



**North Devon and Torridge
Statement of Community Involvement (SCI)
Draft for Consultation
January 2022**

Change History

Version 1, March 2021, Original draft (unpublished)

Version 1A, January 2022, Draft for consultation (this document)

If you have any queries or questions relating to this document please get in touch using the details shown below:

North Devon Council
Lynton House
Commercial Road
Barnstaple
EX31 1DG

localplan@northdevon.gov.uk

01271 388288

Torrige District Council
Riverbank House
Bideford
EX39 2QG

localplan@torridge.gov.uk

01237 428700

All maps © Crown copyright and database rights 2021 Ordnance Survey 100021929 and 100022736 EUL. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.

Foreword

Foreword	i
----------	---

1 Introduction	1
----------------	---

2 Guiding principles for community engagement and consultation	3
--	---

3 Methods of consultation	5
---------------------------	---

4 Local Plan and Development Plan Documents	7
---	---

5 Supplementary Planning Documents	14
------------------------------------	----

6 Neighbourhood Planning	17
--------------------------	----

7 Development Management	23
--------------------------	----

Appendices

Appendix 1: Consultation Bodies	30
---------------------------------	----

Appendix 2: Planning Application Notifications	32
--	----

Foreword

Foreword – North Devon and Torrington Draft Statement of Community Involvement

This is a draft Statement of Community Involvement (SCI), which has been jointly prepared by North Devon Council and Torrington District Council. The SCI outlines how the Councils will involve members of the community in decisions affecting planning and development. The joint SCI will replace previous SCIs prepared separately by each Council. As set out below this draft SCI is subject to public consultation.

The consultation period for comments extends from **XX/XX/2022 to XX/XX/2022**. Comments can be submitted online using the Councils' joint Consultation Portal or by completing and returning comment forms which are available to download from each Councils' website. Comments must be received no later than 4.45pm on Friday **XX/XX/2022** in order to be considered. Responses should set out clearly the part of the SCI to which the provided comment(s) relates and if an objection is made, how the SCI should be modified to address the concerns raised.

Comments can be submitted as follows:

- Online via the Councils' joint Consultation Portal at <https://consult.torrington.gov.uk/>
- By email to localplan@torrington.gov.uk or localplan@northdevon.gov.uk
- By post to
 - Planning Policy, North Devon Council, Lynton House, Commercial Road, Barnstaple, EX31 1DG
 - Planning Policy, Torrington District Council, Riverbank House, Bideford, EX39 2QG.

All duly made representations, received within the prescribed consultation period and relevant to this SCI, will be available to view via the Consultation Portal. Such representations will be reviewed by the Councils and where considered necessary, the SCI will be amended. The SCI will then be adopted by each Council at which time it be used to determine the form and extent of community and stakeholder involvement in the plan-making and decision-making processes within the planning system.

1 Introduction

In summary:

- The Statement of Community Involvement (SCI) outlines how the Councils will involve members of the community in decisions affecting planning and development.
- The SCI will be kept under review and updated as necessary. A full review will take place at least every five years.

1.1 This Statement of Community Involvement (SCI) outlines how North Devon Council and Torridge District Council (the 'Councils') will involve the local community and other stakeholders in the plan-making and decision-making processes within the planning system. This includes the preparation and revision of planning policy documents, the neighbourhood planning process, and in dealing with planning applications through the development management process. Preparation of the SCI is an essential part of encouraging meaningful community involvement in the planning system.

1.2 Planning is about shaping the places where we live and work to meet economic, social and environmental needs, so it is right that those interested in and potentially affected by the outcomes have an opportunity to be involved effectively. The Councils are keen to promote community involvement in plan-making and decision-making and there are numerous benefits from being able to draw on local knowledge and ideas. By enabling the local community, businesses and service providers to be involved in the planning process, the Councils can ensure the delivery and implementation of a development strategy that meets the diverse aspirations and needs of communities, organisations and business interests.

1.3 The SCI provides a flexible framework for consultation and community engagement in plan making and the development management process; it outlines the guiding principles and the methods the Councils will apply to consultation and engagement, as part of the exercise of their duties associated with the planning system. The SCI sets out who will be consulted, how and when.

Review of the SCI

1.4 Both Councils have previously adopted their own separate SCIs; since these were published, a number of changes have occurred that require the SCIs to be reviewed:

- New regulations have introduced a requirement for local planning authorities to review their SCIs every five years.
- Local planning authorities are now required to set out within their SCIs how they will provide advice and assistance to communities to support them in the neighbourhood planning process.
- Methods of community engagement have evolved, including greater use of electronic communications and social media.

1.5 In addition to the above, in 2018 the Councils jointly adopted the North Devon and Torridge Local Plan (2011-2031) and are committed to continuing this joint approach to plan-making. This has prompted a new joint SCI that reflects the Councils' collaborative approach to plan making.

1.6 The SCI will be kept under regular review and be updated when necessary to correct factual changes not material to its principles or, where appropriate to include any essential temporary changes to consultation processes required in response to emergency situations or other unforeseen circumstances.

1.7 Annually the councils' Joint Authority Monitoring Report will assist in identifying whether there is a need for a more comprehensive review of the SCI. Changes may also be instigated by further revisions of the regulations which govern publicity and involvement in plan-making and development management. A full review will take place within the required five year timeframe.

1.8 Any necessary significant changes will be made following appropriate public consultation, having regard to emerging best practice guidance and any changes in legislation.

2 Guiding principles for community engagement and consultation

The Councils will:



Be **clear and transparent** about how the consultation process works, ensuring that people understand how their comments will inform the decision-making process.



Take an **inclusive approach**, providing opportunities for all interests to engage, to ensure that our plans and processes reflect the different needs of our communities.



Ensure that the consultation process is **accessible**; documents should be easily understood by all, including those with specific needs.



Ensure **early and meaningful** engagement and collaboration.



Be accountable by clearly explaining how decisions have been reached.



Ensure processes are **open to the public** while also meeting legal requirements in relation to the **protection of personal data**.



Ensure the **form and scope of consultations are appropriate** in relation to resource availability and the nature of the issues being considered.

2.1 The Councils will ensure that our communities and other stakeholders understand how their consultation responses can influence the decisions that affect planning and development. We will set out clear timescales, an explanation of the different stages of consultation (where applicable) and how these relate to the decision-making process. This will help people understand when the opportunities to comment are and how their input will be used. Consultation participants will be kept informed of the progress at each stage and how consultation feedback has helped inform the decision making.

2.2 It is vital that our plans and processes reflect the different needs of our local communities. The Councils will adopt an inclusive approach to community involvement, ensuring that all interests who wish to participate can do so. The Councils have a legal duty⁽¹⁾ to advance equality of opportunity for those with 'protected characteristics'⁽²⁾ who may be disadvantaged in their ability to engage with consultation processes. Ensuring the SCI is up to date will support each Councils' planning service with this statutory duty. The SCI follows the principles of each Councils' Equality Scheme⁽³⁾, which sets out our commitment to equality.

2.3 All documents produced by the Councils will be written in a plain and clear language, aimed at being easily understood. We will avoid the use of jargon and where necessary provide an explanation of any technical terms. The Councils will take account of underrepresented groups and use specific methods to reach these where appropriate. We will make all reasonable efforts to ensure that people with particular requirements are not disadvantaged; for example, documents will be made available in accessible formats.

2.4 The Councils recognise the importance of early and meaningful engagement and collaboration to produce plans and make decisions that reflect the vision and aspirations of local communities. Planning documents we produce will be shaped by early, proportionate and effective engagement with communities, local organisations, businesses, infrastructure providers and operators, and statutory consultees. We will also promote community engagement at the earliest opportunity before planning applications are submitted. Where possible, the Councils will work with interested parties to achieve consensus solutions. Where conflicting views cannot be resolved, we will take account of the various points of view and will aim to take a balanced decision based on all the evidence available.

2.5 The Councils will always consider appropriately made comments in response to planning consultations. However, it will not always be possible or appropriate to determine the matter in accordance with the comment(s) received. Differing views may be presented in response to the matter subject to consultation and there will be a range of legal and policy requirements which must be considered. Ultimately the Councils must weigh up all relevant environmental, social and economic implications before making a final decision. We will clearly explain how decisions have been reached and identify the sources of evidence that have informed these decisions.

2.6 The Councils will make details of consultations and our responses to these available to the public. However, we also have legal duties in relation to the handling of personal data. Further detail on the legal requirements relating to freedom of information and data protection, and how each Council will seek to comply with these requirements, are provided on our websites⁽⁴⁾.

2.7 The Councils will always meet the minimum requirements for public consultation set out in legislation and where appropriate and resources allow, will seek to go beyond them to secure wider-ranging involvement in plan-making and decision-making. It is important to note that resource availability and the nature of the issues being considered will influence the form and scope of consultation and engagement.

1 Public Sector Equalities Duty as set out in section 149 of Equalities Act 2010:
<https://www.legislation.gov.uk/ukpga/2010/15/section/149>. (See also guidance at <https://www.gov.uk/guidance/equality-act-2010-guidance>)

2 Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

3 Torridge: <https://www.torridge.gov.uk/article/11398/Equality-and-Diversity>; North Devon: <https://www.northdevon.gov.uk/council/strategies-plans-and-policies/equality-and-diversity/delivering-equality/>

4 North Devon Council data protection and freedom of information: <https://www.northdevon.gov.uk/council/data-protection-and-freedom-of-information/>. Torridge District Council Privacy Policy: <https://www.torridge.gov.uk/privacypolicy> and Freedom of Information: <https://www.torridge.gov.uk/freedomoi>

3 Methods of consultation

In summary:

- The consultation methods used will adhere to the **guiding principles** set out in Section 2.
- Methods will vary depending on the nature of the consultation but will typically include: notifying interested parties, publicity, public exhibitions/engagement events and meetings with selected groups and individuals.
- It will be made clear how to view relevant documents and respond to the consultation.
- The methods applied will depend on whether the consultation concerns: a development plan document, a supplementary planning document, neighbourhood planning or a planning application.
- Further detail on the methodology that applies in each case is set out in the subsequent sections of the SCI (Sections 4 -7).

3.1 The methods the Councils use to engage and involve the local community and key stakeholders in planning consultation processes will adhere to the guiding principles set out in Section 2. There are various types of consultation and there is no single set methodology that applies to all cases; however, in general the main methods that we will use include the following:



Notifying interested parties: this can include email or written communication to those that have been asked to be kept informed of certain planning consultations or are directly affected by a planning proposal. The notification will include details of the consultation, including when it takes place and how to view any relevant documentation.



Publicity: which can include public notices and press releases - through local media, the Councils' websites and via social media. This will provide details of the consultation and how to find out more.



Public exhibition/engagement event: would normally be open to all, which will explain the proposals and provide opportunities for discussion and feedback.



Meeting with selected groups and individuals: this would normally happen when there is a specific issue or technical matter that requires detailed discussion.

3.2 Anyone is free to comment in response to planning consultations. Responses will usually be in writing or by email. In some cases, the Councils will ask for responses to selected questions in the form of a survey, which will generally be on-line; however, the use of surveys will not restrict the opportunity for anyone to provide individual comments and feedback relevant to the consultation. The information provided through notifications or publicity will explain the nature of the consultation including how responses can be made and by when they should be submitted. In all cases, the Councils will ensure that everyone has the opportunity to provide comment as part of the consultation process.

3.3 The Councils will carefully consider what consultation methods are appropriate to each situation. The methods used will vary depending on the type of document or process that is subject to consultation; these include:



Local Plans and other Development Plan Documents (DPDs)



Supplementary Planning Documents (SPDs)



Neighbourhood Planning



Planning Applications (Development Management process)

3.4 Each of the above are subject to different regulations⁽⁵⁾ which determine who needs to be consulted, the various stages of consultation and the type of consultation that should take place at each stage. The regulations set out the minimum requirements in each case. The subsequent sections of this SCI sets out further detail on the methods of consultation that the Councils will use in relation to the plans and processes set out above. In all cases we will meet the minimum requirements and where appropriate go beyond these.

5 **DPDs and SPDs** - Town and Country Planning (Local Planning) (England) Regulations 2012: <https://www.legislation.gov.uk/ukxi/2012/767/contents/made> ; **Neighbourhood Planning** - Neighbourhood Planning (General) Regulations 2012: <http://www.legislation.gov.uk/ukxi/2012/637/contents/made> ; **Planning applications** - Town and Country Planning (Development Management Procedure) (England) Order 2015: <https://www.legislation.gov.uk/ukxi/2015/595/contents/made>

4 Local Plan and Development Plan Documents

In summary:

- Local Plans and other development plan documents (DPDs) make up the ‘development plan’ for the local area.
- In the preparation of DPDs, the Councils will consult a range of statutory and other consultees together with anyone who has asked to be kept informed of or has been involved in a related consultation process.
- There are various stages involved in the preparation of development plan documents and opportunities for community involvement.
- **Table 1** sets out the methods of consultation the Councils will use in the preparation of DPDs.
- The exact process of engagement will take on various forms depending on the type of document being prepared, the stage of the consultation and the issues that are under consideration. Further details on the processes are set out in **Table 2**.
- A consultation statement will outline the consultation that has been undertaken, summarise the comments received and explain how the Councils have responded to the feedback.

4.1 Development plan documents (DPDs) are formal plans that together with county minerals and waste plans and adopted neighbourhood plans, make up the ‘development plan’. A ‘Local Plan’ is one type of development plan document produced by Councils through their role as local planning authorities. Community involvement is a key part of the rigorous statutory process which development plan documents are put through.

4.2 The range of development plan documents to be prepared by the Councils and their proposed timetable for delivery is set out in a Local Development Scheme (LDS) ⁽⁶⁾. The North Devon and Torridge LDS is prepared jointly by the Councils; it is subject to an annual review from which it will be updated as considered necessary. The LDS also provides information on supplementary planning documents and neighbourhood plan preparation, further details of which are provided in sections 5 and 6.

4.3 Each development plan document (including Local Plans) is accompanied by a Sustainability Appraisal (SA) and/or Strategic Environmental Assessment (SEA) which sets out how the plan’s policies reflect sustainable development objectives. The SA/SEA will be subject to consultation alongside the relevant development plan document.

4.4 All development plan documents are additionally accompanied by a Habitats Regulations Assessment (HRA) in line with the requirements of the habitats regulations ⁽⁷⁾ to establish whether there are any adverse effects on identified sites in the ‘national site network’ (formally ‘European sites’) as a result of proposed policies. The HRA will be subject to consultation alongside the relevant development plan document.

6 North Devon and Torridge Local Development Scheme (May 2016): <https://www.torridge.gov.uk/article/20632/Development-Plan-Timetable>

7 Conservation of Habitats and Species Regulations 2017: <https://www.legislation.gov.uk/ukxi/2017/1012/contents/made>

4.5 All duly made comments⁽⁸⁾ to a development plan document consultation will be analysed and carefully considered by the Councils. How the comments are considered and reported will depend on the stage the document has reached.

4.6 Note contact details from consultation respondents (name and address or email) will need to be provided. For further information on how we collect, process and protect personal information, please see our data protection policies and privacy notices⁽⁹⁾.

4.7 The Councils will prepare a consultation statement for publication alongside the submitted development plan document. The statement will provide: an outline of the consultation that has been undertaken, a summary of the duly made comments received in response to the consultation and the response of the Councils to the issues raised.

Who the Councils will consult in the preparation of DPDs

4.8 The Councils maintain a database of contacts, which include organisations and individuals who have requested to be notified at key stages in the preparation of development plan documents or who have formally commented on draft documents. The database can be added to, or contact details removed or revised, at any time through a request to either of the Council's planning policy teams. In maintaining an individual's contact details, the Councils will protect personal data in accordance with legal requirements⁽¹⁰⁾.

4.9 There are also a range of organisations⁽¹¹⁾ that the councils' must consult when preparing development plan documents; these are set out in Page 30. How the Councils engage with these different bodies will vary, depending on the nature of the organisation.

4.10 Alongside the Councils established collaborative working, there is a legal requirement⁽¹²⁾ for the Councils to work with other local authorities and organisations as detailed in Appendix 1, to seek to address strategic planning matters that are driven by larger than local issues that are likely to have an impact beyond the local plan area, this is known as the 'duty to co-operate'. Further to demonstrate effective and on-going joint working, the Councils must prepare and maintain one or more 'statements of common ground' in conjunction with the 'prescribed' and 'relevant' bodies. The extent to which the Councils have undertaken this duty will be scrutinised as part of an independent examination of development plan documents.

4.11 In addition to the bodies that must be consulted under the 'duty to cooperate' requirements, the regulations identify additional 'specific' and 'general' consultation bodies that the Councils should engage with. Specific consultation bodies include utility companies, the NHS and parish councils. General consultation bodies include voluntary organisations and those which represent the interests of different groups or businesses in the area. Further information on these bodies is set out in Appendix 1 (Page 30).

8 For comments to be 'duly made' they must: be received within the prescribed consultation period, relate to the document's content or its preparation, not be anonymous, and not contain libellous or offensive language. Respondents are required to provide their full name and postal address/email. If a comment is determined not to be duly made, the respondent will be advised and provided with an opportunity to resolve the issue.

9 [North Devon privacy and data protection](#); [Torridge privacy policy](#)

10 Please see [North Devon privacy and data protection](#) and [Torridge privacy policy](#)

11 The Town and Country Planning (Local Planning) (England) Regulations 2012:
<http://www.legislation.gov.uk/uksi/2012/767/regulation/2/made>

12 Under the Localism Act Chapter 20: <http://www.legislation.gov.uk/ukpga/2011/20/section/110/notes> and [National Planning Policy Framework](#) (see paragraphs 24-27)

How the Councils will consult in the preparation of DPDs

4.12 An overview of the notification, publicity and engagement methods used in the preparation of development plan documents is set out in Table 1. Table 2 sets out the process for preparing development plan documents and how the Councils will involve stakeholders and the community in each stage of a document's preparation. The same process will be followed whether a document is being prepared for the first time or is subject to review. The process will be implemented in accordance with the guiding principles for community engagement and consultation set out in Section 2.

Table 1 Methods of consultation used in the preparation of a Development Plan Document

Method	Description
 <p>Notification</p>	<p>For all statutory DPD consultations, the Councils will directly contact duty to cooperate partners, specific and general consultation bodies, and anyone who has asked to be notified when consultation is taking place. Details of the consultation, including information on how to view documents, how to comment and the deadlines for consultation responses will be set out in this communication.</p>
 <p>Publicity</p>	<p>All consultation documents, including supporting materials will be made available to view on the councils' websites, through a dedicated consultation portal. Public notices will be published in local newspapers and where appropriate press releases and/or briefings. The Councils will also make use of social media utilising platforms such as Facebook and Twitter, to promote consultations. Published materials in all formats will include information on where the consultation document can be viewed, how comment can be made and the time frame for making comment.</p>
 <p>Online engagement</p>	<p>Various forms of online engagement will be employed, which may vary on the basis of the nature and the participants. Online engagement could include the explanation of options and proposals, and provide opportunities for feedback to the councils. Online engagement may be utilised to engage statutory consultees (including town and parish councils), key stakeholders and other groups or individuals.</p> <p>Where appropriate, the Councils will host virtual 'face to face' consultation events using video conferencing or other suitable technology. This form of online engagement will provide opportunities for a broad cross-section of the community to ask questions, engage in discussions and provide feedback, they will also be used to obtain in-depth comments on specific planning issues and technical matters.</p> <p>Other forms of online or digital consultation may also be used such as online surveys.</p>
 <p>Public exhibitions /events</p>	<p>Exhibitions and other face to face engagement events will be used to explain proposals and set out options. They provide the opportunity for members of the public to ask questions, discuss particular issues and provide feedback.</p> <p>Staffed exhibitions will be held on significant consultations, such as those associated with the Local Plan. The aim will always be to locate such exhibitions in close proximity to the areas most likely to be affected. Smaller exhibitions may be held for locally significant consultations, or if proposals relate to a particular locality. They will be held in locations that people are likely to visit regularly such as town and local centres, libraries or at Council offices. These may be un-staffed and/or in drop-in session format.</p>

Method	Description
 <p>Face to face meetings</p>	<p>Meetings will be used to obtain in-depth comments on specific planning issues, significantly from statutory consultees and other key stakeholders. Meetings may be appropriate to discuss issues of a technical nature.</p>

Table 2 How the Councils will involve stakeholders and communities in the preparation of a Development Plan Document

Document stage	Opportunities for community involvement
<p>Stage 1: Evidence gathering, reviewing policy options and preparing a draft development plan document.</p> <p>Evidence will be gathered to establish a comprehensive evidence base appropriate to the document being prepared or reviewed, to identify the main issues, constraints and options.</p> <p>Views will be sought on what the document should contain, including through the production of and consultation on draft documents as appropriate.</p>	<ul style="list-style-type: none"> • The Councils will write to duty to cooperate partners, specific, general and other consultees who it is considered may have an interest in the document. This will inform the consultees of the subject of the document and invite representations about what the document should contain. • The Councils will commence and record 'duty to co-operate' discussions with neighbouring authorities and other public bodies. • Targeted and early involvement of agencies and infrastructure providers will inform technical studies and identify issues and options. • Any consultation documents will be made available at principle Council offices, other locations as considered to be appropriate and on the Councils' joint consultation portal (accessed via Council websites). • Formal consultation on issues and options for a new or revised development plan document will be undertaken in line with consultation arrangements set out in stage 2 below. • The Councils will consider all responses received when drafting the next version of the document. • Comments received will be made available to view on the consultation portal.
<p>Stage 2: Publication of a proposed submission development plan document.</p> <p>Having considered the views and evidence gathered in Stage 1, the proposed development plan document will be published</p>	<ul style="list-style-type: none"> • Consultation documents will be made available for inspection on the Councils' consultation portal, at principal Council offices and other suitable locations such as libraries. • Specific and general consultation bodies and others that are included in the planning policy

Document stage	Opportunities for community involvement
<p>with supporting evidence, including the SEA/SA, HRA and the Duty to Co-operate Statement.</p> <p>The development plan document, SEA/SA and HRA will be subject to consultation for a minimum of six weeks.</p> <p>Comments will be invited on whether the document is legally compliant and sound.</p>	<p>database will be notified that the document is published for consultation, where it can be viewed, how comment(s) should be made and the duration of the consultation exercise.</p> <ul style="list-style-type: none"> ● The consultation will be advertised through public notices and press releases. ● Exhibitions, workshops and other consultation events will be held where considered appropriate. These will take place as face to face or online engagement events. ● Social media will be used to raise awareness of the consultation. ● Advice and information will be provided to the public as requested. ● All duly made comments will be made available to view on the Councils' consultation portal.
<p>Stage 3: Submitting a development plan document</p> <p>The development plan document and relevant supporting information will be submitted to the Secretary of State for independent examination.</p> <p>Supporting information will include all duly made representations submitted in response to consultation on the draft document, a summary of the main issues raised from the consultation, the background evidence and a consultation statement that sets out how the Councils have involved the community and other stakeholders.</p>	<ul style="list-style-type: none"> ● Documents will be made available on the Councils' consultation portal and for inspection at principal Council offices and other locations as considered to be appropriate. ● Specific and general consultation bodies and others that are included in the planning policy database will be notified that the document has been submitted for examination. ● Social media and the local press will be used to raise awareness of the document's submission. ● Appropriate advice and information will be provided to the public as requested. ● The consultation statement will set out how the Councils have responded to duly made comments on the proposed submission development plan document.
<p>Stage 4: Examining the development plan document (Regulation 22)</p> <p>An Inspector, appointed by the Secretary of State, will examine the development plan document, which generally will involve public hearing sessions. <i>Please note that as a result of government guidance issued during the Coronavirus pandemic, the Planning</i></p>	<ul style="list-style-type: none"> ● Examination documents will be made available on the Councils' consultation portal and at principal Council offices. ● Individuals or organisations can request to be involved in the examination process. ● Notice of the examination will be provided at least six weeks in advance to individuals and organisations who have requested to appear. ● Notice of the examination will be provided through the local press.

Document stage	Opportunities for community involvement
<p><i>Inspectorate may continue to hold some hearings as virtual events for a period of time</i> ⁽¹³⁾.</p> <p>The Inspector will consider whether the development plan document has been legally compliant, if so the Inspector will consider whether it is 'sound'.</p> <p>The development plan document will be considered sound, if it is positively prepared, justified, effective and consistent with national policy.</p>	
<p>Stage 5: Publishing the Inspector's report</p> <p>The Inspector(s) who conducted the independent examination will produce and publish a report. The Inspector will recommend that the document is either:</p> <ul style="list-style-type: none"> ● adopted; ● adopted with recommended modifications (if the Councils have asked the Inspector to suggest modifications to make the document sound); or ● not adopted. 	<ul style="list-style-type: none"> ● The Councils will publish the Inspector's recommendations, reasons for those recommendations and details of where and when they can be viewed. The report will be made available on the Councils' consultation portal, at principle Council offices and other locations considered to be appropriate. ● The Councils will notify those people who have requested to be notified when the Inspector's recommendations are made available.
<p>Stage 6: Adopting the development plan document</p> <p>If the document is recommended for adoption (with or without recommended modifications) the Councils will individually consider the Inspector's report and whether to adopt the document as recommended by the Inspector.</p> <p>If the Councils decide to adopt the development plan document, it will be adopted at separate Full Council meetings of each Council, with any main modifications suggested by the Inspector and potentially additional modifications (any additional modifications must be minor in nature and not materially affect the policies of the development plan document).</p>	<ul style="list-style-type: none"> ● The Councils will publish the development plan document, adoption statement, sustainability appraisal and details of where and when the document can be viewed. These will be made available on the Councils' consultation portal and websites, at principle Council offices and other locations considered to be appropriate. A copy of the adoption statement will be sent to any person who has been asked to be notified of the adoption of the document. ● A copy of the adoption statement will be sent to the Secretary of State. ● Social media will be used to advertise the adoption of the development plan document. ● Local media/press will be used to advertise the adoption of the development plan document.

13 Please refer to the latest information from the Planning Inspectorate, including detailed guidance on local plan examinations: <https://www.gov.uk/guidance/coronavirus-covid-19-planning-inspectorate-guidance>

Document stage	Opportunities for community involvement
From adoption, there will be a six week period within which the development plan document can be subject to a High Court legal challenge.	
<p>Monitoring and review</p> <p>The Authority Monitoring Reports assesses whether adopted planning policies are being successfully implemented and achieving the intended aims and objectives. A review of development plan documents may be triggered as a result of these reports or as a result of new or revised legislative requirements.</p>	<ul style="list-style-type: none"> • The Councils will publish the Authority Monitoring Report on the Local Plan web pages on an annual basis. • The Councils will maintain an up to date evidence base which will be available through the Local Plan web pages. • Timescales for preparing new development plan documents will be published on the Local Plan web pages.

Further information

For further information and advice about the Local Plan or other DPDs please contact us:

- By visiting the planning policy pages for [North Devon](#) or [Torridge](#).
- By emailing us at localplan@northdevon.gov.uk or localplan@torridge.gov.uk.
- By telephoning us on 01271 388288 (North Devon) or 01237 428700 (Torridge).
- By writing to North Devon Planning Policy Team, North Devon Council, Lynton House, Commercial Road, Barnstaple, EX31 1DG.
- By writing to Torridge Planning Policy Team, Torridge District Council, Riverbank House, Bideford, EX39 2QG.
- Via your local ward member for [North Devon Council](#) or [Torridge District Council](#).

Further information about how we collect and process personal information is set out in the privacy policies for [North Devon Council](#) and [Torridge District Council](#).

Find out more about government planning practice guidance for [plan making](#).

5 Supplementary Planning Documents

In summary:

- Supplementary Planning Documents (SPDs) provide guidance on the implementation of policies in the Local Plan but are not part of the development plan.
- The process of preparing and adopting SPDs is simpler than that required for DPDs.
- The process of notifying consultees and publicising the SPD will be targeted at specific groups and individuals relevant to the issue/geographic area covered by the SPD, although the opportunity to contribute to the consultation will be open to all.
- Further details on the process for producing a Supplementary Planning Document and opportunities for community involvement are set out in **Table 3** below.

5.1 Supplementary Planning Documents (SPDs) provide detailed guidance on the implementation of policies in the Local Plan, for instance in relation to the development of specific sites or on particular issues, such as design, green infrastructure and affordable housing. SPDs do not form part of the development plan, however guidance provided in an adopted SPD will be taken as a material consideration in the determination of planning applications.

5.2 The procedure for preparing and adopting SPDs is shorter than that required for a DPDs. SPDs are not subject to independent examination on the basis that they supplement policies in a DPD, which have previously been subject to examination and found to be 'sound'. SPDs are not normally subject to Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) or Habitats Regulations Assessments (HRA).

5.3 Initial consultation on SPDs will be targeted at groups and individuals depending on the subject matter or location dealt with by the SPD. Consultation techniques will vary depending on the nature of the SPD. If the SPD is a technical document, the emphasis will be on established forms of consultation with stakeholders that are relevant to the topic, including statutory consultees, specialist bodies, local groups and planning agents along with everyone on the planning policy consultation database who has asked to be kept informed of planning policy consultations. If the matter is specific to a location, in addition to the above, the Councils will aim to engage with local residents and groups through public meetings/workshops, online consultation events or via community publications, if available.

5.4 The Councils will publicise details of SPD consultations on our websites and provide access to all relevant documentation on the joint consultation portal. We will make use of social media where appropriate to raise awareness of consultations.

5.5 All duly made comments⁽¹⁴⁾ in response to SPD consultations will be analysed and carefully considered, and where applicable summarised and reported to the relevant committees. The rules regarding how we collect, process and protect personal information apply to SPDs in the same way they do for development plan documents⁽¹⁵⁾.

14 For comments to be 'duly made' they must: be received within the prescribed consultation period, relate to the document's content or its preparation, not be anonymous, and not contain libellous or offensive language. Respondents are required to provide their full name and postal address. If a comment is determined not to be duly made, the respondent will be advised and provided with an opportunity to resolve the issue.

15 Please see [North Devon privacy and data protection](#) and [Torridge privacy policy](#)

5.6 The Councils will prepare a consultation statement alongside an SPD, both with the draft and adopted versions.

5.7 The table below sets out the process for preparing an SPD and how the community and stakeholders will have an opportunity to be involved. The process will be implemented in accordance with the guiding principles for community engagement and consultation set out in Section 2.

Table 3 Process for producing a Supplementary Planning Document (SPD) and opportunities for community involvement

Key stages	Opportunities for community involvement
<p>Evidence gathering/preparation of a draft document</p> <p>Baseline information and evidence will be gathered. If required further technical work will be undertaken to identify reasonable options.</p>	<ul style="list-style-type: none"> ● As required, statutory bodies consulted on SEA Screening and Habitats Regulations Assessment. ● Early technical consultations and, as considered necessary, targeted informal consultation undertaken with relevant agencies, stakeholders, service providers, parish/town councils, local groups and residents.
<p>Consultation on the draft document</p> <p>Publication of the draft SPD for formal public consultation with associated documents, including an SEA report if required, notice of consultation and a consultation statement.</p> <p>Consultation period will be a minimum of 4 weeks.</p>	<ul style="list-style-type: none"> ● Documents will be made available on the Councils' joint consultation portal (accessed via Council websites) and for inspection at principle Council offices and other locations as considered to be appropriate. Social media and the local press will be used to raise awareness of the documents published for consultation. ● Notifications will be sent to relevant groups and organisations and all those who have requested to be notified. ● If the matter is specific to a location, the Councils will aim to engage with local residents and groups through public meetings / workshops, online consultation events or via community magazines and publications.
<p>Finalise the draft document</p>	<ul style="list-style-type: none"> ● Comments received will be made available on the consultation portal along with a summary of their content. ● The Councils will publish a schedule of the responses to each of the points made, where relevant to the draft document. ● Further consultation may be undertaken if responses lead to a significant change of direction.
<p>Adoption</p>	<ul style="list-style-type: none"> ● The SPD, consultation statement and adoption statement will be published on the consultation portal and provided for inspection

Key stages	Opportunities for community involvement
	<p>at principle Council offices and other locations as considered to be appropriate.</p> <ul style="list-style-type: none"> • A copy of the adoption statement will be sent to any person who has asked to be notified of the adoption. • Where appropriate, social media and local media/press will be used to publicise adoption.

Further information

For further information and advice about SPDs please contact us:

- By visiting the planning policy pages for [North Devon](#) or [Torrige](#).
- By emailing us at localplan@northdevon.gov.uk or localplan@torridge.gov.uk.
- By telephoning us on 01271 388288 (North Devon) or 01237 428700 (Torrige).
- By writing to North Devon Planning Policy Team, North Devon Council, Lynton House, Commercial Road, Barnstaple, EX31 1DG.
- By writing to Torrige Planning Policy Team, Torrige District Council, Riverbank House, Bideford, EX39 2QG.
- Via your local ward member for [North Devon Council](#) or [Torrige District Council](#).

Find out more about government planning practice guidance for [plan making](#).

6 Neighbourhood Planning

In summary:

- Neighbourhood planning is led by local communities, typically through town or parish councils.
- Local groups can set out policies specifically for their local area within a neighbourhood plan; the plans can acquire legal status as part of the planning framework for the local area.
- Town or parish councils are responsible for public consultation and engagement in the preparation of neighbourhood plans and neighbourhood development orders.
- The main role of the District Councils (North Devon or Torridge as applicable) is to provide advice and support; however, we also have certain statutory duties as part of the neighbourhood planning process.
- There are various stages in preparing neighbourhood plans and neighbourhood development orders; **Table 4** sets out the role of the District Council (North Devon or Torridge as applicable) and town/parish councils at each stage and the opportunities for engagement and consultation.

6.1 Neighbourhood planning aims to give local communities greater power to shape development by taking a more active role in the development of planning policies at a local level. Within North Devon and Torridge, neighbourhood planning is led by town and parish councils; they have the option of preparing either a neighbourhood plan or a neighbourhood development order.

6.2 Neighbourhood plans set out planning policies specifically for local areas (typically parishes) within the district. Once the plans are 'made' they become part of the statutory planning framework for the local area alongside the Local Plan and other development plan documents; planning decisions affecting the relevant area must take account of the policies they contain.

6.3 Neighbourhood development orders are another tool available to local communities which enables them to grant planning permission for specific development in a particular area.

6.4 There are certain requirements and processes involved in the preparation of neighbourhood plans and neighbourhood development orders; these include:

- They must be prepared through a formal process including public consultation and assessed by an independent examiner.
- They must gain majority support at a local referendum before they can be 'made' (adopted).
- They must be prepared having regard to national policy and generally conform with the strategic policies of the development plan for the local area.

6.5 The town or parish council is responsible for public consultation and engagement in the preparation of the neighbourhood plan or order. The primary role of North Devon and Torridge District Councils (referred to as the 'District Councils' in this instance) is to provide advice and support to groups engaged in neighbourhood planning within their areas; however, the District Councils also have certain statutory duties under the regulations⁽¹⁶⁾ governing neighbourhood planning, which include:

- Designating the neighbourhood area at the initial stage of the process.

16 Neighbourhood Planning (General) Regulations 2012: <http://www.legislation.gov.uk/ukxi/2012/637/contents/made>

- Publicising and undertaking consultation on the draft plan or order once it has been submitted for examination.
- Arranging and funding the examination, including the appointment of an examiner.
- Publicising the examiner's report.
- Arranging and funding a referendum on the plan or order.
- Making (adopting) the neighbourhood development plan or order.

6.6 The level of support provided by each District Council will depend on resource availability and the needs of the town/parish council. There are also a range of other sources of assistance that the town or parish council can access⁽¹⁷⁾. Examples of the type of assistance the District Councils can provide include:

- Initial advice regarding the suitability of completing a neighbourhood plan or development order and its potential scope, including attendance at meetings or providing briefings.
- On-going advice and support throughout the process including detailed technical input into each key stage. This support will be provided both on an informal basis through continued support and guidance, but also on a formal written basis when responding to specific consultations. The focus will be on the conformity of the neighbourhood plan/development order with the existing national and local planning framework but guidance will also be provided to ensure that allocations and policies are fit for purpose and deliverable.
- Provide relevant contact information for statutory consultees.
- Advice on undertaking consultation, including publicity, engagement and holding consultation events.
- Guidance and interpretation of the relevant legislative requirements.
- Provision of guidance on other key issues including project management and timetabling, the role of the qualifying body (parish or town council) and site selection.
- Practical assistance such as mapping.
- Liaising with the town or parish council on the appointment of the independent examiner.

6.7 The table below sets out the various stages in preparing neighbourhood plans and neighbourhood development orders, setting out the role of the town or parish council and District Council (North Devon or Torridge as applicable) and their responsibility for the consultation process.

Table 4 Stages of Neighbourhood Plan preparation and consultation process

Key stages	Parish/town council role	District Council role (NDC/TDC)
Area designation	<ul style="list-style-type: none"> • Before submitting an application to designate the neighbourhood area, the parish/town council may consult the local community about preparing a neighbourhood plan. • Parish/town council submits the neighbourhood area designation application to the District Council. 	<ul style="list-style-type: none"> • Where a town/parish council applies for the whole of the civil parish to be designated as a neighbourhood area, the District Council must designate it. • Where a proposed neighbourhood area does not match a whole civil parish, the District Council will undertake consultation with the local community for 6 weeks, before deciding whether to designate it.

17 For further information please see <https://neighbourhoodplanning.org/>

Key stages	Parish/town council role	District Council role (NDC/TDC)
Draft plan preparation	<p>The parish/town council may:</p> <ul style="list-style-type: none"> • Secure government funding grants. • Appoint a planning consultant. <p>The parish/town council will:</p> <ul style="list-style-type: none"> • Develop vision, aims and objectives • Undertake initial evidence gathering, parish survey and publicity/engagement with the community. • Prepare the draft plan. • Assess the need to undertake a SA/SEA and HRA. 	<ul style="list-style-type: none"> • The designated area will be publicised on the District Council's website. <p>The District Council will:</p> <ul style="list-style-type: none"> • Provide guidance and interpretation of the relevant legislative requirements. • Provide advice on national and local development plan policies as well as other appropriate regulations or legislation. • Share evidence and information on planning issues and on funding for neighbourhood planning. • Advise on available evidence base documents. • Provide relevant contact information on statutory consultees and advice on undertaking consultation, publicity and engagement. • Provide advice on draft policies and an informal view as to whether they are in general conformity with relevant local and national policies. • Carry out an initial SEA screening which lasts for five weeks and involves consulting statutory consultees.
Pre-submission draft plan	<p>The parish/town council will:</p> <ul style="list-style-type: none"> • Formally publicise the draft neighbourhood plan or order and invite representations from people who live, work or carry out business in the neighbourhood area, for at least 6 weeks. • Consult (in writing) 'consultation bodies' (Neighbourhood Planning Regulations (Schedule 1))⁽¹⁸⁾ whose interests may be affected. • Send a copy of the neighbourhood plan to the 	<ul style="list-style-type: none"> • The District Council will respond to the consultation.

18 <http://www.legislation.gov.uk/ukxi/2012/637/schedule/1/made>

Key stages	Parish/town council role	District Council role (NDC/TDC)
	<p>local planning authority (District Council).</p> <ul style="list-style-type: none"> After consultation, consider received representations and amend the neighbourhood plan as appropriate. 	
Submission neighbourhood plan	<p>The parish/town council will submit the following to the District Council:</p> <ul style="list-style-type: none"> A map or statement identifying the area to which the proposed neighbourhood plan relates; a consultation statement; the proposed neighbourhood plan; and a Basic Conditions Statement. 	<p>If the District Council finds that the neighbourhood plan/order meets the legal requirements it will formally publicise and consult (for a minimum of 6 weeks) on the following basis:</p> <ul style="list-style-type: none"> Write to specific, general and all other consultees whom the Council consider may have an interest. Make documents available on the Council's website, at the Council's offices and other locations as considered appropriate such as libraries, along with any locations suggested by the parish or town council. Use social media and local media/press to raise awareness.
Examination (Regulation 18)	<ul style="list-style-type: none"> The parish/town council considers the examiner's recommendations. 	<p>The District Council will:</p> <ul style="list-style-type: none"> Make arrangements for the independent examination of the neighbourhood plan/order. Submit the submission neighbourhood plan/order and associated documentation to the appointed examiner. Collate the representations and send all submitted responses to the examiner. On receipt, publish the examiner's report on the District Council's website. Inform specific, general and other consultees of the publication of the examiner's report where they are considered to have an interest. Assess the neighbourhood plan for compliance with statutory requirements in that it meets 'basic conditions'.

Key stages	Parish/town council role	District Council role (NDC/TDC)
		<ul style="list-style-type: none"> • Work with the town/parish council to take forward the recommendations within the examiner's report. • Consider the examiner's recommendations. If intending to make a decision which differs from that recommended by the Inspector, the District Council must notify the town/parish council, anyone who made representation to the examiner and previously consulted consultation bodies, and invite comment(s) over a six week period. The District Council may refer the issue to further independent examination. • Issue a final decision, no later than 6 weeks from the conclusion of the consultation or 6 weeks from receipt of the examiner's report if referred to examination.
Referendum	<p>The parish/town council may:</p> <ul style="list-style-type: none"> • Raise local awareness of the referendum using appropriate promotional material. • Make the neighbourhood development plan or order available locally. 	<p>If the District Council intends to proceed to referendum, it will:</p> <ul style="list-style-type: none"> • Organise the referendum. • Publish a referendum notice. • Following the referendum, publish the results on its website.
Making the neighbourhood plan		<p>If more than 50% vote in favour, the District Council 'makes' the neighbourhood plan or order via a Council resolution. It will then:</p> <ul style="list-style-type: none"> • Publish the neighbourhood plan or order and adoption statement on its website and, subject to government guidance and regulations, make the documents available for inspection at appropriate locations. • Send copies of the adoption statement to specific, general and other consultees where they are considered to have an interest.

Further information

For further information and advice about neighbourhood planning please contact us:

- By visiting the neighbourhood planning webpages for [North Devon](#) or [Torrige](#).
- By emailing us at localplan@northdevon.gov.uk or localplan@torridge.gov.uk.
- By telephoning us on 01271 388288 (North Devon) or 01237 428700 (Torrige).
- By writing to North Devon Planning Policy Team, North Devon Council, Lynton House, Commercial Road, Barnstaple, EX31 1DG.
- By writing to Torrige Planning Policy Team, Torrige District Council, Riverbank House, Bideford, EX39 2QG.

The following information sources may also be of assistance:

- Government planning practice guidance on [neighbourhood planning](#).
- Guidance on neighbourhood planning provided by the community support organisation [Locality](#), including the [Neighbourhood Plan Roadmap](#). In particular please refer to information on publicity and engagement (Neighbourhood Plans Roadmap Part C, pages 13-20) and the 'consultation statement' (Neighbourhood Plans Roadmap Part C, page 34).

7 Development Management

In summary:

- This section sets out the Councils' approach to community involvement in the development management process (dealing with planning applications).
- A summary of the processes and opportunities for community involvement are set out in **Table 5**; please see text below the table for further detail, including specific arrangements for each Council.

7.1 For many people their main contact with the planning system is through planning applications, either as an applicant, or someone who might be affected by the proposed development. This section in the SCI sets out the Councils' approach for involving the community and statutory bodies in the development management process. Devon County Council are the planning authority in respect of development involving mineral extraction and waste disposal and their own SCI will set out arrangements for the processing and determination of such applications.

7.2 Each Council is an individual local planning authority, with separate development management teams which typically handle over 1,000 planning applications each every year. For each Council, notifications and consultations are carried out in accordance with the processes set out in this document. Many of the processes are common to each Council's development management team; however, where there are differences, these are highlighted. The processes aim to ensure that any person or group interested in a planning application has the opportunity to view and comment on proposals.

7.3 Planning legislation⁽¹⁹⁾ sets out the minimum standards for publicity and notification of planning applications, which varies depending on the nature of the application. Each Council's approach to publicity and notification is set out in Appendix 2 (Page 32).

7.4 The table below summarises what happens at each of the main stages of the development management process, setting out the key requirements, and the processes in place for consultation and community involvement. Further details are provided in the text below the table.

Table 5 Summary of development management process and opportunities for community involvement

Stage	Summary of stage/requirements	Summary of consultation process and opportunities for community involvement
Pre-application	<p>Each Council offers a chargeable pre-application service to applicants which can benefit all parties as follows:</p> <ul style="list-style-type: none"> • Opportunity to better understand policy requirements. 	<ul style="list-style-type: none"> • The Councils can provide advice to prospective applicants prior to submission of an application. • There is no formal public consultation role for the Councils at this stage. However, applicants are encouraged to undertake public consultation prior to submitting a

19 Principally the Town and Country Planning (Development Management Procedure) Order 2015: <https://www.legislation.gov.uk/uksi/2015/595/contents/made>

Stage	Summary of stage/requirements	Summary of consultation process and opportunities for community involvement
	<ul style="list-style-type: none"> Identify need for specialist input. Early indication of schemes that are unacceptable in their current form, avoiding costs of a full application. Opportunity to modify a proposal to make it more acceptable. Clarification on information required for application. Early discussion on/preparation of legal agreements (where appropriate). 	<p>planning application. This could be with the town or parish councils, neighbouring properties or interest groups local to the development site.</p> <ul style="list-style-type: none"> Applicants for certain types of wind energy schemes are required to undertake pre-application community engagement (see paragraph 7.10 for further information). Where consultation has been undertaken a consultation statement should be provided.
Receipt of planning application	<ul style="list-style-type: none"> Before an application can be validated, the relevant Council must receive all plans and reports that are deemed necessary to enable a decision to be made. Once validated, the Council will publicise and consult on the application. 	<ul style="list-style-type: none"> Once an application has been validated, neighbours are notified by means of a letter/email. Where appropriate, a site notice will be displayed⁽²⁰⁾. All planning applications can be viewed through the relevant Council's website. Comments are invited on planning applications⁽²¹⁾. Comments and consultation responses will be held on the application file and made available to view via the website.
Determination of planning application	<ul style="list-style-type: none"> Planning decisions should be made in accordance with the development plan (currently the North Devon and Torridge Local Plan 2011-2031) unless material considerations indicate otherwise. Planning applications are normally decided by a planning officer under delegated powers, with the remaining decisions made by the the relevant Council's planning committee 	<ul style="list-style-type: none"> For a comment to be taken into account, whether in support, objection or a general comment, it has to be considered to be a material consideration, which means it has to be relevant in planning terms. If an application is referred to committee, then the applicant/agent and any person who made representation on the application is notified. Anyone with an interest in a planning application can request to

20 Site notices are displayed for 21 days in North Devon, 24 days in Torridge

21 Comments are invited for a period of 21 days in North Devon, 24 days in Torridge

Stage	Summary of stage/requirements	Summary of consultation process and opportunities for community involvement
	<p>and exceptionally by all members of the Council.</p> <ul style="list-style-type: none"> Once a planning application is determined, a Decision Notice will be issued. 	<p>speak to the committee (see paragraph 7.26 for further details).</p> <ul style="list-style-type: none"> The Decision Notice will be sent to the applicant or agent and made available on the Council's website. A copy of the officer report will be made available on the Council's website.
Post decision	<ul style="list-style-type: none"> The grant of planning permission is commonly subject to planning conditions, which may require the submission of further information to the Council for approval. 	<ul style="list-style-type: none"> If applicants are unhappy with the Council's determination of a planning application, they are entitled to appeal to the Planning Inspectorate (see paragraph 7.28 for further details). There is no third party right to appeal; only applicants can appeal a decision. If an appeal is lodged any person or organisation who commented on the planning application will be contacted by the Council to inform them of the appeal and how to make further representation, which would be to the Planning Inspectorate.

Pre-application procedure

7.5 Although not a legal requirement, both Councils, as guided by national planning policy, encourage any person contemplating development to engage in pre-application discussions with the relevant development management team before a planning application is formally submitted. National planning policy⁽²²⁾ also encourages applicants to engage in the pre-application process.

7.6 Each Council provides a pre-application service, which is chargeable. The level of the charge varies subject to the scale and complexity of the proposal, more information on which can be found on the relevant Council's website⁽²³⁾.

7.7 The Councils' development management teams are committed to delivering a quality pre-application service, which aims to deliver the following benefits:

- Provide an opportunity to better understand how an application will be judged against the policies in the development plan and other material considerations.
- Identify, at an early stage, if there is a need for specialist input on such matters as: listed buildings, trees, landscape impact, green infrastructure and natural green space, noise, contaminated land

22 [National Planning Policy Framework](#) (paragraph 40)

23 Please follow links to [North Devon pre-application advice](#) and [Torridge pre-application advice](#)

or archaeology, which may result in the need for additional information to be provided at the point of application to allow it to be registered.

- Provide the opportunity to modify a proposal to make it potentially more acceptable to the Council and anticipating other regulatory requirements.
- Provide an indication at an early stage if a proposal is unacceptable, saving the cost of pursuing a formal application, and providing guidance as to how a proposal may be adjusted, if possible, to become acceptable.
- Avoid rejection at registration stage or early refusal of permission because of inadequate or insufficient information.
- Allow discussions on and the preparation of legal agreements, where appropriate, in advance of an application being received and for negotiations to consider land value constraints.

7.8 The Councils do not undertake publicity or neighbour notification on pre-applications, as the process is confidential. The release of pre-application advice may however be sought under the Freedom of Information Act. The Councils may have to release pre-application information unless one of the stated exemptions applies, for example personal or commercially sensitive information.

7.9 The Councils also encourage applicants to undertake public consultation prior to submitting a planning application, as supported in national planning policy⁽²⁴⁾. Such consultation could be with the town or parish councils, neighbouring properties or interest groups local to the development site and include methods such as a public exhibition or meeting/discussions with affected individuals. Where consultation has been undertaken, a consultation statement should be provided with the related planning application. This should outline the methods used, the views expressed and how these have been taken into account.

7.10 Applications for any development involving an installation for the harnessing of wind power for energy production on the following basis will be required to undertake pre-application community engagement:

- The development involves the installation of more than 2 turbines; or
- the hub height of any turbine exceeds 15 metres.

7.11 The requirements for the above are set out in legislation⁽²⁵⁾ and reflected in each Council's validation list⁽²⁶⁾.

What happens when a planning application is received?

7.12 In line with statutory requirements⁽²⁷⁾, the Councils must publicise planning applications either by site notice, notification to adjoining landowner or occupier and in some instances by press advertisement.

7.13 Separate regulations set out the requirements for applications for listed building and conservation area consent, and for applications for planning permission affecting the setting of a listed building or demolition within a conservation area. Applications for works to trees within a conservation area or covered by a tree preservation order are also considered under separate regulations.

24 [National Planning Policy Framework paragraph](#) (paragraphs 39-42)

25 Statutory Instrument 2013 (No. 2932) in The Town and Country Planning (Development Management Procedure and Section 62A Applications) England) (Amendment) Order 2013:
http://www.legislation.gov.uk/ukSI/2013/2932/pdfs/ukSI_20132932_en.pdf

26 The [North Devon planning application Validation List](#) and [Torridge planning application Validation List](#) can be found on the relevant Council's website

27 Article 15 of the [Town and Country Planning \(Development Management Procedure\) Order \(2015\)](#).

7.14 Before an application can be validated, the relevant Council must receive all plans and reports that are deemed necessary to enable a decision to be made. When an application has been validated, the decision-making process will commence. The plans and reports required by application type are set out in each Council's validation list⁽²⁸⁾, which identifies national and locally determined requirements.

7.15 When an application has been validated, neighbour notification by means of a letter or email will be undertaken. The letter or email will provide brief details of where and when the application can be viewed and the last date for the submission of comments. The neighbours to be notified are those with a postal address that occupy premises (both residential and commercial) adjoining the application site and those which may be affected by the development. The decision on which premises may be affected by a development will be made by the case officer, based on a professional assessment of the proposal and its likely impacts on the area surrounding the site. Consultees such as Devon County Council, Historic England, Environment Agency and Natural England will also be notified depending on the nature and potential impacts of the development.

7.16 Comments are invited on planning applications from the first day of consultation for at least the minimum statutory period set by the government of 21 days. For each Council the period of time for comments to be submitted will normally be as follows:

- North Devon - 21 days.
- Torridge - 24 days.

7.17 A notification does not need to be received in order for a member of the public to comment on an application. It should be noted that National Planning Practice Guidance states that the consideration of late representations is at the discretion of the local planning authority (the relevant Council). As far as practicable, the Councils will seek to consider all the consultation comments received prior to the determination of the application, even those received beyond the standard consultation periods set out above.

7.18 In most cases a site notice will be posted at the application site, or in a location that better enables it to be viewed by the public. The site notice will be displayed for the relevant period of consultation set out above. In some cases there is also a requirement for an application to be published through the local press, which is undertaken at the commencement of the consultation period. Appendix 2 (Page 32) sets out the notification actions that are undertaken by each Council.

7.19 Where the site of a planning application falls within a parish area that adjoins another local planning authority, as provided in National Planning Practice Guidance, publicity will be separately undertaken by each authority. The scope of the publicity will be a matter for agreement between the two authorities.

7.20 Where an application has been amended before a decision is made, the case officer will determine whether further publicity and consultation is necessary having regard to government guidance, which sets out considerations to be applied to the amended proposal. Where it is considered that re-consultation is necessary, the timeframe for responses will normally be 14 days.

7.21 All planning applications can be viewed through the relevant Council's website⁽²⁹⁾. Each website has an online facility to search for historic planning applications and all undetermined applications within the relevant district.

28 See footnote ⁽²⁶⁾

29 For applications within North Devon: <https://planning.northdevon.gov.uk/Search/Advanced>. For applications within Torridge: <https://publicaccess.torridge.gov.uk/online-applications/>

7.22 Comments and consultation responses will be held on the application file and made available to view via the relevant website⁽³⁰⁾. Sensitive information such as telephone numbers, private email addresses and signatures will not be published. The Councils reserve the right not to publish comments or parts of comments that are not suitable for public view, such as those which might be offensive, personal or defamatory.

How a planning application is determined

7.23 Planning legislation requires planning decisions to be made in accordance with the development plan (currently the North Devon and Torridge Local Plan 2011-2031), unless material considerations indicate otherwise. For a comment to be taken into account, whether in support, or objection, it has to be considered to be a material consideration, which means it has to be relevant in planning terms.

7.24 There are two main ways in which a Council will reach a decision on a planning application. The vast majority (about 95%) of decisions on planning applications are made by designated officers of the Council (a delegated decision), with the remaining decisions made by the Council's planning committee and exceptionally by the full membership of the Council.

7.25 The occasions when a decision cannot be made under delegated powers are set out in each Council's constitution⁽³¹⁾; where such cases arise, the application will be referred to the relevant Council's planning committee for determination.

7.26 If an application is referred to planning committee, then notification of such will be provided to the applicant, agent and any person who made representation on the application. To enable those with an interest in a planning application to put their views to the committee, public participation is enabled, subject to a written request; further details are set out on each Council's website⁽³²⁾. Town and Parish Councillors and eligible Ward Members will also be able to speak for or against the proposal.

7.27 Once a planning application is determined, either on a delegated basis or through a committee determination, a Decision Notice will be issued. The Decision Notice will be sent to the applicant or agent and made available on the Council's website. A copy of the officer report will be made available on the Council's website.

Post decision

7.28 If applicants are unhappy with the Council's determination of a planning application they are entitled to appeal to the Planning Inspectorate on the following basis:

- If an application has been refused.
- Non-determination - if a decision has not been made within government set targets (8 weeks for minor applications and 13 weeks for major applications) and the applicant has not agreed an extension of time with the Council.
- If any of the conditions that have been included on a planning permission are considered to be unreasonable.

7.29 It is important to note that there is no third party right to appeal a decision; only applicants can appeal a decision.

30 See footnote ⁽²⁹⁾

31 North Devon: <https://www.northdevon.gov.uk/council/councillors-and-committees/constitution-for-north-devon-council/>.
Torridge: <https://www.torridge.gov.uk/constitution>

32 North Devon: <https://www.northdevon.gov.uk/council/councillors-and-committees/taking-part-in-meetings/>
Torridge: <https://www.torridge.gov.uk/speakplanning>

7.30 If an appeal is lodged any person or organisation who commented on the planning application will be contacted by the Council to inform them of the appeal and how to make further representation, which would be to the Planning Inspectorate.

7.31 The grant of planning permission is commonly subject to planning conditions, which may require the submission of further information to the Council for approval. This may address such matters as materials, landscaping, tree protection, and contaminated land or highway requirements. The Council will seek to deal with such applications within eight weeks from date of receipt. Submissions made for the approval of details are not subject to publicity.

7.32 Post decision amendments are only acceptable if the amendments are minor, in nature (non-material changes to planning permissions). Submissions made for non-material amendments will not be subject to publicity. Amendments which are considered to extend beyond the scope of a non-material change will require a new planning application.

Further information

For further information and advice about the submission and determination planning applications in North Devon, please contact the Council's planning service:

- By visiting the [Planning and Building Control pages](#) on the Council's website.
- By emailing us at planning@northdevon.gov.uk.
- By telephoning us on 01271 388288.
- By writing to us at - Development Management, North Devon Council, Lynton House, Commercial Road, Barnstaple, EX31 1DG.
- Via your local ward member for [North Devon Council](#) and/or parish/town councillor.

For further information and advice about the submission and determination of planning applications in Torridge, please contact the Council's planning service:

- By visiting the [Planning and Building Control pages](#) on the Council's website.
- By emailing us at planning.support@torridge.gov.uk.
- By telephoning us on: 01237 428700.
- By writing to us at - Development Management, Torridge District Council, Riverbank House, Bideford, Devon, EX39 2QG.
- Via your local ward member for [Torridge District Council](#) and/or parish/town councillor.

Further information about how we collect and process personal information is set out in the privacy policies for [North Devon Council](#) and [Torridge District Council](#).

Visit the [Planning Portal](#) to find out if you need planning permission, make and view planning applications and building control guidance and forms.

Government planning practice guidance:

- [Before submitting an application](#)
- [Making an application](#)
- [Consultation and pre-decision matters](#)
- [Determining a planning application](#)

Appendix 1: Consultation Bodies

Prescribed and relevant bodies

Organisations that have been identified as ‘prescribed’ under the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012, to address the ‘Duty to co-operate in relation to planning of sustainable development’ set out in the Localism Act 2011 and through the National Planning Policy Framework as relevant bodies.

Table A1 Prescribed and relevant consultation bodies

Prescribed bodies	Relevant bodies
Devon County Council	Marine Management Organisation
Cornwall Council	Heart of the South West Local Enterprise Partnership
Somerset County Council	Devon Local Nature Partnership
Exmoor National Park Authority	
Mid Devon District Council	
West Devon Borough Council	
Somerset West and Taunton Council	
Environment Agency	
Natural England	
Homes England (formerly Homes and Communities Agency)	
Devon Clinical Commissioning Group	
Civil Aviation Authority	
Office of Rail Regulation	
Highways England	

The duty also applies to the Mayor of London and Transport for London. The Councils are however of the view that in order to meet the requirement of the Act to maximising the effectiveness of preparing the Local Plan, it would be unnecessary and contrary to achieving ‘effectiveness’.

Specific Consultation Bodies

Organisations that have been identified under the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 that may have an interest in the proposals within a Development Plan Document are set out below. There is some duplication with the prescribed and relevant bodies for the purposes of the Duty to Cooperate requirements. Where bodies listed cease to exist, successor bodies will be consulted.

Table A2 Specific Consultation Bodies

Specific consultation bodies	
Devon County Council	Network Rail
Cornwall Council	Highways England
Somerset County Council	NHS Trust and Clinical Commissioning Groups
Exmoor National Park Authority	Marine Management Organisation
Mid Devon District Council	Police and Crime Commissioner
West Devon Borough Council	Homes England
Somerset West and Taunton Council	Coal Authority
Environment Agency	Relevant sewerage and water undertakers, such as South West Water
Historic England	Relevant electronic communication companies, such as BT and Virgin Media
Natural England	Relevant electricity and gas companies
All town and parish councils within and adjoining Councils' areas	

General Consultation Bodies

In addition to the specific consultation bodies listed above, the Councils will involve as many people and groups as possible in preparing Development Plan and Supplementary Planning Documents in the categories below:

- Voluntary bodies.
- Bodies which represent the interests of different racial, ethnic or national groups.
- Bodies which represent the interests of different religious groups.
- Bodies which represent the interests of persons carrying on business in the area.
- Bodies which represent the interests of disabled persons.

In respect of the Strategic Environmental Assessment Directive, the designated consultation bodies in the UK are:

- Historic England.
- Environment Agency.
- Natural England.

Appendix 2: Planning Application Notifications

Notification actions undertaken by Torridge District Council by application type

There is no statutory requirement to consult on the following types of application – none is undertaken by the Council:

- Certificate of lawfulness of proposed use or development.
- Certificate of lawfulness of existing use or development.
- Internal alterations only to a Grade II listed building.
- Advertisement consent.
- Approval of details (exceptions are details for external works to any listed building).
- Revisions to planning applications once valid.
- 'Non-material' amendments.

The following provides notifications and publicity undertaken for the listed application types in accordance with regulated requirements.

Table A3 Torridge: notification by application type

Application type	Advertisement in the local press	Site notice	Neighbour notification
Agricultural Building to Dwelling house (AGMB)		x	x
Change of Use (COU)	x*	x	x
Change of Use Permitted Development (COUPD)		x	x
Demolition (DEM)	x*		x
Householder (FUH)			x
Full Planning Permission (incl. Householders) (FUL)	x*	x	x
Full Planning Permission Major (FULM)	x	x	x
Larger Home Extension Prior Notification (HPD)			x
Application by TDC (LA)/ Application by TDC (Others) (LO)	x*	x	x
Listed Building Consent (LBC)	x	x	x
Listed Building Demolition (LBD)	x	x	x
Outline (OUT)	x*	x	x
Permission In Principle (PIP)	x*	x	x
Application for the Approval of Reserved Matters (REM)	x*	x	x
Solar Photovoltaics Prior Approval (SOLPD)		x	x
Prior Notification for Communications (TEL)		x	x

* Undertaken when required by Statutory Advertising requirement

Appendix 2: Planning Application Notifications

Notification actions undertaken by North Devon Council by application type

There is no statutory requirement to consult on the following types of applications – none is undertaken by the Council:

- Certificate of lawfulness of proposed use or development.
- Certificate of lawfulness of existing use or development.
- Internal alterations only to a Grade II listed building.
- Approval of details (exceptions are details for external works to any listed building).
- Revisions to planning applications once valid.
- 'Non-material' amendments.

The following provides notifications and publicity undertaken for the listed application types in accordance with regulated requirements.

Table A4 North Devon: notification by application type

Application type	Advertisement in the local press	Site notice	Neighbour notification
Advertisements	x	x	
Agricultural Building to Dwelling House		x	
Application by NDC	x	x	x
Change of Use	x	x	x
Change of Use Prior Notification		x	
Communications Prior Notification	x	x	x
Demolition Prior Notification	x		x
Full Planning Application (incl. Householders)	x	x	x
Full Planning Application Major	x	x	x
Larger Home Extension Prior Notification			x
Listed Building Consent	x	x	x
Listed Building Demolition	x	x	x
Outline Application	x	x	x
Permission In Principle	x	x	x
Application for the Approval of Reserved Matters	x	x	x
Solar Photovoltaics Prior Notification		x	x

PAGE INTENTIONALLY

LEFT BLANK



Torridge District Council
Riverbank House
Bideford
EX39 2QG

localplan@torridge.gov.uk

01237 428700



North Devon Council
Lynton House
Commercial Road
Barnstaple
EX31 1DG

localplan@northdevon.gov.uk

01271 388288

