrow Group Ltd  
Hallam Land Management Limited  
Harmers Ltd  
Harris Lamb Planning  
Healey & Baker  
Herefordshire Housing  
Hoddell Association  
Hook Mason  
Humberts  
Huntsmans Quarries Limited  
I E Developments Ltd  
Interplan Architects

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J. Patrick Power - Chartered Surveyors  
J.D. Gallimore Solicitors  
JBA Consulting  
JCS Planning  
Jennings Homes Ltd.  
JM Probert & Son  
John Farr and Associates  
John Needham Associates  
John Parry Estate Agency  
Johnson, Blight and Dees  
Jones Day  
King Sturge  
Knight Frank  
Lambert Smith Hampton  
Landmark Info Group Ltd  
Langley-Taylor  
Lattice Property  
Linton Design  
Littman Robeson  
Lucas Land & Planning  
Malcolm Scott Consultants Ltd  
Marches Housing Association  
Marwalk Developments Ltd  
Mason Hugo Properties  
Matthew and Goodman  
McCarthy & Stone  
McCartneys  
McLean Homes West Midlands  
Michael Latchem and Associates  
Michael Rose & Co. Property Consultants  
Micheal P Morris and Associates  
Morbaine Ltd  
Morris Bricknell  
Mundy Construction Services  
MVM Planning  
Nathaniel Lichfield & Partners  
Neil Vesma Architects  
New Earth Solutions Ltd  
Nicholas Pearson Associates  
Norman Marcus Consultants  
Norris and Miles  
P M W Lettings  
P.D. O'Herlihy Chartered Surveyors  
P.P. Pudge & Sons  
Paul & Company  
Paul Bainbridge Planning Consultancy  
Paul Smith Associates  
Peacock & Smith  
Pegasus Planning Group

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Pepper, Angliss and Yarwood  
Persimmon Home, South Midlands  
Peter Bishop & Associate  
Peter Cripwell & Associates  
Peter Evans Partnership Ltd  
Peter Overall & Co  
Phipps & Co Ltd  
Planning Bureau Ltd  
Planning Issues  
Post Office Property Holdings  
R & B Jerman  
Rapleys  
Redrow Homes  
Renaissance Land Ltd  
Richards Gray  
Robert Kilgour & Associates  
Robert Turley Associates  
Roger Tym and Partners  
RPS Chapman Warren  
RPS Planning  
RRA Architects  
Second Site Property  
Shaw Homes  
Shaw Trust  
Shephard and Summers Ltd  
Smith Woolley Chartered Surveyors  
Smiths Gore  
South Shropshire Housing Association  
Stansgate Planning Consultants  
Stoke Edith Estate Office  
Stubbs Rich Architects  
Sunderlands  
Sure Start  
T A Matthews Solicitors  
Taylor Woodrow Developments Ltd  
Tetlow King Planning  
Thompsons Land & Property  
Three Counties Planning Consultancy  
Tufnell Town & Country Planning  
Tupsley Court Farmers  
Turner and Co  
Vodan Sandbrook Ltd  
W.R. Skyrme and Sons  
Walker Stewart  
Wall, Davies & James  
Ward Hadaway Solicitors  
Weatherall Green & Smith  
Westbury Homes  
Wilkon Homes

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Williamson Associates Ltd  
Wimpey Homes  
Wood Frampton Ltd  
WS Atkins Planning Consultants  
Wyedean Housing Association

**(Commercial businesses, farms)**

A. J. Carlton  
Abbey Cars  
Ace Coaches  
AJ Lowther and Son Ltd  
Bloodstock  
Burgoynes (Lyonshall) Ltd  
Camas Aggregates Limited  
Cobrey Farms  
Collins Engineering  
Corbett Farms Limited  
Edward Bulmer Limited  
Eign Enterprises Ltd  
Estate Dept LIDL UK  
EWS  
Forest Garden plc  
Halo Leisure  
Hanson, Regional Offices  
Harlequin  
Hartwell Plc  
HP Bulmer Ltd  
J & P Turner Corn and Seed Merchants  
Johnston Roadstone Limited  
KGP Enterprises  
Kingspan Insulation Ltd  
Lafarge Aggregates Ltd  
Lafarge Central Region  
Lovell Johns  
Lynders Forest Nursery  
MF Freeman Ltd  
Millbank Garages  
Moreton C Cullimore (Gravels) Limited  
Nash Rock, Stone and Lime Co. Limited  
Odeon Cinemas Ltd  
Pilgrim Hotel  
Polytec Holden  
Quarry Products Association  
RMC Group Services Ltd  
Robert Hitchins Ltd  
Sargeant Brother Coaches  
South Herefordshire Garages Ltd  
Special Metals Wiggin Limited  
Sun Valley Foods Ltd

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Sun Valley Poultry Ltd (Wincanton)  
Tarmac Quarry Products  
Top Garage  
Vaughan Farm Limited  
Watery Lane Farm  
Wye Leisure

**(Service providers, statutory undertakers)**

Army Territorial Centres  
Arriva Trains Wales  
Barrs Court School, Head Teacher  
BITRE  
Bowyers Coaches  
BRB (Residuary) Ltd  
British Aggregates Association  
Bromyard Community Transport  
Bromyard Omnibus Company  
Business Link West Mercia  
Business Network Broker  
Campaign to Protect Rural England  
CCTE Business Link  
CD Rural Association  
CDS Development Services Limited  
Central Trains Limited  
CENTRO  
Civil Aviation Authority  
DRM Coaches  
ESG Herefordshire Limited  
First Great Western Trains  
First Midland Red Buses Ltd  
Gateway Nursery  
Great Western Trains Co Ltd  
Hereford & Worcester Ambulance Service  
Hereford & Worcester Fire & Rescue Service  
Hereford & Worcester Fire Brigade  
Hereford & Worcester Probation Service  
Hereford and Worcester Fire Service  
Hereford Hospitals NHS Trust  
Hereford Sixth Form College  
Herefordshire College of Art & Design  
Herefordshire College of Technology  
Herefordshire Health Authority  
Herefordshire Partnership  
Herefordshire Primary Care Trust  
Holme Lacy College  
Housing Ambition Group  
Hyder Consulting (Drainage)  
KC3  
Kidz First

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Kington Day Centre  
Leominster Libraries  
Local Youth Clubs  
Lord Scudamore Primary School  
Lower Severn Drainage Board  
Lower Severn Internal Drainage Board  
Mainline Pipelines Ltd  
Meals on Wheels  
Meat Hygiene Services Inspector  
Midland Red First  
Minister School, Leominster  
Museums  
Network Rail  
Newton Farm Information Centre  
Pipeline Management Ltd  
Police - West Mercia  
Railtrack (Great Western)  
River Lugg Internal Drainage Board  
Stagecoach in South Wales  
Thames Trains  
University College Worcester  
Wales and Borders Trains  
Wales and West Railway  
West Mercia Area Probation  
West Mercia Constabulary  
West Mercia Police Authority  
Worcestershire Health Authority

#### **Herefordshire Council**

An internal consultation list has been compiled and is available separately. This list will be kept under regular review and will be amended to ensure that requirements of this document are met.

#### **Others**

The database includes members of the public who have sought involvement in the preparation of planning documents.

## **Appendix 3**

### **Organisations consulted where appropriate on planning applications**

#### **Statutory Consultees**

West Midlands Regional Planning Body  
The relevant adjoining local planning authority  
Environment Agency  
Countryside Agency  
Highways Agency  
Historic Buildings and Monuments Commission  
English Nature  
Strategic Health Authority  
Dwr Cymru Welsh Water  
Severn Trent Water  
Health and Safety Executive

#### **Government Departments**

ADAS  
DCMS  
Dept for Environment Food and Rural Affairs  
DTI  
GOWM  
Department for Communities and Local Government

#### **Other Consultees**

Advantage West Midlands  
Ancient Monuments Society  
AONB – Wye Valley  
AONB – Malvern Hills  
BBC  
British Gas Transco  
British Horse Society  
British Telecom  
British Waterways  
Byways and Bridleways Trust  
Commission for Architecture and the Built Environment  
Conservation Advisory Panel  
Council for British Archaeology  
English Heritage  
Forestry Commission  
Garden History Society  
Hereford Access For All  
Hereford and Worcester Fire and Rescue Service  
Hereford and Worcester Gardens Trust  
Herefordshire and Gloucestershire Canal Trust  
Herefordshire and Worcestershire Earth Heritage Trust  
Herefordshire Health Authority  
Herefordshire Primary Care Trust  
Herefordshire Nature Trust

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Lower Severn Drainage Board  
Malvern Hills Conservators  
Meat Hygiene Service  
Mencap  
Midlands Electricity Board  
National Air Traffic Service  
Natural England  
National Trust  
Network Rail  
Open Spaces Society  
Pipeline Management Ltd  
Post Office Property Holdings  
Radiocommunications Agency  
RSPB  
Society for the Protection of Ancient Buildings  
Sport England  
The Coal Authority  
The Farming and Rural Conservation Agency  
The Georgian Group  
The Ramblers Association  
The Theatres Trust  
Town/Parish Councils  
Twentieth Century Society  
Victorian Society  
West Mercia Constabulary  
Woolhope Naturalists Field Club

### **Herefordshire Council Internal Consultation**

Internal consultation takes place within the Council on planning applications and includes environmental health, transportation and housing. The consultations undertaken will vary and will be dependent on the application submitted.

Appendix 4

Site notice

# PLANNING NOTICE

Herefordshire Council has received an application for the following:-

**Proposal:**

**Location:**

**Application Number:**

**SAMPLE**

**Application Code/s:**   
(see foot of notice)

You can see the plans at:

**Southern Planning Services, the Hereford Centre, Garrick House, Widemarsh Street, Hereford (telephone 01432 260000) or Info in Herefordshire, Swan House, Edde Cross Street, Ross-on-Wye (telephone 01432-260500)**

Opening hours are: 8.45 am – 4.45 pm (Monday to Thursday), 8.45 am – 4.30 pm (Friday). **Please telephone first, to check availability (telephone numbers as above).**

Please send us representations or comments to: **Southern Planning Services, PO Box 230, Blueschool House, Blueschool Street, Hereford, HR1 2ZB** by:

.....

To ensure your representation is considered it must be received on or before this date.

**ANDREW ASHCROFT, HEAD OF PLANNING SERVICES**

Posted by: .....on behalf of Herefordshire Council

Date: .....

**The letters in the above box apply to this application, and are explained as follows:-**

<b>P</b> – Planning application	<b>AC</b> – Affects a Conservation Area
<b>L</b> – Listed Building Consent	<b>RW</b> – Affects a public right of way
<b>C</b> – Conservation Area Consent	<b>T</b> – Telecommunications mast
<b>SL</b> – Affects the setting of a Listed Building	<b>D</b> – Proposed development does not accord with the provisions of the Development Plan

DC5013MW

## **Appendix 5**

### **Guide to making planning application representations**

#### **Introduction**

The Council welcomes your comments on planning applications. Local views are invaluable and help us in our consideration of development proposals.

This leaflet tells you how we publicise applications and how you can make effective representations. On request this leaflet is also available in large print, Braille or on tape.

#### **Publicity for planning and other applications**

The Council notifies interested parties and neighbours in line with government guidelines. This is done either in writing or by displaying a site notice. Some applications are also advertised in local newspapers.

#### **Neighbour notification**

Neighbour letters are sent to households having boundaries adjoining the application site. In cases where the application will have a wider impact as a result of noise or traffic generation, for instance, additional households will be notified. The letter will state a date by which any written reply should be received.

All current applications can be inspected at Info Points during normal office hours. Staff are on hand to explain the plans to you if required. If you wish to speak to the case officer you should telephone to make an appointment.

Anyone is entitled to comment on an application whether or not they receive a letter.

#### **Site notices**

Site notices will be placed on or near the road frontage of an application site and are used where there is doubt about who interested parties are, adjacent land ownership is uncertain, or the application is likely to be of interest to more than near neighbours. Site Notices are a distinctive YELLOW colour and are laminated to protect them from adverse weather.

#### **Newspaper advertising**

Newspaper advertising appears in the Public Notices section of local weekly newspaper circulating in the area. The newspapers where public notices can be found are:

- |                  |  |
|------------------|--|
| Hereford Journal | – Hereford City and surrounding area.                      |
| Hereford Times   | – Leominster, Bromyard, Kington, villages and rural areas. |
| Ross Gazette     | – Ross-on-Wye area.  |
| Ledbury Reporter | – Ledbury area.  |



## **Your response**

It is vital to remember that the decision-makers are only able to take into account relevant remarks, which relate to land use planning considerations. These depend on the application but are generally planning policy and those concerning affect on local amenity, overlooking, loss of privacy, highway safety issues including increased traffic access/parking problems or possibly noise and smells.

The following are not usually relevant to making a planning decision:

- Matters controlled by other legislation, an example would be risk of pollution to a water course which would be a matter of licence by Environment Agency.
- Effect on private rights.
- Property values.
- Retention or protection of a domestic view.
- Personal circumstances of the owner or applicant.
- Moral issues.

## **The development plan and planning policies**

Planning policies that guide development control decisions are set out in published documents known as Development Plans. At the time of preparing this leaflet there is a County Structure Plan and four adopted District Plans: Leominster District Local Plan, Malvern Hills District Local Plan, Hereford City Local Plan and South Herefordshire District Local Plan covering the Herefordshire Council administrative area. Decisions should be made in accordance with adopted policies appearing in those documents unless material considerations indicate otherwise.

A replacement document that will be known as the Unitary Development Plan (UDP) is in preparation and it is anticipated this will become the adopted planning policy document. The UDP forms a saved plan for 3 years and will be revised through the Local Development Framework (LDF) process.

## **Timing of representations**

In order that representations may be properly taken into account, it is important that the time allowed for submission as stated on the notification is strictly observed. Anyone making representations on an application will have their letter acknowledged and will be informed of the decision within 10 working days of the decision notice being issued.

The Local Planning Authority is able to make a decision on an application at any time after the publicity period has expired and in any event should make a decision within 8 weeks of a valid application being made. Area Sub Committee and Planning Committee agendas are available at least five working days before the meeting from Committee Services, Brockington, 35 Hafod Road, Hereford, HR1 2HQ. Telephone number 01432 260000, Fax 01432 260286.

All representations should be sent to the person stated in the letter at Blueschool House. Representations sent to Councillors cannot be considered unless they are copied to the case officer.

***All comments and written representations made on an application are open to public inspection.***

Representations received after the relevant statutory time limit will only be considered if they raise material planning matters.

It is vital that you comply with the stated time limits.

The Council operates a Code of Conduct on Planning Matters for Members and Officers providing guidance on lobbying of Councillors and other matters. A copy of the code will be made available on request.

Planning Services are situated at:

Blueschool House,  
Blueschool Street,  
Hereford,  
HR1 2ZB  
(Tel: 01432-260000)

## Appendix 6

### Guide to speaking at committee

#### Introduction

Herefordshire Council has introduced public speaking at planning meetings. There are three Area Planning Sub-Committees, North Central and South dealing with planning applications and related development control issues. There is also a main Planning Committee which deals with applications from Councillors and those referred to it by the Head of Planning Services. This leaflet explains the process by answering some of the questions you might ask. On request this leaflet is also available in large print, Braille or on tape.

***Please ensure that your mobile phone is switched off at the meeting and note that the following are not permitted:***

- visual aids such as plans or photographs.
- the circulation of material at the meeting.
- the taking of photographs.
- the use of voice recording equipment.

#### How will the scheme work?

This scheme only operates for planning applications that for various reasons are the subject of a report to the Planning Committee or to one of the three Area Planning Sub-Committees. In order to have the opportunity to speak you will have:

- made an application being the applicant or agent, or
- made your views known as the Parish/Town Council or as a member of the public on an application within the period specified for receipt of representations.

The right to speak applies equally to those who are objectors or supporters or their representatives.

If the application is to be considered by a Committee you will be notified in writing and advised of the procedure for registering your wish to speak. Time will be allowed for speaking after the Chairman of the meeting calls the item and officers have given their presentation. After speaking is completed Members will normally debate the merits of the application and make a decision. In the case of some applications, Members may decide to defer considering it because they want to first hold a site inspection or because they want further information about it. Public speakers will then be given the opportunity to either speak at the meeting or to defer speaking until the item comes back to a subsequent meeting.

Occasionally a decision to defer may be made towards the end of the debate and **after** public speaking has already taken place. In such cases the speakers will **not** be entitled to speak for a second time when the application goes back to the Committee. Speakers who registered to speak at a Sub Committee meeting will also be entitled to speak at a Planning Committee Meeting if the application is referred to it. (**note** those who did not register in time to speak at the Sub Committee will **not** be entitled to speak at the Planning Committee)

### What is the registration period?

The letter to you will set out the date and time of the meeting that will consider the application(s) you are interested in. In order to register your wish to speak you must contact Committee Services no later than **48 hours\*** before the start of the meeting by telephone, fax or e-mail. The telephone/fax number and e-mail address will be set out on the letter.

\*examples of the 48 hour period are:-

Day of meeting	The 48 hour period before the meeting expires as follows
2:00 pm on Wednesday	2:00 pm on Monday
2:00 pm on the first Wednesday following a bank holiday Monday	2:00 pm on Friday
2:00 pm on the first Wednesday following Easter bank holiday (Good Friday and Easter Monday)	2:00 pm on Thursday
10:00 am on Friday	10:00 am on Wednesday

Please be prepared to give details of a telephone number and times when you can be contacted to the Committee Services Officer. Where more than one person registers to speak for or against a proposal, speakers will be encouraged to share the time allotted. Where no agreement is reached the Committee Services Officer will allot the time to the first person to register.

If you have any special needs, please advise the Committee Services Officer on registration.

### Where and when are meetings held?

Normally meetings are held at Brockington at the time stated on your letter. A map will be provided showing the location of the Council Chamber.

### At the meeting

If you have registered to speak you are asked to arrive at the Council Chamber **30 minutes** before the meeting starts. Committee Services Officers will be in attendance to advise on seating and to answer any other queries that concern you.

### Order of speaking and time allotted

The order of speaking will normally be:

- (1) Parish/Town Council appointed representative(s) - **3 minutes in total**
- (2) Objectors - **3 minutes in total**
- (3) Applicant/Agent/Supporters - **3 minutes in total**

Please note that in each case there is just one 3 minute slot per category. Speakers are welcome to share a 3 minute slot. In exceptional circumstances the Chairman has discretion to allow a longer period for speaking

## What can I say?

Your comments should be limited to relevant planning issues already raised in your representation such as:

- planning policies, including those in the relevant Development Plan, which can be inspected at Planning Reception in Blueschool House;
- appearance and character of development;
- traffic generation, highway safety and parking;
- overshadowing, overlooking and loss of privacy;
- noise disturbance or other loss of amenities;
- layout and density of buildings.

You should avoid matters that cannot be considered by the Committee such as:

- boundary disputes, covenants or other property rights;
- personal remarks (eg the applicant's motives).

You may not ask questions of others at the meeting, nor, other than for clarification, will the Chairman ask you questions.

You will be notified in writing of the Committee's decision and the reasons for it after the meeting.

Once you have spoken you will take no further part in the meeting.

## Important information

It is advisable to contact the planning application Case Officer a few days before the meeting to confirm the application is still to be considered. Applications are sometimes withdrawn at short notice.

You do not have to attend a meeting since the points you have raised will be summarised in the report.

The Committee Agenda is available for public inspection at least **5 working days** before the meeting.

You should note that the Committee does not always agree with the recommendation of the Case Officer.

Committee Services can be contacted on:

<b>Telephone &amp; Fax No:</b>	<b>E-mail address:</b>
01432-261809	Publicspeaking@herefordshire.gov.uk

## Appendix 7

### Useful Information

The following documents can be accessed via: The Office of the Deputy prime Minister:  
<http://www.DepartmentforCommunitiesandLocalGovernment.gov.uk> and following the link to Planning

Planning Policy Statement 12: Local Development Frameworks  
Companion Guide to Planning Policy Statement 12, Creating local Development Frameworks

Planning Policy Guidance Notes

Other Planning Policy Statements

Statements of Community Involvement and Planning Applications

Diversity and Equality in Planning – A good practice guide

Further information:

Planning and Compulsory Purchase Act  
<http://www.parliament.thestationeryoffice.co.uk>

The Town and Country Planning (Local Development)(England) Regulations 2004  
<http://www.legislation.hmso.gov.uk>

Local Development Frameworks: Assessing the soundness of SCIs and DPDs  
<http://www.planning-inspectorate.gov.uk/pins/>

RTPI Good Practice Note 1: Guidelines on Effective Community Involvement and Consultation.  
<http://www.rtpi.org.uk/resources/publications/p24.html>.

## Appendix 8

### Sources of Help and Advice

- **Forward Planning section**

Planning Services,  
PO Box 4,  
Plough Lane,  
Hereford,  
HR4 0XH.

Tel 01432 260000

Email [ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk)

- **Development Control section**

Planning Services,  
PO Box 230,  
Blueschool House,  
Blueschool Street,  
Hereford,  
HR1 2ZB.

Telephone 01432 260000

- **Planning Aid**

West Midlands Planning Aid  
Unit 319,  
The Custard Factory,  
Gibb Street,  
Birmingham,  
B9 4AA.

Planning Advice Helpline 01691 7668044

Email [wmcw@planningaid.rtpi.org.uk](mailto:wmcw@planningaid.rtpi.org.uk)

- **The Planning Portal**

Website: [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

- **The Royal Town Planning Institute**

41 Botolph Lane,  
London,  
EC3R 8DL  
Tel 020 79299494

Email: [online@rtpi.org.uk](mailto:online@rtpi.org.uk)

Website: [www.rtpi.org.uk](http://www.rtpi.org.uk)

## Appendix 9

### Guidance Notes on making a representation to a DPD at Submission Stage

The six week consultation period for making representations to the **[document name]** runs from **[this date]** to **[that date]**.

Representations made on the **[document name]** must be linked to one of the tests of soundness which have been produced by the Government to ensure that when a DPD is produced it is done so in a sound way ensuring that the correct processes and procedures have been followed.

#### How to make a representation

There are a number of things to remember when completing the form:

- If you wish to object to the **[document name]** please make clear in what way the **[document name]**, or part there of, is not sound having regard to the tests set out on page 2 of this form. Please also state how the **[document name]** should be changed.
- Please use this form for making comments in support of, or in objection to, the **[document name]**. Remember all completed forms must be received by **[this date]**.
- Please note only those objectors whose objections are made within the six week consultation period have a right to have their objections considered at a future Hearing/Public Local Inquiry. The Council is not obliged to accept any late representations.
- Please note that representations need to be made to the **[document name]** and not **[the accompanying report/s]**.
- Forms should be completed in black ink or typed.
- Please complete a separate form for each matter objected to.
- Each form should clearly identify the change you are supporting/objects to. If you are submitting additional documents in support of your representation(s) please supply **five** copies with each completed form.

#### What happens to my representation?

Your representation will be acknowledged. Your individual comments, in support or objection to the **[document name]** will be checked to see if they have been "duly made". Each comment will be given a specific reference and acknowledged in writing.

- Submitted representations can be viewed by the public. They will be available as soon as possible following submission from the Libraries and Info points across the County and the Council's website.
- The Council will then carefully consider all representations made.
- A public examination to consider any outstanding objections, should it be required, is anticipated to commence in **[this date]**.
- The Inspector's report on objections to **[document name]** will inform any final adjustments which may be required to the **[document name]** and will be binding on the Council.



The Herefordshire Council's **[document name]** will be adopted as a Local Development Document (LDD) and will form part of the statutory Local Development Framework (LDF) for the County. It is anticipated this will happen **[this date]**..

If required further copies of the **[document name]**, **[the accompanying report/s]** and response forms can be obtained from the Libraries and Info Points across the County, and from the Council's website [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

**Need help? If you would like this information in a different format e.g. Braille, other languages, audio tape, large print, computer disc or have difficulty in filling the form in, please contact the Forward Planning office on 01432 260000.**

**Your objection can only be based on the Government's following nine tests of soundness. Please indicate which test(s) you think the document fails. Please tick all that apply.**

<b>9 Tests of Soundness</b>		
1	The <b>[document name]</b> , <b>fails</b> to comply with the Local Authority's Local Development Scheme	
2	The <b>[document name]</b> <b>fails</b> to comply with the Statement of Community Involvement (SCI), or with the minimum requirements set out in the Regulations where no SCI exists	
3	The <b>[document name]</b> <b>fails</b> as it has not been the subject of a sustainability appraisal.	
4	<ul style="list-style-type: none"> <li>a. The <b>[document name]</b> <b>fails</b> as it is not a spatial plan, or it has not had regard to other plans, policies and strategies relating to the area or adjoining areas.</li> <li>b. It is not consistent with national policy</li> <li>c. It is not in conformity with the regional spatial strategy</li> </ul>	
5	The <b>[document name]</b> <b>fails</b> to have regard to the authority's Community Strategy.	
6	The strategies/policies/allocations in the plan are <b>not</b> coherent and consistent within and between DPDs prepared by the authority and by neighbouring authorities, where cross boundary issues are relevant.	
7	The strategies/policies/allocations in the plan <b>fail</b> to represent the most appropriate in all the circumstances, having considered the relevant alternatives, and they are not founded on a robust and credible evidence base.	
8	The <b>[document name]</b> does <b>not</b> set out a mechanism for implementation and monitoring.	
9	The <b>[document name]</b> is not reasonably flexible to enable it to deal with changing circumstances.	
Source: PPS12 Local Development Frameworks Para 4.24		

