

# **Oxfordshire Minerals and Waste Local Plan**

## **REVISED OXFORDSHIRE STATEMENT OF COMMUNITY INVOLVEMENT**

**Adopted  
March 2015**





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**This revised Oxfordshire Statement of Community Involvement  
was adopted by Oxfordshire County Council on 24 March 2015**

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## **1. Introduction**

### **What is the Statement of Community Involvement?**

- 1.1 The effective involvement of the community is an essential part of positive planning for high quality sustainable development in Oxfordshire. The Oxfordshire Statement of Community Involvement sets out the County Council's policy, and the standards it will seek to achieve, to ensure meaningful and effective consultation, engagement and involvement of consultees, stakeholders and other interested members of the community in:
- (i) the preparation, alteration and review of the minerals and waste (local) development documents that make up the Oxfordshire Minerals and Waste Local Plan; and
  - (ii) the consideration of planning applications for mineral, waste and County Council developments that are determined by the County Council.

### **Why has the Statement of Community Involvement been revised?**

- 1.2 The County Council is required by statute<sup>1</sup> to prepare a Statement of Community Involvement, as a statement of the authority's policy on the involvement of interested persons in local planning and the control of development. In preparing local plan documents, the Council must comply with the Statement of Community Involvement.
- 1.3 The first Oxfordshire Statement of Community Involvement was adopted by the County Council in November 2006. Since then there have been changes in legislative requirements for consultation and in the way the Council carries out consultation. The procedures for producing and consulting on local plans have been simplified and have been changed to take account of increased use of electronic communications. In addition, a statutory duty to co-operate has been introduced, which links to the Statement of Community Involvement.
- 1.4 In view of these changes, the Statement of Community Involvement needed to be revised. The Council consulted on a draft revised Statement of Community Involvement in September / October 2014. After considering the comments made in the responses to that consultation, the Council adopted this revised Oxfordshire Statement of Community Involvement in March 2015. This document is available on the County Council website:  
<http://www.oxfordshire.gov.uk/cms/public-site/minerals-and-waste-policy>
- 1.5 A summary report of the comments made on the consultation draft revised Statement of Community Involvement, including the Council's responses to those comments, is also available on the County Council website at this location.

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<sup>1</sup> Planning and Compulsory Purchase Act 2004 S.18 (as amended)

## **2. Principles of Community Involvement**

- 2.1 Oxfordshire County Council believes it is very important that people have a say on how council services are planned and run. Consultation helps us to stay in touch with what people need and want. This is especially important when we need to make difficult decisions that affect the people of Oxfordshire.
- 2.2 The Council follows six key principles of consultation:
- keep an open mind and run consultations in an open and honest way;
  - be clear about what we are consulting on and what we will do with the findings;
  - give all relevant parties the chance to have their say;
  - provide sufficient time and information to enable people to engage;
  - take views expressed in consultations into account when we make decisions;
  - provide effective and timely consultation feedback.
- 2.3 The County Council has adopted the Oxfordshire Compact (September 2004) as its policy for guiding and improving its relationship with the voluntary and community sector. The Compact is a framework against which the relationship between the statutory and the voluntary, community and faith sectors can be monitored and evaluated. It will also assist the development of effective partnerships between statutory, voluntary, community and faith organisations by: providing a context for each to define their needs and expectations and achieve mutually acceptable outcomes; and facilitating the development of a strong and independent voluntary and community sector, including by improving consultation procedures. A code on consultation and policy appraisal has been developed under the Compact. The Council will have due regard to the Oxfordshire Compact in engaging with and involving the voluntary and community sectors on planning issues.
- 2.4 We believe that strong community involvement is a key factor in the preparation of the Minerals and Waste Local Plan. This should strengthen the evidence base for plan and help in producing more robust planning proposals and decisions; increase understanding of the need for and impact of new development; foster community ownership of the plan; and help the delivery of appropriate new developments that are needed by dealing with contentious issues early in the planning process.

### **3. County Council Planning Responsibilities**

#### **Oxfordshire County Council's responsibilities**

- 3.1 The County Council is responsible for:
- producing a Minerals and Waste Local Plan, which set policies and proposals for minerals and waste development in Oxfordshire; and
  - determining planning applications for minerals and waste developments and for the Council's own service developments.
- 3.2 Local plans and planning applications for general types of development, such as housing, shops, offices and industry, are the responsibility of the City and District Councils.

#### **National Planning System**

- 3.3 The County Council must exercise its planning responsibilities within the structure of the national planning system of legislation, policy and guidance. This sets out the planning policy documents that authorities should produce and how this should be done; and how authorities should deal with planning applications and undertake other development management responsibilities within their areas.
- 3.4 A number of changes have been made to the national planning system in recent years with the aims of reducing central government influence, streamlining the amount of legislation, policy and guidance and promoting localism. These changes include the Localism Act 2011, National Planning Policy Framework 2012 and Planning Practice Guidance 2014. This has further emphasised the need for community involvement in planning.
- 3.5 The national system recognises that early engagement with communities during both the preparation of local plans and the determination of planning applications is essential to good planning. This makes local plans more likely to represent a collaborative vision for the area and gives local people the opportunity to influence the shape of development proposals for the benefit of the whole community. Early and continued community involvement is a key element in achieving sustainable development, which is the government's purpose of the planning system. This draft revised SCI takes into account the changes in the national planning system since 2006.

#### **Minerals and Waste Local Plan**

- 3.6 The County Council will prepare, and subsequently monitor and review, the local development documents that will make up the Oxfordshire Minerals and Waste Local Plan. These documents will together provide a policy framework to guide the amount, type and location of minerals and waste development in Oxfordshire. They will set the development plan policies against which planning applications will be considered.

- 3.7 The Minerals and Waste Local Plan must be prepared in accordance with relevant planning legislation and national planning policy, and having due regard to national planning guidance. It also needs to take account of relevant strategies and plans produced by other authorities and organisations in and beyond Oxfordshire. These include the Sustainable Community Strategy, Oxfordshire 2030, produced by the Oxfordshire Partnership, and the Oxfordshire Strategic Economic Plan, produced by the Oxfordshire Local Enterprise Partnership. The Minerals and Waste Local Plan will seek to reflect any aspects of the Sustainable Community Strategy and other relevant strategies and plans that have implications for minerals and waste planning.

### **County Matter Planning Applications**

- 3.8 The County Council processes and determines planning applications for minerals and waste developments and for the Council's own service developments, such as schools, libraries and roads. In determining applications, the Council must take into account all material considerations. In addition to the Minerals and Waste Local Plan and the adopted local plan of the relevant City or District Council, this will include representations made by consultees, local residents and any other interested parties.

### **Duty to Co-operate**

- 3.9 The Localism Act 2011 introduced a duty to co-operate, under which the County Council must work with other local authorities and other prescribed bodies (such as the Environment Agency) on strategic matters in preparing the Minerals and Waste Local Plan. This duty overlaps with the pre-existing requirements for engagement with these bodies in the preparation of the plan.
- 3.10 The Duty to Co-operate will, in effect, formalise many of the Council's existing relationships with other bodies. The County Council has a history of partnership working with the City and District Councils within Oxfordshire; of working with other minerals and waste planning authorities through technical working groups like the South East England Aggregates Working Party and South East Waste Planning Advisory Group; and of working closely with statutory bodies such as the Environment Agency. The duty to co-operate will strengthen these existing relationships and, where appropriate, build new relationships to assist in strategic planning.
- 3.11 The County Council will seek to integrate the engagement with other bodies that is necessary to meet the duty to co-operate with the more general need for involvement in the plan preparation process. In doing so, the Council will be mindful of how engagement with specific bodies under the duty to co-operate may be relevant to the involvement of other consultees, stakeholders and interested persons in the plan preparation process.

## **4. Community Involvement in the Minerals and Waste Local Plan**

### **Production of Minerals and Waste Plan Documents**

- 4.1 The local development documents that the Council produces as part of the Minerals and Waste Local Plan must be prepared in accordance with the requirements of the Planning and Compulsory Purchase Act 2004, as amended by the Planning Act 2008 and the Localism Act 2011; and the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 4.2 The production of local development documents will involve the following stages:
- A. Evidence Gathering – to form the evidence base for the plan – this could include assessment of need for minerals; assessment of need for waste management; environmental assessment of location strategies and site options; strategic flood risk assessment.
  - B. Regulation 18 Consultation – the Council must notify specific and general consultation bodies and other appropriate persons in the area about the plan they propose to prepare, and invite them to make representations about what the plan ought to contain; this stage may involve more than one phase of consultation and may include consultation on a draft plan.
  - C. Preparing the Plan – the Council must take into account any representations that are made in response to the Regulation 18 consultation.
  - D. Publication and Regulation 19 Consultation – the Council must publish a proposed submission version of the plan for consultation, to enable representations to be made on the soundness and legality of the plan.
  - E. Submission – the Council submits the plan to the Secretary of State, together with representations received in response to the Regulation 19 consultation.
  - F. Independent Examination – an independent Planning Inspector appointed by the Secretary of State holds an examination of the plan to consider whether it is sound and legally prepared; the Inspector may hold public hearings where interested parties can speak about the plan; the Inspector may recommend modifications to the plan that have been suggested by the Council, which are subject to consultation.
  - G. Adoption – if the Inspector finds the plan legal and sound, the Council can adopt it, subject to any modifications the Inspector recommends.

### **Who we will Involve in Preparing Plan Documents**

- 4.3 The 'community' includes all individuals, groups, organisations and statutory bodies living, working or operating in Oxfordshire, or close to the county

boundary, or having a particular interest in minerals and/or waste development in the county. We will consult communities on the development of plan documents at the earliest possible stage to allow meaningful engagement in the process. If difficulties and conflicts are addressed at an early stage, both time and money can be saved in the final stages of plan production.

- 4.4 Legislation requires the Council to consult certain organisations at particular stages in the preparation of local plans. The 2012 Local Planning Regulations set out specific consultation bodies, which must be consulted if the planning authority thinks the plan affects them, and general consultation bodies, to be consulted as the planning authority considers appropriate. These bodies are listed in Appendix 2.
- 4.5 The Council's Duty to Co-operate with other local authorities will also ensure that the City and District Councils within Oxfordshire and neighbouring and (where relevant) more distant local authorities will be involved throughout the plan preparation process.
- 4.6 Where appropriate we will go beyond the requirements of the Regulations. We will seek to involve all individuals, groups, organisations and bodies that we think have an interest in the minerals and waste development documents being prepared or who have expressed an interest in being involved or consulted. In doing this, as appropriate we will take into account those sections of the community that are more difficult to involve than others, including older people, young people, ethnic minorities, people with disabilities and those who are not connected into local community networks.
- 4.7 Involvement and consultation will be focused on the key target groups listed below. This is not an exclusive list and we may add to it if appropriate. A fuller list of bodies that will be involved and consulted as appropriate is set out in Appendix 2. The County Council will maintain a detailed consultation list of individuals, groups, organisations and bodies to be involved and consulted. People can contact the Council's Minerals and Waste Policy Team to ask to be added to the list.

Key Target Groups to be Involved and Consulted

- Specific interest groups (national, regional and local);
- Environmental groups (national, regional and local);
- Local community, residents and civic groups including community led planning groups;
- Local action groups;
- Minerals and waste management companies and related businesses;
- Developers, agents and landowners;
- The Local Economic Partnership;
- District councils in Oxfordshire;
- Parish and town councils and parish meetings within Oxfordshire;
- County, unitary, district and parish and town councils adjoining Oxfordshire;

- Other relevant minerals and waste planning authorities;
- Government departments and agencies;
- Statutory bodies;
- Service agencies, public utilities and statutory undertakers;
- Relevant members of the Oxfordshire Partnership;
- Other organisations and individuals expressing an interest.

4.8 The statutory requirements for consultation on local plans are set out in Appendix 1.

### **How and When we will Involve People in Preparing Plan Documents**

4.9 There are three levels at which we will, as appropriate, engage with people in the production of Minerals and Waste Local Plan documents:

- Informing** – providing relevant information and keeping people up to date on the process of producing minerals and waste plan documents, to enable them to make comments and/or become further involved at appropriate stages.
- Consulting** – asking individuals and organisations what they think about particular approaches, options and proposals being considered and put forward in producing minerals and waste plan documents; this is usually done through a formal period of consultation when interested and affected parties are invited to make representations on a draft version of a document.
- Involving** (participation) – providing opportunities for and encouraging active involvement from individuals and organisations in the process of producing minerals and waste plan documents, to further the discussion of issues and options and bring forward views and ideas for consideration and debate; parties are encouraged to be involved in making a positive contribution to the debate rather than reacting to particular proposals.

4.10 The community involvement process should ensure that people:

- Have access to information;
- Can put forward their own ideas and feel confident that there is a transparent process for considering and responding to ideas;
- Can take an active part in developing proposals and options;
- Can comment on formal proposals;
- Get feedback and are informed about progress and outcomes.

4.11 We will seek to involve and consult people throughout the process of preparing minerals and waste plan documents, including at the early, informal stages of plan preparation. The process of continuous involvement will include:

- Providing regularly updated information about the Minerals and Waste Plan process and making this available to interested people and organisations;
- Maintaining a dialogue with stakeholders and other participants in the Minerals and Waste Plan process;
- Encouraging comments and proposals to be made throughout the formative stages of the plan-making process and at the specific consultation stages;
- Providing feedback on how representations made in response to consultations have been taken into account.

4.12 The Council will use the most appropriate methods of communication and engagement to provide communities and other stakeholders with sufficient opportunities for meaningful involvement in the plan making process before and during preparation of plans, particularly at the Regulation 18 and 19 stages of consultation. In addition, during the independent examination of development plan documents, the Council may decide that changes to plans are needed and that the views of communities and stakeholders on the proposed changes should be obtained. We will draw on a range of techniques to inform, consult and involve people and organisations, and will use those techniques that are considered most appropriate to the stage in the process, the subject matter and the people or organisations involved.

- 4.13 In undertaking consultations under Regulations 18 and 19, the Council will use the following communication and engagement methods, as appropriate, to ensure as many people as possible can take part:
- a) Maintain a database of general, specific and other consultees to be consulted at each stage and send notifications of consultations to everyone on the database by email or letter. The database may also be used to send updates or newsletters on the preparation of plan documents and other relevant information at other times.
  - b) Run consultations for a minimum of six weeks. This may be extended where it is considered a longer period is appropriate or to allow for holiday periods.
  - c) Make consultation documents and other relevant material available for inspection on and downloading from the County Council website throughout the consultation period. Documents will be retained on the website for future reference after the consultation period for as long as they continue to be relevant to preparation of the plan.
  - d) Make consultations available through the County Council's consultation portal. People who have registered as being interested in consultations on this topic will be notified.
  - e) Make consultation documents and other relevant material available for inspection at County Council offices throughout the consultation period. This may be extended to other locations such as city and district

council offices, libraries and parish and town councils where this is considered appropriate.

- 4.14 Other methods of communication and engagement that may be used, as and when considered appropriate, include:
- a) Maintain up to date information on the preparation of plan documents on a dedicated webpage on the County Council website, including what plan documents are being prepared, the timetable for preparation, the documents and other information available and details of when and how people can engage in the plan preparation process.
  - b) Hold stakeholder group meetings or workshops to enable relevant organisations and other interested persons to consider, discuss and debate together issues, options or proposals at appropriate stages in the plan preparation process and provide direct input to the Council's work in preparing plan documents.
  - c) Hold face to face meetings with organisations, individually or in sector groups, to discuss specific issues. Meetings with individuals may also be appropriate in certain circumstances.
  - d) Attend, by invitation, open meetings organised by parish and town councils or local groups, subject to staff resources.
  - e) Provide information about plan proposals and invite participation in consultations through the County Council's monthly e-newsletter "Your Oxfordshire".
  - f) Place advertisements in local newspapers and issue other media releases, including local press, radio and television.
  - g) Produce and make available leaflets to provide non-technical information for a wider audience.
  - h) Hold public exhibitions or roadshows at selected venues, either staffed to enable on-hand explanation, discussion and feedback; or unstaffed small displays to provide general publicity or information.
- 4.15 The Council may use these methods of consultation, as considered appropriate. This will depend on the subject of the proposals, the affected communities, the issues raised, the level of public interest and the resources involved.
- 4.16 Any person may request a copy of a consultation document in order to participate. The Council will provide a copy as soon as is reasonably practicable, but may have to make a reasonable charge for the document.
- 4.17 Plain English will be used in all documents to ensure everyone who wishes to engage with the planning process can do so without confusion and

misunderstanding. However, in some cases, it will be necessary to use specific or technical terminology or ‘jargon’. Where this happens, we will endeavour to provide an easy to understand explanation in the document or on the website. Planning staff will be available by telephone during standard office hours to answer questions and provide relevant information during consultations.

### **Sustainability Appraisal**

- 4.18 The Council will undertake Sustainability Appraisal (SA), where required, at each relevant stage of plan production. This is required by planning legislation and must also incorporate the requirements of the European Strategic Environmental Assessment Directive. SA integrates considerations of social, environmental and economic impacts into the plan preparation process by identifying and reporting on the likely effects of a plan and determining the extent that it will contribute to sustainable development.
- 4.19 Comments will also be invited on the SA process and reports, and SA documents will be made available alongside the related plan consultation documents.

### **Supplementary Planning Documents**

- 4.20 The Council may, if necessary, also produce Supplementary Planning Documents (SPDs) related to the Minerals and Waste Local Plan. SPDs expand on policies or provide greater detail than can be included in a development plan document. Whilst they must undergo public consultation, they do not need to pass through all the stages required for development plan documents.
- 4.21 Prior to adopting an SPD, the Council must:
- Make relevant documents and material available for inspection at County Council offices and other locations that the local planning authority consider appropriate for a minimum four weeks consultation period; and
  - Make relevant documents and material available for inspection on the County Council website for a minimum four weeks consultation period.
- 4.22 The County Council will do more than these minimum requirements when it is appropriate. The consultation period may be longer than 4 weeks, for example, where it overlaps with a public holiday or involves a particularly sensitive or controversial issue. The initial consultation on the form of the SPD would be undertaken using appropriate methods from those listed in paragraph 4.13 above.
- 4.23 The SPD would be adopted by the County Council following any necessary changes identified during the consultation period. SPDs are not subject to independent examination.

### **Providing feedback**

- 4.24 At each stage of consultation on a local development document, following the consultation the Council will produce and publish a report on the comments and representations received. This may be in the form of a summary of the responses. We will also publish the Council's responses and any changes to be made to the document and/or actions to be taken. The Council will consider all the comments and representations received and will respond on the basis of the merits of the planning arguments and evidence put forward.
- 4.25 Where stakeholder group or face to face meetings are held, the Council will produce a summary report of the proceedings. This will be made available and will be sent to those who attended the meeting.
- 4.26 Reports of consultations and meetings will be published and made available on the Council's website and in hard copy (on request). The Council will seek to ensure wide a dissemination of this information so that it is available to interested organisations and individuals. The County Council reserves the right to make a charge for copies of reports in appropriate circumstances.
- 4.27 Where formal decisions have to be taken on a document or other material by the County Council as part of the plan preparation process, a report will be considered and a decision made by the Cabinet Member for Environment, the Cabinet, or the full Council as appropriate. This is in accordance with legal requirements and the County Council's constitution.

## **5. Community Involvement in Planning Applications**

- 5.1 The types of planning application that Oxfordshire County Council deals with are:
- Minerals development (for example quarrying);
  - Waste development (for example landfill and incineration);
  - Development which is to be carried out by the County Council itself (known as Regulation 3 development, for example applications relating to schools, libraries, youth centres or highways).

All other planning applications are dealt with by the relevant District or City Council.

- 5.2 Different methods of engaging local communities will be appropriate depending on the scale and nature of the proposed development. Minerals and waste developments have the potential to affect a large number of people and are often contentious. Regulation 3 developments also have the potential to cause concern locally, although a higher proportion of these applications are small scale and do not provoke high levels of local interest. In all cases efforts will be made to inform, consult and engage the local community in applications which have been submitted to us for determination.
- 5.3 The appropriate level of notification and consultation will be determined in relation to the characteristics of each planning application and we aim to be flexible in our approach to community involvement in order to ensure that we can involve the public appropriately on the range of different applications which we determine.
- 5.4 There are minimum statutory requirements for notification and consultation in relation to planning applications, which we will meet in every case. Notwithstanding the need to be flexible to respond to the circumstances of individual applications, we seek to ensure that communities are involved in a consistent and meaningful way on every application and therefore minimum levels of community involvement, which exceed the statutory minimum, will be met for each planning application determined by Oxfordshire County Council. Specifically, we will write to the occupants of any nearby properties for all planning applications, not just in relation to the types of planning applications where this is a requirement. Details of the statutory minimum requirements and our additional commitments in relation to notification and publicity are provided in Table 1 below.
- 5.5 Each planning application will be assigned to a named case officer and their contact details will appear on consultation letters and on the internet. This will ensure that the local communities know who to speak to about any planning application in their area. The case officer will use the local County Councillor and Parish/Town Councils as appropriate to reach the wider local community; however, they will also be available to respond to individual members of the public throughout the application process.

**Table 1: Notification and Publicity for Planning Applications**

<b>Planning Application Type</b>	<b>Statutory minimum</b>	<b>What OCC will additionally do</b>
<p>'Major' planning applications:</p> <ul style="list-style-type: none"> <li>– all minerals applications;</li> <li>– all waste applications;</li> <li>– applications with a site area over 1 hectare;</li> <li>– applications to create 1000sq m or more floorspace.</li> </ul>	<p>A notice must be placed in a local newspaper;</p> <p>And either:</p> <ul style="list-style-type: none"> <li>– At least one site notice must be displayed for at least 21 days near the application site; or</li> <li>– Any adjoining owner or occupier should be notified.</li> </ul>	<p>A site notice will be put up for every application to meet the statutory minimum and additionally notifications will be sent to neighbouring properties – within 350 metres for minerals and waste development and those considered likely to be affected by the development for other major planning applications.</p>
<p>Planning applications which:</p> <ul style="list-style-type: none"> <li>– are accompanied by an EIA; or</li> <li>– which are a departure from the development plan; or</li> <li>– which would affect a public right of way.</li> </ul>	<p>At least one site notice must be displayed for at least 21 days near the application site; and</p> <p>A notice must be placed in a local newspaper.</p>	<p>Notifications will be sent to neighbouring properties – within 350 metres for minerals and waste development and those considered likely to be affected for other planning applications.</p>
<p>Planning applications which would affect the setting of a Listed Building, or the character or appearance of a Conservation Area.</p>	<p>At least one site notice must be displayed for at least 21 days near the application site; and</p> <p>A notice will be placed in a local newspaper.</p>	<p>Notifications will be sent to neighbouring properties – within 350 metres for minerals and waste development and those considered likely to be affected for other major planning applications.</p>
<p>All other applications.</p>	<p>Either:</p> <ul style="list-style-type: none"> <li>– At least one site notice must be displayed for at least 21 days near the application site; or</li> <li>– Adjoining owner or occupier to be notified.</li> </ul>	<p>A site notice will be put up for every application to meet the statutory minimum and additionally notifications will be sent to any neighbouring properties considered likely to be affected by the development.</p>

### **Flexibility in notification and publicity depending on proposals**

- 5.6 350 metres is our standard neighbour notification zone. However, this will be increased as considered appropriate for individual applications. A wider area for neighbour notifications may be appropriate depending on the circumstances, for example in order to include a neighbouring property amongst a group of properties when the others are consulted, or when there is a clear line of sight between a property and a proposed development.
- 5.7 Although only one site notice is required, we will increase the number of site notices where appropriate, taking into account the size of the site, any public access to the site and the locations where people are mostly likely to see a site notice.

### **Consultations**

- 5.8 In addition to notifying neighbours and publicising applications through notices on site and in newspapers, we will write directly to consultees to seek their views on planning applications. Some consultees must be consulted as a statutory requirement. However, we will also maintain a list of other bodies and organisations who wish to be consulted on certain applications and consult them as appropriate. We will consult the relevant Parish or Town and District Council on every planning application. Appendix 3 contains a list of consultees who will be consulted as appropriate when considering planning applications.

### **Other application types**

- 5.9 In addition to planning applications, there are a number of other types of application on which we make decisions which can affect local communities. In many cases there is no statutory requirement to notify the public or to hold consultations. However, we will seek the views of the public as appropriate as set out below.

### **Details Pursuant applications**

- 5.10 When planning permission is granted it is usually subject to conditions, some of which may require the submission of further details. These submissions are known as details pursuant applications. There is no statutory requirement to publicise, provide notification or consult on these details before approving them. However, we will seek to engage the local community in the approval of details pursuant in cases where it is considered that their views would be valuable. For example, if a planning condition was added to the consent at the suggestion of a consultation body such as a Parish or Town Council we would usually consult that body on the details once they were submitted. When a details pursuant submission is approved we will publish the submission on our website and anyone who was consulted on the submission will be notified of its approval.

### **Non-material amendment applications**

- 5.11 Planning permissions may be amended by a non-material amendment application, also known as a Section 96a application. By definition this type of application can only be used to approve changes to the development which are not considered to be material in the context of the approved development. If the proposed changes were to lead to a greater impact on neighbours we would request that the changes should be applied for through a planning application rather than a non-material amendment application. Therefore, there are no statutory requirements for notification, publicity or consultation. However, although this is unlikely to be necessary in the majority of cases we will consult Parish and Town Councils and other consultees as considered appropriate in cases where the main development or the part of the development to which the proposed amendment relates was particularly controversial or otherwise likely to generate a high level of interest amongst the public. In all cases Parish and Town Councils and local County Councillors will be notified when non material amendment applications are approved.

### **Certificate of Lawfulness applications**

- 5.12 We also deal with two types applications to determine whether a development is lawful – applications for a Certificate of Lawfulness of Existing Use or Development (CLEUD) and applications for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD.) We are the determining authority when the development in question relates to minerals or waste. There is no statutory requirement to publicise, notify or consult on these applications and they must be determined on the basis of the evidence, rather than the impact they would have on local communities or compliance with planning policy.
- 5.13 CLEUD applications are made when an applicant wishes to establish whether a use or development which they are already carrying out is lawful. Evidence of the existence of the development or continuation of the use for a number of years is often very important to the determination. The applicant will usually submit evidence to demonstrate that the use or development has been ongoing for a number of years. Therefore engagement with the local Parish or Town and District Council can be important as they might have evidence either to support or refute the applicant's claims regarding the length of the use or development. We will therefore usually consult Parish or Town and District Councils on these applications. Other consultees will also be included where they might also have useful evidence.
- 5.14 CLOPUD applications relate to a development or use that has not yet taken place and therefore historical evidence is not required. The decision must be made on the basis of the legal situation. In all cases the Parish or Town Council would be notified of the decision, however in the majority of cases there would be no consultation during the course of processing the application.

### **Review of Old Mineral Permissions**

- 5.15 Mineral permissions with long timescales are subject to a regular review of the conditions to ensure that the site is worked with modern conditions. The timing of this is at our discretion, but is usually every 15 years. Although in these cases the principle of the development has been accepted, it is important to ensure that any new planning conditions which are attached adequately protect communities and the environment. Therefore, although applications for review of old mineral permissions are not applications for planning permission, we will engage the public and consult on them in the same manner as we do for planning applications, seeking the views of all interested parties.

### **Requests for an EIA Scoping Opinion**

- 5.16 Before submitting a planning application an applicant might request a formal scoping opinion from us. This is where we set out what should be covered by an Environmental Impact Assessment to accompany the application. We will consult statutory consultees as required and also extend this to non-statutory consultees as considered appropriate. We will include Parish and Town Councils in consultations on Scoping requests.

### **Requests for further information to accompany a planning application**

- 5.17 During the course of consulting on a planning application it sometimes becomes clear that further information about the proposals, or the effects of the development, is necessary before the application can be determined. Similarly, the applicant may choose to amend their proposals in response to comments made during the consultation period.
- 5.18 In these cases we will re-consult as appropriate, depending on the scale and materiality of any amendments to the proposals. If the further information has been submitted further to a consultation response then the body that provided that information will be consulted on the further information.
- 5.19 If further information is requested in relation to the Environmental Statement, under Environmental Impact Assessment Regulations, then there are statutory requirements for letting people know about the submission of the additional information and we will meet all statutory requirements and also consult all parties who were consulted on the original application or who had responded to the consultation.

### **Additional methods of community engagement**

- 5.20 There are further ways of involving communities which are not necessary for every application, but may be appropriate in certain cases due to the scale and complexity of the proposals or the sensitivity of the site. These may include public meetings, one to one meetings with stakeholders and newsletters sent to properties close to an application site to update on the progress of a high profile planning application. Often this is primarily the responsibility of the applicant, particularly at pre-application stage. However, it

is likely that there will be occasions where it is appropriate for the County Council to engage the community in these ways.

- 5.21 It is after a planning application has been determined and the permission implemented that local communities experience the main impacts of a development. In the case of minerals and waste in particular, the impacts may change over time as the development reaches different stages and different parts of the site become operational. On sites where it would be useful we will use informatives on the planning permission to request operators to set up and attend local liaison meetings. These provide a forum for engagement with the community throughout the life of a development. The frequency and attendees for these meetings will depend on the specific details of the development and site, and are usually established at the initial meeting. In most cases it will be appropriate for a representative from the County Council's development management planning team to attend to advise on planning matters and share information with the community about the outcome of ongoing monitoring visits.
- 5.22 Different parts of the community will benefit from different methods of engagement. For example some people may not have internet access, or much spare time, or any pre-existing knowledge of how the planning system works. We will be sensitive to the differing requirements of different groups of people and offer a range of engagement methods to ensure that no groups are discouraged from taking part on the process. Consideration will be given to ensuring that 'hard to reach' groups, who might be difficult to engage using traditional methods, are included.

#### **Information on the website**

- 5.23 The Oxfordshire County Council website is an important way of sharing information about planning applications with the public. It allows for large volumes of information to be viewed by anyone who is interested and for new information to be shared quickly. There is a statutory requirement to publish information on the website for all planning applications. However, we will publish additional information on our website for each planning application to allow the public to easily access full application details. Table 2 below sets out the application details which we will publish online.
- 5.24 In addition to using the website to publish information, users are able to use the online system to submit comments on planning applications if they wish, which many find more convenient than posting comments. This ensures that the website facilitates engagement with local communities, as well as simply providing information.
- 5.25 Some people may not be able to access information over the internet, or find it difficult. All information published on the website is available to view using computers at Oxfordshire County Council libraries for those who do not have their own internet access. We will also keep a paper copy of every application at our Oxford offices for public inspection by appointment during office hours

to ensure that people who find using computers difficult can still access information in order to engage with the planning process.

**Table 2: Information Available on County Council Website**

<b>Statutory minimum requirements</b>	<b>What the County Council will additionally publish on the website for every application</b>
<ul style="list-style-type: none"> <li>– the address or location of the proposed development;</li> <li>– a description of the proposed development;</li> <li>– the date by which any representations about the application must be made, which shall not be before the last day of the period of 14 days beginning with the date on which the information is published;</li> <li>– where and when the application may be inspected;</li> <li>– how representations may be made about the application.</li> </ul>	<ul style="list-style-type: none"> <li>– the application documents and plans;</li> <li>– consultation responses as they are received;</li> <li>– the date the application was received and the date it was validated;</li> <li>– the District and Parish or Town Council area and division which the site is in;</li> <li>– details of the applicant;</li> <li>– a list of those consulted ;</li> <li>– decision notice;</li> <li>– EIA screening and scoping opinions (also online at the pre-application stage, if requested before an application is submitted).</li> </ul>

**Letting people know how we have taken their views into account**

5.26 It is important that the public can see how their views have been taken into account in the process of determining a planning application. Where a consultation response has highlighted the need for additional information to support a planning application, this information will be shared with the consultee who requested it once it is received from the applicant. A further period of consultation may be held, as necessary. Either a delegated or committee report is written for each planning application determined and each report will set out a summary of the points raised during the consultation period and will also address those points. If applications are taken to committee for decision, objectors are able to address the meeting. Once a decision is made the decision notice is available on the website. Reports to the Planning and Regulation Committee will be made available on the website one week prior to the meeting at which an application is due to be considered.

**Encouraging applicants to engage with communities**

5.27 We will do what we can to facilitate meaningful public engagement with the planning process. However, the applicant also has an important role, especially at pre-application stage. Where a proposal is likely to have an impact on local communities, we encourage applicants to liaise with those communities as early as possible. By engaging the public prior to formally

submitting a planning application, there is more scope for the details of the proposals to be adjusted to take into account local views. The applicant also has a role in helping the public to fully understand proposals, as having a good knowledge of what is being proposed is essential for effective participation in the consultation process.

- 5.28 Our validation requirements for planning applications require that where an application meets the criteria set out in Table 3, developers must submit their own Statement of Community Involvement demonstrating how they have complied with our requirements for pre-application consultation.
- 5.29 For the application types set out in Table 3, applicants must show that they have actively engaged communities which may be affected by the development and how the views emerging from that engagement have affected the final proposals. We do not wish to be prescriptive about the best methods for applicants to use to engage the community as this will vary depending on the proposed development. However, exhibitions and presentations to local meetings can be very effective in explaining a development and sending out written information can be a useful approach in ensuring that a large number of people are aware of a proposal.
- 5.30 Applicants will need to carefully consider the timescales for public engagement to ensure that views and suggestions which emerge from the process can be taken into account in formulating the final design of the development.

**Table 3: Developments requiring pre-application engagement by the applicant**

Waste Applications	<ul style="list-style-type: none"> <li>• Applications for disposal of degradable wastes with a capacity of 500,000 tonnes or more and/or a disposal life of 10 years or more;</li> <li>• Applications for a waste processing plant having a throughput of 100,000 tpa or more;</li> <li>• Applications for the disposal to land of air pollution control residues (APCRs) from the incineration of waste for periods in excess of five years;</li> <li>• Applications for new developments;</li> </ul>
Mineral Applications	<ul style="list-style-type: none"> <li>• Application for a new quarry ;</li> <li>• Applications for extensions of existing quarries of 25 hectares and/or with a production capacity of 250,000 tpa or more;</li> </ul>
Other Applications	<ul style="list-style-type: none"> <li>• School or other education establishment with six classes per year group on a greenfield site and with significant transport implications;</li> <li>• Road proposal with a length of 2km or more in an urban environment or a length of 5km or more in a rural environment and all bypasses.</li> </ul>

## **6. Monitoring and Review of the Statement of Community Involvement**

- 6.1 The County Council will monitor the implementation of the Statement of Community Involvement and will include this as part of its Annual Monitoring Report. We will use feedback from stakeholders, community groups and others as well as evidence from consultations and involvement on local plan documents and planning applications. The results will be used to review and where necessary update the methods of community involvement and other procedures.
- 6.2 Monitoring of the Statement of Community Involvement will include assessing:
- Whether it sets out the processes of engagement and consultation in a relevant and accessible way;
  - Whether it ensures effective involvement of the community;
  - Whether it includes appropriate engagement and consultation techniques;
  - Whether there have been significant changes to regulations or guidance; and
  - Whether it accords with the County Council's principles of consultation.
- 6.3 If significant change is needed to the Statement of Community Involvement, a review will be carried out.

## **Appendix 1: Statutory Requirements for Consultation on Local Plans**

A1.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the statutory requirements for consultation on local plans. In particular Regulations 18 and 19 specify what must be done at the plan preparation and plan publication stages.

A1.2 Under **Regulation 18** on preparation of a local plan states that a local planning authority must:

- a) notify each of the following of the subject of a local plan which the local planning authority propose to prepare: specific consultation bodies; general consultation bodies; and such residents or other persons carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations; and
- b) invite each of them to make representations to the local planning authority about what a local plan with that subject ought to contain;
- c) in preparing the local plan, take into account any representations made to them in response to those invitations.

Specific and general consultation bodies are defined in the Regulations and are listed in Appendix 2.

A1.3 Under **Regulation 19**, before submitting a local plan to the Secretary of State for independent examination, the local planning authority must:

- a) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35; and
- b) ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18.

A1.4 **Regulation 20** on representations relating to a local plan states that:

- a) Any person may make representations to a local planning authority about a local plan which the local planning authority propose to submit to the Secretary of State.
- b) Any such representations must be received by the local planning authority by the date specified in the statement of representations procedure.

## **Appendix 2: Consultation Bodies and other Consultees in the Preparation of Local Plans**

A2.1 The specific and general consultation bodies listed below are drawn from The Town and Country Planning (Local Planning) (England) Regulations 2012. These bodies will, as the Council considers appropriate, be consulted at the different stages in the preparation of the Minerals and Waste Local Plan.

### **Specific Consultation Bodies**

- The Coal Authority;
- The Environment Agency;
- English Heritage;
- The Marine Management Organisation;
- Natural England;
- Network Rail;
- Highways Agency;
- Parish, Town and District Councils within Oxfordshire;
- Parish, Town, District, Unitary and County Councils adjoining Oxfordshire;
- Police and Crime Commissioner within Oxfordshire;
- Police and Crime Commissioner adjoining Oxfordshire;
- Any person to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003;
- Any person who owns or controls electronic communications apparatus situated in Oxfordshire;
- Oxfordshire Clinical Commissioning Group;
- The National Health Service Commissioning Board;
- Any person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989;
- Any person to whom a licence has been granted under section 7(2) of the Gas Act 1986;
- Sewerage undertakers;
- Water undertakers;
- Homes and Communities Agency.

### **General Consultation Bodies**

- Voluntary bodies some or all of whose activities benefit any part of Oxfordshire;
- Bodies which represent the interests of different racial, ethnic or national groups in Oxfordshire;
- Bodies which represent the interests of different religious groups in Oxfordshire;
- Bodies which represent the interests of disabled persons in Oxfordshire;
- Bodies which represent the interests of persons carrying on business in Oxfordshire.

A2.2 A more detailed list of these organisations, together with other organisations and groups (see list below) and individuals who have expressed a wish to be kept informed about the preparation of the Minerals and Waste Local Plan, will be maintained and updated by the County Council. This will provide the basis for consultation at the different stages of preparation of the plan.

### **Other Organisations and Groups that may be Consulted**

- Age UK;
- Airport operators;
- Areas of Outstanding Natural Beauty:
  - Chilterns Conservation Board;
  - Cotswold Conservation Board;
  - North Wessex Downs AONB Partnership;
- British Geological Survey;
- Canal and River Trust, canal owners and navigation authorities;
- Chambers of Commerce, Local CBI and local branches of Institute of Directors;
- Church Commissioners;
- Civic Societies;
- Civil Aviation Authority;
- Community Groups;
- Crown Estate;
- Design Council;
- Diocesan Board of Finance;
- Electricity, Gas, and Telecommunications Undertakers, and the National Grid Company;
- Environmental groups at national, regional and local level, including:
  - Campaign to Protect Rural England;
  - Friends of the Earth;
  - Royal Society for the Protection of Birds; and
  - Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust;
- Equality and Human Rights Commission;
- Fire and Rescue Service;
- Forestry Commission;
- Freight Transport Association;
- Gypsy Council;
- Health and Safety Executive;
- Home Builders Federation;
- Local Liaison and Action Groups;
- Local Transport Authorities and Operators;
- National Playing Fields Association;
- Police Architectural Liaison Officers/Crime Prevention Design Advisors;
- Rail Companies and the Rail Freight Group;
- Residents Associations;
- Road Haulage Association;
- Sport England.

A2.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 also sets out the bodies that are prescribed for the purposes of the duty to co-operate, as listed below.

**Duty to Co-operate Prescribed Bodies**

- Environment Agency;
- English Heritage;
- Natural England;
- Mayor of London;
- Civil Aviation Authority;
- Homes and Communities Agency;
- Clinical Commissioning Group;
- National Health Service Commissioning Board;
- Office of Rail Regulation;
- Transport for London;
- Integrated Transport Authorities;
- Highway Authorities;
- Marine Management Authority;
- Local Enterprise Partnerships;
- Local Nature Partnerships.

### **Appendix 3: Bodies and Persons who will be Consulted as Appropriate in the Consideration of Planning Applications**

A3.1 Consultation arrangements for planning applications are as set out in Part 3 and Schedule 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2010. This sets out a number of consultees who must be consulted if certain criteria are met. These are set out below and will be consulted in line with the requirements of the legislation.

#### **Statutory Consultees**

- Health and Safety Executive;
- Highways Agency;
- Rail network operators;
- Local Highway Authority;
- The Coal Authority;
- Environment Agency;
- English Heritage;
- Natural England;
- The Theatres Trust;
- Defra;
- Department for Culture, Media and Sport;
- Department of Energy and Climate Change;
- Sport England;
- The Canals and River Trust;
- Toll Road Concessionaries;
- Crown Estate Commissioners;
- Forestry Commission;
- Garden History Society;
- City and District Councils;
- Parish and Town Councils.

A3.2 Additional consultees for each application will be selected from the lists of bodies in Appendix 2 above, as appropriate.



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