Consultation responses, consideration of comments and recommended alterations - draft North Devon and Torridge Statement of community Involvement.

Respondent reference	Objection/ support	Comment point	Response summary	Response	Proposed Council response
Sci 16 Natural England	-	General	Comments on individual SCIs are not provided.	Noted	**No change proposed to the SCI in response to Sci16.**
Sci2 Battle of Northam Association	Objection	General	Time period on which consultation on the SCI undertaken should be extended by 2 months.	There is no requirement to undertake consultation on a SCI, although the Councils have chosen to do so. There is no basis to challenge the adequacy of consultation on the SCI. Of note - notification of consultation on the SCI was provided to about 3,300 interests; statutory consultees, representative groups and individuals. Notices were placed in the local press and social media was extensively used to encourage participation.	**No change proposed to the SCI in response to Sci2.**
Sci17 (Historic England)	Objection	General	Welcome that Historic England is identified as a specific consultation Body for development plan documents. It should also be recognised as a prescribed body under the Duty to Co-operate.	The Town and Country Planning (Local Planning) (England) 2012 Regulations identifies Historic England as a prescribed body relating to the Duty to Co-operate.	**Amend the SCI to include Historic England as a prescribed body in Table A1.**

Sci3 Battle of Northam Association	Objection	1.2	The intent of paragraph 1.2 [relating to effective involvement by those affected by the planning system] is not achieved with regard to the range participants in the HELAA panel. Extension of the time for expressions of interest for the HELAA panel, with the encouragement of wide-ranging interests to participate.	The composition of the HELAA panel and the timing for expressions of interest is not a matter addressed by the SCI. The makeup of the HELAA panel, its role and status are set out in a Housing and Economic Land Availability Assessment Methodology Consultation draft, which was issued for consultation in March 2022. At the same time and also over a 6-week consultation period the Councils invited anyone with an interest in becoming a panel member to put themselves forward.	**No change proposed to the SCI in response to Sci3.**
Sci22 Love Braunton	Objection	1.2	The aspiration in this paragraph is not adhered to as evidenced by the draft HELAA and its composition of vested interests.	The composition of the HELAA panel is subject to a separate consultation, which will be subject to further reporting. Of note the HELAA panel is an advisory body which by virtue of the required technical nature of the process comprises experts in the field of housing delivery and local site constraints. Additionally, safeguards are in place to ensure transparency and the avoidance of any prejudice in shaping the recommended outcomes. As with all technical evidence prepared	**No change proposed to the SCI in response to Sci22.**

				to support Local Plan delivery, such will be subject to scrutiny and only inform decision making. Proposals resulting from the consideration of technical evidence will be determined by the Councils and subject to a range of public consultations and then subject to independent examination. The aspirations relating to engagement and consultation set out in the SCI is not prejudiced by the composition of the HELAA panel.	
Sci11 Individual	Support/ subject to amendment	2.1	Ensure that all processes are not restricted to online only formats. Residents likely to be impacted by development are notified by post. Engage with schools, to inform of the plan making process.	The Councils are committed to ensure that all members of our community are able to participate in the plan making process and in the determination of planning applications. Consultation and engagement for plan making and the determination of planning applications will be undertaken both online and utilising the more traditional approach which enables comments to be received via non-digital means. With regard to the engagement of schools, the Councils will seek to provide a range of opportunities that	**No change proposed to the SCI in response to Sci11.**

				will encourage and support participation in the planning system.	
Sci23 Love Braunton	Observation	2.1-2.4	How will the Councils ensure the principles [relating to comm unity engagement and consultation] are adhered to?	The means by which the Councils engage communities and stakeholders is set out in the SCI. The Councils are committed to ensure all who wish to be involved in the planning process can do so easily and that received views will be appropriately considered.	**No change proposed to the SCI in response to Sci23.**
Sci4 Battle of Northam Association	Objection	2.4	With regard to the HELAA, the proposed scope of engagement/ collaboration should be extended. More than a single public representation is required, and the range of interests represented should be expanded.	The composition of the HELAA panel is set out in the draft methodology, which was subject to a 6-week period of consultation. Of note the methodology does not limit public representation to a single panellist.	**No change proposed to the SCI in response to Sci4.**
Sci12 Individual	Support/ subject to amendment	2.4	Conflict of interest between the Council and local residents with regard to where financial contributions resulting from a development will be spent. Financial contributions generated by development should be ring fenced to be spent in the locality of the approved development.	The provided comment is not considered directly relevant to the SCI; however, the following is provided in response to the representation. The scope of developer obligations is defined in regulation, with further explanation in planning guidance. Obligations can only be sought where the following 3 key tests are met:	**No change proposed to the SCI in response to Sci12.**

				necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. By meeting the referenced tests any off-site expenditure will have to directly address the needs generated by the proposed development. In determining the use of such contributions, the Council will consult the relevant ward member(s) and town/parish council.	
Sci24 Love Braunton	Objection	2.5	The basis for previous Council decisions fell short of an evidenced position.	The referenced “previous Council decisions” are not identified, but comment on specific proposals is not a matter for this consultation. The basis for decision making is clearly established through national planning policy and guidance, both in respect of decision taking and plan making, which are reflected in the SCI.	**No change proposed to the SCI in response to Sci24.**
Sci25 Love Braunton	Objection	2.6	Contradiction with paragraph 2.5. Vested interests will claim confidentiality/ commercial interest.	There is no considered conflict between paragraphs 2.5 and 2.6. Appropriately made comments will be published in response to planning consultations. Confidentially in relation to planning consultations as referenced	**No change proposed to the SCI in response to Sci25.**

				in paragraph 2.6,which relates to personal data, the release of which is subject to data protection restrictions.	
Sci26 Love Braunton	Observation	2.7	Paragraph does not provide confidence in the proposed consultation process.	The SCI sets out the requirements that the Councils are committed to undertake both in the determination of planning applications and plan making. In respect of plan making consultation statements will be published which demonstrated how the requirements have been met.	**No change proposed to the SCI in response to Sci26.**
Sci13 Individual	Objection	2.7	Minimum requirements for plan making and decision taking are not enough. The minimum requirements should be defined.	The minimum requirements for plan making and decision taking are prescribed by legislation and regulations and are thus determined by Government to be appropriate. As indicated in the SCI, the Councils will always meet the minimum requirements, which are significant. As considered necessary and as resources allow the Councils will take further action, but such is not necessary to meet the requirements for plan making or the determination of planning application.	**No change proposed to the SCI in response to Sci13.**
Sci27	Objection	4.5	Lack of clarity in the statement “The ways in which the comments	Accept the lack of clarity in the referenced sentence. The Councils	**Amend SCI in response to Sci27 :**

Love Braunton			are considered and reported will depend on the stage the document has reached".	now benefit from having a joint Planning Policy Committee, avoiding the need to take consultation comments to a joint working group and separate committees, which will ensure further transparency and a consistency of approach in the consideration of comments received on development plan and other policy documents.	**delete: "The ways in which the comments are considered and reported will depend on the stage the document has reached." replace with "Duly made comments to Development Plan Documents will be considered by the Councils, through the Joint Planning Policy Committee and by an independent Inspector at the point of examination.".**
Sci14 Individual	Support/ subject to amendment	4.8	Existing database inadequate to enable the Local Plan to be reviewed by local residents. Directly invite all household to sign up to the database and provide a link to the Local Plan for review.	It is not accepted that the referenced database is "inadequate" to enable residents to participate in a review of the Local Plan. It is a useful means by which anyone with an expressed interest in the Local Plan can be directly notified of consultations and key stages in its preparation and eventual adoption. However, receiving such notifications is only one of many means by which the Councils	**No change proposed to the SCI in response to Sci 14.**

				encourage participate and provide information on consultation and engagement exercises. Other means include press notices and articles, updated website information, including headline articles, and significant use of social media. Of note, notification of the Local Plan review and how people could get involved in the “people and Place” project was included in all 2022 Council tax bills.	
Sci28 Love Braunton	Objection	4.9	No reference to consultation with local expertise in the consultation bodies referenced in appendix 1.	The consultation bodies set out in appendix 1 are defined in the Town and Country Planning (Local Plan) (England) Regulations 2012. The means by which local expertise will be sought is set out in Table 1. The Councils are committed to ensure that consultation in respect of plan making is open to all who wish to engage in the process and to ensure consultation opportunities are widely publicised.	**No change proposed to the SCI in response to Sci28.**
Sci29 Love Braunton	Observation	4.12	How will representatives from residents and community groups be engaged in plan making – is it the Councils assumption that	Table 1 sets out the means by which consultation and engagement will be undertaken in relation to plan making. The Councils will accept comments from respondents that are not	**No change proposed to the SCI in response to Sci29.**

			interested parties will register to be contacted.	registered on the Council consultation portal. In accepting a provided comment an account will be generated by the Council, notification of future consultations will then be generated to the respondent.	
Sci30 Love Braunton	Observation	4.12	Proposed consultation methods are focused on-line, how technology poor residents respond?	The Councils seek to utilise wide ranging approaches to consultation to ensure no individual/organisation is disadvantaged in their ability to contribute to the plan making process. While Government have emphasised the importance of a digital approach to plan making, the Councils are mindful that not all potential participants are able/have the ability to do so. In addition to providing comments by email and through the Councils consultation portal, comments will be accepted on consultation specific forms and in writing, which can be sent or delivered to the Councils' offices.	**No change proposed to the SCI in response to Sci30.**
Sci31 Love Braunton	Objection	4.12/ Table 2	No specific reference to communities and residents [in consultation undertaken in DPD preparation].	Paragraph 4.12 indicates the methods that will be adopted to engage stakeholders and the community.	**No change proposed to the SCI in response to Sci31.**
Sci32 Love Braunton	Observation	5.1-5.7/ Table 3	SPDs will be a material consideration in the determination of planning applications. Suggests	Supplementary Planning Documents (SPDs) build upon and provide more	**No change proposed to the SCI in response to Sci32.**

			an inadequacy in Local Plan policy. How will this be addressed in the new Local Plan?	detailed advice/guidance on policies in an adopted local plan. The preparation of an SPD does not imply any inadequacy in local plan policy. The need for further SPDs to support an updated Local Plan will be considered through its preparation.	
Sci5 Battle of Northam Association	Objection	6	Neighbourhood Plan (NP) forums members should be encouraged to participate in the HELAA panel.	The composition of the HELAA panel is not a matter for the SCI. It is separately dealt with through a draft methodology, which was subject to a six-week period of consultation. Any interests are able to put themselves forward for consideration to be a panel member.	**No change proposed to the SCI in response to Sci5.**
Sci19 (Historic England)	Objection	6	Historic England should be consulted on draft neighbourhood plans where their interests are considered to be affected, such a reference could be added to section 6.	Historic England, with other "consultation bodies" (defined in the Neighbourhood Planning (General) Regulations 2012) will receive consultation notifications on pre-submission and submission neighbourhood plans, as set out in Table 4.	**No change proposed to the SCI in response to Sci19.**
Sci33 Love Braunton	Observation	6.1-6.7	Aware of and involved in the process of neighbourhood plan preparation.	Observation noted.	**No change proposed to the SCI in response to Sci33.**

Sci20 (Historic England)	Objection	7	Encourage pre-application discussions with relevant statutory consultees such as Historic England in section 7.	Paragraphs 7.5-7.11 set out the Councils pre-application procedure, identifying the benefits of the service. In preparing a response the Councils will engage with organisations/agencies as the case officer considers necessary to provide appropriate advice on the proposal. Provided pre-application advice will embrace any secured advice from external agencies.	**No change proposed to the SCI in response to Sci20.**
Sci21 (Historic England)	Objection	7	Acknowledge the role of Historic England as a statutory consultee for certain types of planning and other type of planning applications.	A range of organisations/agencies will receive consultation requests when planning applications are validated. The variability of such having regard to the nature of a proposal discounts providing a detailed account of when consultations will take place.	**No change proposed to the SCI in response to Sci21.**
Sci9 Knowstone PC	General Comment	Section 7	Lack of reference to the involvement of Parish Councils in the planning application process. Increase the reference to Parish Councils in paragraph 7.4 [reference to main stages of the development management process] and 7.15 [neighbour notification/ decision making/	The Councils practice is to notify town and parish councils, through the parish/town clerks of planning applications relevant to their respective areas as the applications are successfully validated. It is considered appropriate to reflect the established practice.	**Insert a new paragraph following 7.15. Town and Parish Councils will be notified of planning applications relevant to their parish areas when they have been successfully**

			notification to consultees- subject to the nature of the application].		**validated. The views of the Town/Parish Council will be considered in the determination of planning applications.**
Sci6 Battle of Northam Association	Objection	7.5	Pre-application advice should be made public if related to a subsequent planning application.	The Councils encourage potential developers to undertake pre-application advice to guide the delivery of appropriate development and provide advice on information requirements that will be required to support a proposal. The referenced paragraph does not indicate that pre-application advice is confidential, but this is stated in paragraph 7.8, which further states the circumstances through which pre-application discussions may be released, which relates to the Freedom of Information Act.	**No change proposed to the SCI in response to Sci6.**
Sci34 Love Braunton	Objection	7.5-7.8	NDC encourages applications to undertake pre-application confidentiality forms for major applications. Community views should be sought.	Pre-application advice is provided confidentially, as a means to provide guidance to a potential applicant. Confidentiality is considered necessary as an encouragement for early engagement, including discussions	**No change proposed to the SCI in response to Sci34.**

				that may improve the quality of resultant applicants. Note that pre-application discussions can be subject to FOI requests. Community views will of course be sought to on any planning application when validated.	
Sci35 Love Braunton	Objection	7.9	Encouraged pre-application consultation undertaken by developers is a tick box exercise. The process is flawed.	Required pre-application consultation undertaken by developers is limited to applications relating to wind energy as set out in paragraph 7.10. Otherwise, the Councils can only encourage applicants to engage with the community prior to the submission of a planning application. The SCI recognises the advantages of developers undertaking pre-application advice with the local community.	**No change proposed to the SCI in response to Sci35.**
Sci36 Love Braunton	Objection	7.9 (correction 7.7)	The preparation of legal documents suggests prior approval.	It is not accepted that pre-application discussions relating to the preparation of legal agreements suggest prior approval. Such discussions form part of the package of advice provided by this service , the objective of which is to improve both the efficiency and effectiveness of the planning system.	**No change proposed to the SCI in response to Sci36.**

Sci37 Love Braunton	Observation	7.16	Questions the variance in the time frame for receiving comments between North Devon and Torridge Councils.	The required timeframe for receiving comments is 21 days, Torridge have taken a view to increase the advertised period for comment to 24 days to take into account of Bank Holidays.	**No change proposed to the SCI in response to Sci37.**
Sci7 Battle of Northam Association	Support	7.17	Ability to comment on planning applications and the consideration of received comments.	Support noted	**No change proposed to the SCI in response to Sci7.**
Sci38 Love Braunton	Objection	7.20	Reference to NDC – consultation not reopened following the submission of new information. The evidenced position should be posted on the portal.	Information provided by an applicant in support of a valid planning application will be made available to view on the Council's websites. There is no requirement to undertake further consultation on the receipt of further information requested to support the determination of a planning application and such would add an unnecessary burden on the Councils. Additionally, persons/organisations who wish to respond to a planning application can do so beyond the statutory 21 days for comment receipt. As indicated in paragraph 7.17 "As far as practicable, the Councils will seek to consider all the consultation comments received prior to the determination of the application…".	**No change proposed to the SCI in response to Sci38.**

				Of note, as set out in paragraph 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.".	
Sci39 Love Braunton	Objection	7.29	Unfair that only an applicant can appeal.	There is no third-party right of appeal to the Planning Inspectorate. Once a decision is taken by the Council, it cannot be challenged by a third party, unless there are grounds for judicial review.	**No change proposed to the SCI in response to Sci39.**
Sci18 Historic England	Objection	Table A1	Historic England should also be consulted at each stage of preparing Sustainability Appraisals in addition to the Strategic Environmental Assessments. Amendment is sought to Table A1 and relevant text in Appendix 1.	Statutory consultees will be consulted at each stage of Sustainability Appraisal development, from scoping onwards. Of note the Sustainability Appraisal will be consulted on alongside the relevant Local Plan stage.	**For clarity, amend SCI following Table A2: The consultation bodies will be consulted at each stage of the development of the Sustainability Appraisal.**

Sci8 Battle of Northam Association	Objection	Table A1	Battlefields Trust should be a consultee any application affecting the site or setting of a registered or unregistered battlefield. The Battlefield Trust should be added to the list of consultees.	Table 1 identifies prescribed and relevant consultation bodies, which are determined through the Regulations identified in Appendix 1 and which relate to the plan making process. The Councils weekly lists of validated planning applications are presented on the Torridge and North Devon websites for those interested in responding to planning applications.	**No change proposed to the SCI in response to Sci8.**
Sci15 Individual	Objection	Appendix 2	All consultees should be enabled to comment on reserved matters. Outline applications do not contain sufficient protections to ensure proposed developments are achieved.	Respondents to planning applications can provide comments on both outline and reserved matters planning applications. However, there are a range of matters which will be fixed at the outline stage. Outline planning consents enable the principle of development to be determined, with the detail of proposed development established through reserved matters applications.	**No change proposed to the SCI in response to Sci15.**
Sci40 Love Braunton	Objection	Appendix 2	Notification should be provided on the following application types: • Certificate of lawfulness of proposed use/development • Certificate of lawfulness of existing use/development	Required notifications do not extent to the referenced application types. Of note however, if an application is amended prior to determination, the case officer will determine if there is a need to undertake further publicity and	**No change proposed to the SCI in response to Sci40.**

			• Revisions to planning applications once valid • non-material applications Developers using these applications to circumvent planning policies and avoid security.	consultation as enabled by Planning Practice Guidance (026 Reference ID: 15-026-20190722). The approach is referenced in SCI paragraph 7.20.	
Sci41 Love Braunton	Suggestion	Table 4A	No reference to Tree Preservation Order or Trees in Conservation Areas. Councils have an opportunity to introduce/ promote their protection within the Local Plan.	There is no required public consultation relating to works to be undertaken on trees subject to Tree Preservation Orders or on trees where works are proposed in conservation areas. Note the comment on issues relating to tree protection in Local Plan update, this is not however a matter for the SCI.	**No change proposed to the SCI in response to Sci41.**