

# Brighton & Hove Revised Statement of Community Involvement

Brighton & Hove City Council

Planning

**March 2015**



Brighton & Hove  
City Council

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**Please note:**

The approach set out in this document will be subject to change as and when the legal requirements change.

## 1. Introduction

- 1.1 This document is the Statement of Community Involvement (SCI) for Brighton & Hove City Council. The SCI is a statutory document that formally sets out the policy and standards for engaging residents, local groups, stakeholders and statutory consultees in preparing development plans and how the council will consult on planning applications. The SCI therefore sets the framework for planning-related consultations which will ensure there is genuine involvement in plan-making and shaping of plans. It will also enable the Council to demonstrate how it has met the requirements of the planning regulations.
- 1.2 The document is divided into four main parts. The first is a brief introduction to the SCI and its relationship to other council strategies and describes the council's approach to consultation. The second section describes the processes by which the Council prepares planning policy documents for the local area. The third section focuses on neighbourhood planning and the fourth section focuses on planning applications and how the council will engage local communities and other interested persons in determining planning applications.

### **a) Updating the SCI**

- 1.3 The existing SCI was adopted by the city council in September 2006. Since then there have been a number of changes to the planning system along with the council's own policies on consultation. As such, it is necessary to update the SCI – and in doing so reiterate and update the council's commitment to engaging the community in the planning process.

### **b) Relevant Legislation and the National Planning Policy Framework**

- 1.4 The SCI is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended). There is no stipulated method for producing an SCI, however it has been prepared consistent with the Town and Country Planning (Local Planning) (England) Regulations 2012 and best practice guidance on plan-making. The Local Planning Authority must meet the minimum requirements (set out in the regulations) however the commitments in the SCI can go beyond those requirements.
- 1.5 The updated SCI also addresses a number of changes to the planning system, including the Duty to Cooperate with neighbouring authorities when preparing plans and Neighbourhood Planning, introduced by the Localism Act 2011. The SCI follows national planning policy guidance on plan making and deciding planning applications.
- 1.6 The legal requirement for consultation on planning documents is set out in government regulations<sup>1</sup>. These regulations require the council to:
- Place all documents on its website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)) together with supporting information needed to enable people to

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<sup>1</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012

- understand what they are being asked to comment upon and specify
- where and when the documents can be inspected;
- Make all relevant material available for people to look at the council offices during normal working hours and other suitable places for the period of consultation;
- Send copies of consultation documents to the statutory consultees (see paragraph 1.41); and
- Keep the consultation open for a minimum of six weeks for policy documents and a minimum of four weeks for Supplementary Planning Documents.

*i) National Planning Policy Framework*

1.7 The National Planning Policy Framework sets out guidance for local planning authorities both in drawing up plans and making decisions about planning applications. Paragraph 17 of the National Planning Policy Framework (NPPF) set out 12 core planning principles. One of the key principles states that planning should 'be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.'

**c) SCI links to other council strategies**

*i) Sustainable Community Strategy*

1.8 The Sustainable Community Strategy (SCS) is the overarching strategy for the City. It draws together plans, strategies and priorities from the council, public sector, business, voluntary sector and community. It establishes a shared vision for the city and a set of principles and priorities to guide action. The guiding principles include improving engagement and a commitment to greater engagement as well as listening harder to the messages offered.

1.9 The SCS and the planning policy documents are very closely linked. The production of the local plan documents build upon the key themes and priorities of the SCS and are a key mechanism for delivering the land use and spatial elements of the strategy.

1.10 The SCS is guided by two key principles, to increase our equality and to improve our engagement. Using the key principles as a guide, the SCS sets out five overarching priorities that will be worked towards collectively; Economy, Children and Young People, Health and Well-being, Community Safety and Resilience and Environmental Sustainability.

1.11 The Local Development Team will continue to consult with the various partnerships that make up Brighton & Hove Connected in the preparation of local plan documents including the City Sustainability, Economic and Strategic Housing Partnerships and where appropriate the City Engagement Partnership which has been established to lead, develop and support active community engagement in city-wide strategic planning and decision-making processes.

**ii) Corporate Plan 2015-2019**

1.12 The council's Corporate Plan 2015-2019 sets out the council's purpose, ambition, values and priorities which are shared with Brighton & Hove Connected (the city's public, community and private sector partnership), describing how the council will work to meet them. It describes the council's intentions and actions in response to the changing demand for services, the need to manage the council's budget even more closely and changes in national legislation and guidance.

1.13 This SCI reflects the Corporate Plan priority to engage people who live and work in the city and to develop a shared understanding of what is important to citizens and actively encouraging people to get involved and to tackle inequality.

*iii) The Sustainability Action Plan 'One Planet Living'*

1.14 Brighton & Hove is the world's first designated One Planet City. On 18 April 2013, the city's Sustainability Action Plan received accreditation from sustainable development charity BioRegional for its plans to enable residents to live well within a fairer share of the earth's resources.

1.15 The One Planet approach is a framework that helps address all major aspects of environmental, social and economic sustainability and is based on ten principles or areas of focus developed by sustainable development charity BioRegional with World Wildlife Fund to help people and organisations live and work within a fair share of the planet's resources.

1.16 Local Plan documents will support the delivery of the Sustainability Action Plan<sup>2</sup> which has been prepared to deliver the One Planet City approach and reduce the city's ecological footprint. Active engagement and involvement will be key to delivering the Sustainability Action Plan.

*ii) The Community Engagement Framework (CEF)*

1.17 Brighton & Hove Connected (Brighton & Hove's Local Strategic Partnership) has developed a Community Engagement Framework (CEF) for the city as both a policy document and a practical resource. As a policy document it sets out the Brighton & Hove Connected's commitment to and understanding of community engagement in Brighton & Hove. As a practical resource it provides a clear definition of community engagement and importantly sets specific standards for community engagement to which all Partners must adhere.

1.18 The community engagement standards set out within the Community Engagement Framework (CEF)<sup>3</sup> addresses three aims:

1. To improve engagement activity that enhances the lives of people and their communities
2. To improve engagement activity that ensures opportunity for all
3. To improve engagement activities that drive up the quality of services and

<sup>2</sup> <http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/PandR%20version%20OPL%20SAP%283%29%20with%20Forewords.pdf>

<sup>3</sup> [http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/downloads/BH\\_CEF\\_Community\\_Engagement\\_Framework.pdf](http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/downloads/BH_CEF_Community_Engagement_Framework.pdf)

makes better use of resources.

1.19 Our approach to community engagement in planning will apply the key principles of the Community Engagement Framework and we will ensure that specific standards for engagement are followed whilst continuing to operate under current planning legislation. The standards are listed in Appendix 1.

*iii) Equality and Inclusion Policy*

1.20 The council's Equality and Inclusion Policy 2012-2015 describes the vision, objectives, key actions and measures to promote, facilitate and deliver equality in the council and the rest of the city. The council will make every endeavour to meet the requirements of The Equality Act 2010 and Human Rights Act 1998. In accordance with the council's Equality and Inclusion Policy when we engage with communities on planning matters we will identify which groups should be involved, consider how best to reach and engage with them and use a range of approaches and activities to ensure that engagement is accessible and appropriate for the diverse communities that make up the city.

1.21 A Health Equalities Impact Assessment is undertaken and published as part of the local plan preparation process to ensure that potential health and equalities outcomes of policies and proposals are appraised.

**d) Strategic Planning – The Duty to Cooperate**

1.22 Local Planning Authorities have a duty to work collaboratively with neighbouring authorities on strategic, cross boundary issues. The Duty to Cooperate is a requirement of the Localism Act 2011 and the National Planning Policy Framework. It requires Local Planning Authorities and other prescribed bodies (set out in paragraph 1.42) to engage on the preparation of development plan documents and other activities relating to the sustainable development and use of land, in particular in connection with strategic matters, defined as matters affecting more than one planning area.

1.23 The City Council has been actively involved in a number of cross boundary bodies and partnerships with adjoining authorities who have worked together on development plan documents such as the City Plan, the Waste and Minerals Local Plan and the Shoreham Joint Area Action Plan. In addition to these established partnerships, extensive cooperation has occurred with other planning authorities and prescribed bodies throughout the preparation of the City Plan and the Waste and Minerals Local Plan.

1.24 The key cross-boundary planning issues that need to be addressed through the Duty to Cooperate have been identified as:

- Meeting unmet housing needs;
- Employment land and economic growth;
- Shoreham Harbour Regeneration;
- Gypsy and Travellers Sites
- Student Housing Needs
- Waste and Minerals

1.25 Brighton & Hove takes part in regular discussions and consults with the following cross boundary partnerships;

- Community Infrastructure Levy (CIL) Liaison Group
- Coastal West Sussex
- Greater Brighton Economic Board
- Planning Liaison Group
- East Sussex Chief Executives Group
- East Sussex Housing Officers Group
- East Sussex LDF Group
- Local Enterprise Partnerships
- South East Seven
- Shoreham Harbour Group

1.26 The city council will continue to work closely with its partners to deliver planning and fulfill requirements under the Duty to Cooperate.

## **2. Community Involvement in Planning Policy**

2.1 Brighton & Hove City Council has a duty to put in place a framework of planning policies (known as the Local Plan or Development Plan) which will be used to guide development proposals and to help determine planning applications. As part of the preparation of these planning policies and supporting documents there are statutory stages of consultation that must be undertaken to allow the public and stakeholders to have their say on what is being proposed.

2.2 This section outlines the type of local plan documents that Brighton & Hove City Council prepares and the regulations that guide the preparation process of these documents. Within those regulations are statutory requirements for consultation and this section sets out how they will be met in Brighton & Hove, and indicates the methods of consultation and engagement that may be used in addition to ensure that everyone has the opportunity to be fully engaged in the process.

### **a) What types of plans will we consult on?**

#### *i) Local Plans or Development Plan Documents (DPDs)*

2.3 These are plans which set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy and community facilities and infrastructure as well as a basis for safeguarding the environment, adapting to climate change and securing good design. They are also critical tool in guiding decisions about individual development proposals. The plans generally look forward 15-20 years. In Brighton & Hove we are working on the City Plan. We also work jointly with East Sussex County Council on the Waste and Minerals Local Plan and with West Sussex and Adur and Worthing on the Shoreham Harbour Joint Area Action Plan.

The statutory stages in the preparation of these documents is set out in the Town and Country Plan (Local Planning) (England) Regulations 2012<sup>4</sup>.

*ii) Supplementary Planning Documents (SPDs)*

2.4 These documents add further detail to the policies established in the Local Plan /DPDs. They can be used to provide further guidance for development but cannot be used to set out new policy. As with Local Plans/DPDs the statutory requirements for preparing SPDs are set out in the Town and County Planning (local Planning) (England) Regulations 2012.

*iii) Neighbourhood Plans and Development Orders*

2.5 The Neighbourhood Planning (General) Regulations 2012<sup>5</sup> set out the statutory requirements for the preparation of Neighbourhood Plans and Development Orders.

2.6 Neighbourhood planning is a way for local groups to take a lead on planning the future of their area. Neighbourhood planning can be led by a Parish Council or by a Neighbourhood Forum, which are specially set up for neighbourhood planning. Neighbourhood Forums need to be open to anyone who lives or works in the area they cover. Consultation during the preparation stage of these plans is undertaken by the Town or Parish Council and does not therefore need to meet the requirements of this SCI but it would be a useful starting point to help guide consultations.

2.7 Neighbourhood Forums can choose to prepare neighbourhood development orders or a Neighbourhood Development Plan. Local Communities can grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development and set out planning policies in Neighbourhood plans to guide the future development of an area, including identifying sites for new housing or safeguarding parks and playing fields.

2.8 Once a Neighbourhood Plan or Order is approved it will be used to guide development and to help decide the outcome of planning applications in the area. The Neighbourhood Plan or Order sits alongside other planning policy and needs to generally conform to local and national planning policy.

2.9 More detail on Neighbourhood Planning is set out separately under Section 3 of this SCI.

*iv) Sustainability Appraisal (SA) and Strategic Environmental Assessment*

2.10 The Sustainability Appraisal is an integral part of the plan preparation process and is, required for each local plan document and for some SPDs. It looks at the environmental, social and economic effects of a plan to make sure that the plan promotes sustainable development and that the plan takes the most appropriate approach given reasonable alternatives. At each stage of the local

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<sup>4</sup> <http://www.legislation.gov.uk/ukxi/2012/767/made>

<sup>5</sup> <http://www.legislation.gov.uk/ukxi/2012/637/contents/made>

plan preparation there is a corresponding stage of the sustainability appraisal and the SA documents are made available for comment during public consultation. The Sustainability Appraisal, where appropriate will incorporate the Strategic Environmental Assessment (SEA), in accordance with European Directive EC/2001/42. The process is laid out in government guidance.

2.11 Recent judgments indicate that Neighbourhood Plans are subject to the requirements of the SEA Directive and would therefore always require a screening opinion.

#### *v) Community Infrastructure Levy (CIL)*

2.12 CIL is a charge that is levied on new development floorspace which is intended to contribute towards the provision of infrastructure to support growth. The statutory process for preparing a CIL Charging Schedule is set out in the Community Infrastructure Regulations 2010 (as amended)<sup>6</sup> and this is set out in Figure 3 including the requirements for public consultation.

2.13 At the time of writing the City Council is currently assessing the potential for introducing a CIL.

### **b) Other Documents**

#### *vi) Development / Planning Briefs*

2.14 These are informal plan documents and include site specific planning briefs or master plans prepared by (or for) the Council. The purpose of these documents is to provide clarity for potential developers and set key planning parameters that development proposals for a specific site should address. There is no statutory process for preparing these documents but the SCI sets out the framework for engagement that is integral to the preparation process.

#### *vi) Strategic Planning*

2.15 The NPPF<sup>7</sup> states that 'local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination'. The council will therefore work with neighbouring authorities as part of a joint committee, on a memorandum of understanding or a jointly prepared strategy, presented as evidence of an agreed position. Cooperation will aim to be a continuous process of engagement from initial thinking through to implementation.

### **c) Who will we engage?**

2.16 Anyone who may have a role or interest in shaping the planning of Brighton & Hove including local people, local businesses and partnerships, local community groups, landowners, developers, public sector organisations national organisations and agencies should have the opportunity to engage

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<sup>6</sup> <http://www.legislation.gov.uk/ukxi/2010/948/contents/made>

<sup>7</sup> Para 188

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

actively in the preparation of local plan documents. Government regulations<sup>8</sup> identify specific organisations ('Specific Consultation Bodies') and general types of organisations ('General Consultation Bodies') that we have to consult with on certain planning documents at certain stages of their preparation. These bodies are set out below. There is also an expectation that we will also consult with residents and local businesses as appropriate to the type of document and stage of preparation.

### *i) Consultation Bodies*

#### Specific Consultation Bodies

- The Coal Authority
- The Environment Agency
- The Historic Buildings and Monuments Commission for England (English Heritage)
- The Marine Management Organisation
- Natural England
- Network Rail Infrastructure Limited
- Adjoining Local Planning Authorities (including Parish Council's and the South Downs National Park Authority)
- Relevant Telecommunications Companies
- The Primary Care Trust / Clinical Commissioning Groups
- Relevant utility companies
- The Homes and Communities Agency

#### General Consultation Bodies

- Voluntary bodies some or all of whose activities benefit any part of the local planning authority's area
- Bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area
- Bodies which represent the interests of different religious groups in the local planning authority's area
- Bodies which represent the interests of disabled persons in the local planning authority's area
- Bodies which represent the interests of persons carrying on business in the local planning authority's area.

#### Duty to Cooperate

- Adur & Worthing District Council
- Horsham District Council
- Mid Sussex District Council
- Lewes District Council
- Crawley Borough Council
- Wealden District Council
- Eastbourne District Council
- Arun District Council
- South Downs National Park Authority

<sup>8</sup> <http://www.legislation.gov.uk/ukxi/2012/767/regulation/18/made>

- West Sussex County Council
- East Sussex County Council

Other Prescribed bodies for Duty to Cooperate

- Environment Agency
- Historic Buildings & Monuments Commission for England
- Natural England
- Civil Aviation Authority
- Homes & Communities Agency
- each clinical commissioning group established under section 14D of the National Health Service Act 2006
- the National Health Service Commissioning Board
- Office of Rail Regulation
- Integrated Transport Authorities
- Highways authorities
- Marine Management Organisations

*ii) Brighton & Hove's Consultee Database*

2.17 The council will ensure that both specific and general consultee bodies are contacted regarding the preparation of planning policy through the use of its consultee database.

2.18 The database is regularly updated after consultations have taken place to ensure that new consultees are added and the existing contact details are current. Any individual or groups can register themselves on the database by contacting the Local Development Team. Currently the database contains over one thousand contacts from the following categories:

- Black and Minority Ethnic Groups (BME)
- Business Groups
- Community & Voluntary Sector Groups (C&VS)
- Civic & Amenity Groups
- Community Newspapers
- Consultants
- Environmental, Transport & Wildlife Groups
- Government Agencies
- Individuals
- Landowners, Developers & Agents
- Local Enterprise Partnership Members
- Local Authority/Public Bodies
- Parish Councils
- Local Strategic Partnership Members
- Local Members of Parliament
- Local Councillors
- Utilities Companies
- Religious Groups
- Emergency Services
- Disability Groups
- Residents and Tenants Groups



#### **d) When will we engage?**

2.19 The plan making regulations set out the stages in the preparation process for each type of planning document when we must formally publish the documents for comment and for how long. The stages are set out in Figures 1-3. These requirements will always be met. In addition we will make a commitment to undertake additional engagement at appropriate stages through the process.

2.20 In particular we consider that there should be significant effort to engage people at the early stages of preparing our local plan documents, at the point in the process when there is the greatest opportunity to influence the shape of strategies and policies.

2.21 Consultations that fall over a holiday period would normally be longer (for example extended from six to eight weeks) in duration to ensure everyone has the opportunity to become involved including those who may be away at these times.

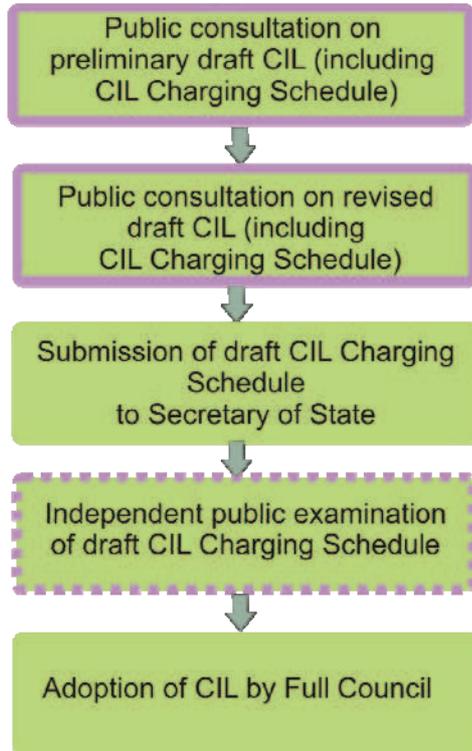
2.22 A three year rolling work programme of plan preparation is set out in the Local Development Scheme. It provides the starting point for members of the public and stakeholders to find out about which documents are being produced and the key stages of consultation. The council's website will be regularly updated with current consultation information and copies of documents. This will ensure that the exact dates of consultation are published in good time.

2.23 Figures 1-3 set out the key stages in policy document preparation.

**Figure 1: Key stages in preparing DPDs**



**Figure 3: Key stages in preparing our Community Infrastructure Levy (CIL)**



**Figure 2: Key stages in preparing Supplementary Planning Documents (SPDs) / Planning Briefs**



- Required stage
- Stage at which public can participate
- Optional Stage
- Inspector to invite participants

## **e) How will we engage?**

### *i) Publicity and Availability of Documents*

2.24 We will always make our consultation documents available online via our website. Documents will also be made available in both Customer Service Centres in Bartholomew House Brighton and Hove Town Hall Hove. Documents will also be made available in our main city libraries, Jubilee Library, Hove Library and Portslade Library. Sometimes it may also be appropriate to include smaller city libraries depending on the consultation being undertaken. Smaller libraries will generally be used for policy documents that are of city wide importance such as a DPD, or SPD. Smaller libraries may also be used in area specific consultation for documents such as development briefs. Opening days and hours of the Customer Service Centres and libraries will be made available to consultees at the start of consultation. Local media will receive press releases at key consultation stages.

### *ii) Notification*

2.25 As a minimum we will consult the bodies and individuals identified as Statutory and General Consultee bodies on planning documents at the relevant statutory consultation stage and anyone else who has been asked to be notified of consultation events. Where we have an email address for a consultee we will send the relevant information electronically, to make efficient use of time and resources. When this is not possible we will send a letter by post.

### *iii) Seeking Formal Comments*

2.26 In all cases we encourage consultees to make comments electronically. Our preference is for consultees to respond online through our council consultation portal<sup>9</sup> which is usually used to host council consultations. Responses sent by email are also encouraged. Responses sent by post are also acceptable. We only require one copy of your response. Consultation responses will be acknowledged within ten working days of being received.

### *iv) Engagement*

2.27 As well as meeting statutory consultation requirements, where appropriate the council will also undertake additional consultation and engagement at various stages of the document preparation process. A broader range of methods, including pro-active engagement, will be used earlier on in the preparation of documents when there is more scope for influencing and shaping the document. The method of engagement chosen will be tailored to the specific document and stage of its preparation as well as who is being targeted. Table 2 provides a summary of engagement methods we may use.

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<sup>9</sup> <http://consult.brighton-hove.gov.uk/portal>

Table 1: Possible Methods to Inform/Publicise

Possible Method - Inform	Considerations	What we will do	Examples of types of document
Email	Significant growth in the use of email for consultation. Most individuals and organisations have access to email and this is a quick method of communicating with large numbers of people.	Email alert to consultees on our database regarding consultation on a particular document. Sometimes this will be tailored according to the document/interests unless stipulated by planning regulations.	All documents
Website	The website is a key method for communication and information and the main source for all documentation that we publish.	All consultation will be placed on our website along with supporting documentation.	All documents
Press releases	Prepare press releases for local newspapers and radio stations or working with newspapers to prepare articles or advertisements to provide detail and raise awareness and interest.	Publish a press release where required or considered appropriate.	Particularly for Development Plan Documents (DPDs) Certain Supplementary Planning Documents (SPDs) Neighbourhood Planning
Statutory notices	At times it will be appropriate to use statutory notices in the local press which set out consultation matters. This is however an expensive method as the cost of statutory newspaper notices is high and may not be considered to provide value for money on every occasion.	There is no longer a requirement to publish a formal public notice of a forthcoming development plan consultation in the press.  This is however still a requirement for the CIL draft	Community Infrastructure Levy (CIL) Some other DPDs and documents where it may be considered necessary

Possible Method - Inform	Considerations	What we will do	Examples of types of document
		charging schedule <sup>10</sup> .	
Consultation Documents made available for inspection at Customer Service Centres and main libraries and some smaller libraries (where appropriate)	This method is best for providing information to people who do not have internet access or limited internet access and who would like to view paper copies of the document.	We will provide details of the locations where these documents are held along with their opening times during the consultation period and provide details in any correspondence that we send out. All libraries in Brighton & Hove are wheelchair accessible and offer a 'Call ahead' service where individuals can check whether their requirements can be met at particular libraries. 01273 296937 or at <a href="mailto:hove.library@brighton-hove.gov.uk">hove.library@brighton-hove.gov.uk</a>	Development Plan Documents (DPDs) Supplementary Planning Documents (SPDs) Community Infrastructure Levy (CIL) Neighbourhood Planning Certain planning briefs if considered necessary and relevant to areas.
Internal inter-departmental communication	We will aim to share information regarding consultations across internal departments via our team Internal Officer Advisory Group.	Set up regular meetings regarding the progress of planning documents with other council departments as and when appropriate.	All particularly DPDs
Social networking	Use of social networking sites and media	We may use this as part of a press	DPD's SPD's

<sup>10</sup> <http://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/16>

Possible Method - Inform	Considerations	What we will do	Examples of types of document
	techniques (for example Facebook or Twitter) to raise awareness of consultations. This method is particularly useful in targeting younger people and local interest groups.	release.  Will consider when appropriate to use.	CIL  Neighbourhood Planning
Site Notices	Display site notices where a planning policy document might have consequences for a specific site or area (e.g. site allocation) so that residents can be made aware of proposals that could affect their area.	Consider displaying site notices for specific site briefs, site specific spds, and potential allocations in order to try and reach as many people as possible in the area.	Development Plan Documents (DPDs)  Supplementary Planning Documents (SPDs)  Neighbourhood Planning (as and when appropriate)
Presentations and Q&A Sessions	A way of showcasing a document and raising awareness	Presentations and Question and Answer sessions at meetings of existing groups and/or at council offices where appropriate	DPDs  Also certain and SPDs
Leaflets /Posters	Information displayed in different public and community buildings may engage local people who may not have otherwise been aware of the document consultation.	Where appropriate prepare and make available leaflets which summarise the key issues being addressed by the document where appropriate and possibly display posters in local areas such as libraries and community centres.	DPDs SPDs

Table 2: Possible Methods to Consult/Engage

Possible Method - Engage	Considerations	What we will do	Examples of types of Document
Online Response Form	Brighton & Hove Consultation Portal is a central point for all council consultations to be found. Cost efficient.	For use with all consultations. Hard copy versions can be provided for those who would prefer to answer via email or post and copies provided at council Customer Service Centres and Libraries on request.	Development Plan Documents (DPDs)  Supplementary Planning Documents (SPDs)  Briefs Neighbourhood Planning
Questionnaires and surveys	Questionnaires or surveys to gather views via the council's Consultation Portal and hardcopy	Consider use of these where appropriate	DPDs SPDs Briefs Neighbourhood Planning
Focus Groups, Workshops, one to one meetings	Particularly with statutory consultees or specialist/ residents groups/ partnerships likely to be affected by changes in the local area or particular topic.	Offer focus groups and workshops where appropriate to engage, particularly at the early stages of policy preparation	DPDs Certain SPDs Briefs CIL
Exhibitions, road shows, displays and drop in sessions	Allows people to drop in and ask questions in an informal setting.	Exhibitions with unstaffed displays or staffed drop in sessions also at weekends where appropriate.	DPDs SPDs Briefs Neighbourhood Planning
Planning Aid	Using Planning Aid facilitators to encourage discussion of specific plans or topics or investigating alternative options. Can offer support for local communities particularly in respect to progressing Neighbourhood Plans	Consider use of this technique where complex area based issues particularly with Neighbourhood Plans	DPDs SPDs Briefs Neighbourhood Planning
Planning for Real	Commissioning of	Consider use of	DPDs

Possible Method - Engage	Considerations	What we will do	Examples of types of Document
®	Planning for Real ® to offer a range of techniques all of which are visual, tactile, participatory and community-led.	this technique where complex area based issues	SPDs Briefs Neighbourhood Planning



2.28 We recognise that there can be barriers to effective public participation and we will work hard to address and overcome these where possible. The main issues to address are:

- Effective use of Resources – ensure an identified budget is set aside for consultation appropriate to the complexity of the subject matter of the consultation document and the extent of the area covered by the proposals.
- Communication – ensure that plain English is used wherever possible and non technical summaries and glossaries of technical jargon are produced where appropriate.
- Managing expectations – ensure that there is plenty of time and notice about opportunities to get involved, be clear what views are being asked/ scope for comments and ensure in programming consultation exercises that the local community does not become overloaded with consultation exercises;
- Appropriate Use of Technology – The council recognises that whilst the use of technology makes communication with communities easier not all of the community has access to computers, the internet or email. Therefore traditional methods of consultation will continue to be used such as letters.
- Accessibility – The council is committed to developing and maintaining high standards of consultation and to help overcome barriers that some individuals and communities may face to engagement, particularly vulnerable and seldom heard groups in order that they are represented in all community engagement activity and not just single issue activity. Guidance from the council teams and established groups and representatives will be incorporated to ensure that the most effective way to consult is chosen.



**f) What happens to the comments received?**

2.29 All comments received as part of a planning policy consultation will be collated, analysed and taken into account in decisions made by and on behalf of the council.

2.30 We may occasionally contact the person or organisation who made the comments in order to discuss their views and suggestions.

2.31 Comments will be reviewed and considered by officers and where appropriate, changes to the document proposed.

2.32 There will be circumstances where the council considers that it is not appropriate to alter the plan to accommodate the views of a respondent such as when the proposed changes would be considered to be contrary to national planning policy. Where this is the case, and where the plan is a Development Plan Document, the respondent will have the opportunity to put their views to the independent planning inspector appointed by the government to hold the Examination into the soundness of the Plan either in writing or through appearing at the hearing.

2.33 Where workshops focus or discussion groups are held a written record of the discussions will be taken and made available and published through the Consultation Statement. Results of questionnaires/ surveys undertaken as part of consultation exercises will also be published on the council's website.

2.34 A Consultation Statement will be produced at key consultation stages for development plan documents. The Statement sets out the comments received (either individually or in summarised form, dependent on the volume and complexity), the Council's response to those comments and details of how the outcome of the consultation has been reflected in the next stage of the document preparation process.

2.35 All written comments on plans received within the consultation period will be:

- Recorded and their receipt acknowledged within 10 working days; or one month for complex issues (to be acknowledged within 10 working days)
- Collated and made available for others to see through the preparation of the Consultation Statement which is a public document. Representations cannot be treated in confidence, however personal information will not be made publicly available in order to comply with the Data Protection Act.
- The council will notify anyone who has responded to a consultation when we move to the next stage of the process and when the Consultation Statement is made available so that they can see how their comments may have informed the process.
- At the submission stage the council will contact those people who have requested to be notified of submission, by email or letter.
- Sent to the Planning Inspector for consideration at the Examination (for those comments received at the draft plan stage for Development Plan Documents only).
- At the Examination stage the Plan and the comments received are examined by the Planning Inspector. Anyone who made a representation and indicated that they wish to attend the Examination in public and speak at the public hearings will be informed of the date, time, venue and format of the hearings so the public can voice their concerns to the Planning Inspector. Alternatively concerns can also be made via written representations to the Inspector.
- At the Adoption stage the council will inform consultees who previously made representations about the availability of Inspector's Report.

#### **g) Feedback on Outcomes of Consultation**

2.36 The council recognises the importance of providing feedback to those who have contributed to consultation on planning documents.

2.37 In the preparation of local plan documents, CIL, and SPD's, the government planning regulations require the council to set out in a consultation a statement of who was invited to make comments, and how they were invited to make representations. The Statement of Consultation provides a summary of the main issues raised by the representations, and sets out how representations made have been taken into account. Copies of any representations made are also provided and submitted to the Planning Inspector where documents are submitted for examination.

2.38 Monitoring and review of completed consultation exercises will be undertaken to ensure that lessons are learnt from and to improve consultation for the future.

### 3. Neighbourhood Planning - Publicity and Consultation

- 3.1 The Neighbourhood Planning (General) Regulations 2012 (as amended)<sup>11</sup> set out the requirements for publicity and consultation in relation to the initial establishment of neighbourhood areas and neighbourhood forums, as well as in relation to the subsequent production of neighbourhood plans and neighbourhood development orders.
- 3.2 Table 2 below sets out the key stage of preparing Neighbourhood Plans and Forums and clarifies the responsibilities of the both the Neighbourhood Forum and the Council in publicity and consultation.

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<sup>11</sup> [http://www.legislation.gov.uk/uksi/2015/20/pdfs/uksi\\_20150020\\_en.pdf](http://www.legislation.gov.uk/uksi/2015/20/pdfs/uksi_20150020_en.pdf)

Table 3

Stage	Neighbourhood Forums will	The council will
<b>Establishing Neighbourhood Areas</b>	Apply for the designation of the neighbourhood area and engage with everybody in this area	Publicise the neighbourhood area application for at least 6 weeks <ul style="list-style-type: none"> <li>• via the council website,</li> <li>• writing by email or letter to appropriate stakeholders in and adjacent to the area</li> <li>• By site notices in local area</li> </ul>
		<ul style="list-style-type: none"> <li>• Assess comments received</li> </ul>
		<ul style="list-style-type: none"> <li>• Make an assessment of the appropriateness of the proposed Area</li> </ul>
		<ul style="list-style-type: none"> <li>• Endeavour to determine the application within 13 weeks of the first day of publicising the application ( 8 weeks where body is Parish council, 20 weeks if area straddles boundary with another LPA)</li> </ul>
		<ul style="list-style-type: none"> <li>• Publicise the decision on the council website and send copies to applicant and other stakeholders <ul style="list-style-type: none"> <li>- If approved produce a Designation Notice</li> <li>- If refused the council will seek to designate the neighbourhood area with appropriate amendments which they are not required to consult upon.</li> <li>- If refused the council will produce a decision notice.</li> </ul> </li> </ul>
<b>Establishing Neighbourhood Forum</b>	<ul style="list-style-type: none"> <li>• Have membership of at least 21 people</li> <li>• Have a written constitution</li> <li>• Engage with everybody in the area before submitting the application – evidence should be provided.</li> </ul>	<ul style="list-style-type: none"> <li>• Publicise the forum for at least 6 weeks</li> <li>• Make designation known via formal decision notice on website and sent to interested parties in area</li> <li>• Publish name of forum a copy of constitution and contact details of at least one member of the forum.</li> </ul>
<b>Preparing Neighbourhood Plans</b>	<p>Arrange community consultation events to</p> <ul style="list-style-type: none"> <li>• Scope key issues in area</li> <li>• Gather evidence to support plan</li> <li>• Identify options for policies</li> <li>• Decide on content of neighbourhood plan</li> </ul>	<ul style="list-style-type: none"> <li>• Advise Neighbourhood Forum of possible appropriate stakeholders in area</li> </ul>

Stage	Neighbourhood Forums will	The council will
<b>Pre-submission consultation and publicity of Neighbourhood Plan</b>	<ul style="list-style-type: none"> <li>• Undertake the first formal stage of consultation</li> <li>• Publicise plan for at least 6 weeks</li> <li>• Set out how representations can be made</li> <li>• Consult those bodies who may be affected by proposals</li> <li>• Send a copy of the neighbourhood plan to the council</li> <li>• Assess comments received and where relevant make changes to the plan</li> </ul>	<ul style="list-style-type: none"> <li>• Advise on appropriate consultation</li> </ul>
<b>Submission of Neighbourhood Plan to council</b>	<ul style="list-style-type: none"> <li>• Submit neighbourhood plan to council</li> <li>• Submit accompanying documents e.g. Consultation Statement</li> </ul>	<ul style="list-style-type: none"> <li>• Publicise Neighbourhood Plan for at least 6 weeks on website</li> <li>• Email / letter to appropriate stakeholders in and adjacent to area</li> <li>• Notify all bodies referred to in submitted consultation statement</li> </ul>
<b>Examination of Neighbourhood Plan</b>		<ul style="list-style-type: none"> <li>• Appoint independent examiner</li> <li>• Submission of neighbourhood Plan and all other relevant documents to the examiner</li> </ul>
<b>Publication of Examiner's Report</b>		<ul style="list-style-type: none"> <li>• Be advised by the examiner whether...                             <ul style="list-style-type: none"> <li>- the plan can proceed to referendum stage without any changes</li> <li>- Further modifications required to make plan sound before referendum</li> <li>- Plan does not meet basic conditions and should not proceed to referendum</li> </ul> </li> <li>• Council is required to consider the recommendations made by examiner and decide what changes should be made.</li> <li>• Council to issue a decision statement</li> </ul>
<b>Neighbourhood Plan Referendum</b>		<ul style="list-style-type: none"> <li>• Organise and fund the referendum</li> <li>• Publish decision to make or not make the neighbourhood plan on website</li> <li>• Write to appropriate stakeholders</li> </ul>

Stage	Neighbourhood Forums will	The council will
		within and adjacent to area to inform them of decision. <ul style="list-style-type: none"> <li>• Produce a decision statement and send a copy of this to the neighbourhood forum and to any person who have asked to be notified of the decision.</li> </ul>
<b>Publicising a Neighbourhood Development Plan</b>		<ul style="list-style-type: none"> <li>• Formally publish the neighbourhood plan on the website</li> <li>• Write to appropriate stakeholders within and adjacent to neighbourhood area</li> <li>• Notify any person who has asked to be notified of the making of the neighbourhood plan.</li> </ul>

3.3 Once in place, the neighbourhood plan will be used by the Council to determine planning applications received within the relevant neighbourhood area. More information regarding Neighbourhood Planning is available on the council's website<sup>12</sup>.

#### 4. Community Involvement in Planning Applications

4.1 Brighton & Hove City Council receives over 3,500 applications each year. Making details of these applications available to the public and carrying out consultation is an important part of the process.

4.2 Application types the Council receives for formal determination include applications for planning permission, listed building consent, prior approvals and notifications, telecommunications developments and lawful development certificates.

4.3 The government sets out minimum standards for public consultation in relation to the various application types the Council receives.

4.4 All applications are available to view on a register of applications on the Council's website including the documents submitted with the application (except where the documents are of a sensitive nature). A weekly list of applications<sup>13</sup> which have been registered is published by the Council and is available to view on the Council website<sup>14</sup>.

4.5 The council may also carry out consultation by other methods which may include:

- Placing a site notice as near as possible to the application site;

<sup>12</sup> <http://www.brighton-hove.gov.uk/content/planning/neighbourhood-planning>

<sup>13</sup> <http://www.brighton-hove.gov.uk/content/planning/planning-applications/weekly-list-planning-applications-2014>

<sup>14</sup> <http://ww3.brighton-hove.gov.uk/index.cfm?request=c1199915&node=20476>

- Advising in writing occupiers of properties which share a boundary with the application site;
- Advertising applications in local newspapers / publications.

4.6 Where required, the Council consults statutory consultees outside of the council such as the Environment Agency and English Heritage. Within the Council internal departments are consulted where appropriate.

#### **a) Consultation period**

4.7 The Council's letters/notifications/advertisements set out the deadline by which comments should be submitted, which is typically 21 days but may in some cases be 14. Consultees can only be certain that their views will be taken into account if they meet the response deadline. However, in practice, further time may be available before the decision is made. If a consultee is having difficulty meeting the deadline, they should contact the planning case officer to see whether a late comment will be acceptable. Statutory consultees may be allowed a longer period of time to comment on applications where this is prescribed by legislation. Customer Service Centre – facilities for looking at planning applications, printing etc

#### **b) The Appeal Stage**

4.8 When we are notified of an appeal by the Planning Inspectorate, we notify interested parties of the appeal and provide a copy of comments made on an application to the Inspectorate. Interested parties are advised of how they can be involved in the appeal process. If an appeal is to be considered at an informal hearing or public inquiry, we also notify interested parties of the venue and time of the hearing in line with the Planning Inspectorate's requirements.

#### **c) Applications Called in by the Secretary of State**

4.9 Where applications are called in by the Secretary of State the Council will usually continue to be responsible for consultation and providing the responses to those taking the decisions.

#### **d) Pre-application consultations**

4.10 Developers of larger sites at this stage will be expected to engage with local communities - residents' and community associations and relevant interest groups and statutory consultees or service providers.

4.11 It is important too that the public are kept informed of how their views have helped make a difference to an evolving proposal. Such an approach would be sought in applications that would be of city-wide, regional, national or even international importance - this could include significant residential development, tall buildings, large leisure, entertainment or retail facilities, and major infrastructure projects.

4.12 In these types of schemes, the Council will expect developers, as part of their application to detail the pre-application consultation they have undertaken (in a statement of consultation) and how comments have been addressed in progressing a proposal - which could take the form of a 'statement of community involvement'. This will ensure that the standard requirements for involving the local and/or wider

community are met.

- 4.13 The 'significance' of a development proposal will determine the likely minimum level of wider community involvement. It is expected that the applicant will be able to identify potentially controversial applications at the initial stage and ward councillors should be consulted at the earliest opportunity.
- 4.14 Suggested methods of community involvement for developers dealing with the three major types of applications are outlined below. The council cannot prescribe that developers use all these methods or refuse to validate an application if certain methods of consultation are not used. However a lack of engagement with the local community could lead to objections being made which could be material to the determination of an application.

Table 4

<b>Approach</b>	<b>Controversial or large-scale applications or those which are contrary to policy</b>	<b>Application broadly in accordance with policy but which raise controversial issues or details, e.g. those that require a Transport Assessment or Environmental Impact Assessment</b>	<b>Applications requiring wider community involvement as a result of their scale or siting in sensitive areas, (such as on open spaces)</b>
Public meetings	✓	✓	✓
Public exhibition	✓	✓	
Surgeries	✓	✓	
Development briefs	✓		
Workshops	✓		
'Enquiry by design' and/or 'Planning for real'	✓	✓	
Citizen panels	✓	✓	✓
Consultation panel	✓		
Parish councils	✓	✓	✓
Resident/interest/ community groups	✓	✓	✓
Media	✓		✓
Website	✓	✓	✓
Local architectural or design panel	✓	✓	✓
Planning Aid	✓	✓	

## Appendix 1

The Community Engagement Framework sets out clear Community Engagement Standards which we will seek to follow as closely as possible within the requirements of planning legislation.

The council's adopted Community Engagement Standards can be summarised as follows:

We will be clear about

- why engagement is happening;
- what we want to achieve;
- which engagement activity we will use;
- who we are seeking to engage with;
- what can and cannot be influenced;
- how we will use the information gathered through the engagement activity;
- what the benefit of being involved will be.

Evidence Base

- We will use all available research, knowledge and community intelligence to help us plan engagement activities.
- We will not carry out engagement activities if the information we need is already available.

Timing

- (Within the remit of planning legislation) we will allow sufficient time to design and carry out engagement activities that are inclusive and encourage participation from all affected communities.
- Within the remit of planning legislation we will also allow sufficient time to ensure that the results of engagement activities can shape our policies, plans and services and that we can 'test back' with communities what they have told us.
- When timing for activity is set for us by another, for example, national government, we will clearly communicate this to participants.

Resources

- We will plan engagement activity carefully in accordance with what the activity seeks to achieve and in the context of available resources will communicate any constraints clearly.
- We will recognise the need to resource practical support that helps people to be involved.

Communication

- We will always be open, honest, and accountable when sharing information and responding to contributions from all participants.
- Where possible all communication will be jargon free (or if this is not possible within the remit of planning legislation we will ensure that full glossaries / explanations of terminology are included) and relevant to the intended audience.
- We will seek to use a wide range of methods to maximise the opportunity for communication between communities and partners.

- We will clearly communicate how participants can seek redress if they are unsatisfied with the process.
- We will also communicate between partners to create joined-up engagement activities and avoid duplication of effort.

#### Partnership

- We will work in partnership with other organisations when and where they have additional or greater expertise, knowledge or experience about engaging with specific communities, with particular recognition of the knowledge and expertise of the voluntary and community sector.
- The independence of the voluntary and community sector will be respected and recognised in all partnership working.

#### Quality

- We will work to ensure that staff responsible for engagement have the skills and capacity to achieve high quality engagement.
- Equally, we will work to ensure that communities have the opportunity to develop their skills and capacity to engage if they wish.

#### Accessibility

- We will support a variety of engagement activities to reflect the diversity of the communities in Brighton and Hove.
- We will be flexible and responsive to the ways that the community wants to engage with us.
- We will recognise the need to make engagement both formal and informal at different times and for different people and purposes.
- We will provide practical support to help overcome barriers that some individuals and communities may face to engagement, particularly vulnerable and seldom heard groups in order that they are represented in all community engagement activity and not just single issue activity.

#### Feedback

- We will provide feedback to the community about the engagement activities we carry out and will explain how the community's input contributed to the decision-making process.
- We will explain how and when we will provide feedback to the community at the same time as we carry out the community engagement exercise.
- We will also make the feedback as widely available as possible.

#### Monitoring & Review

- In partnership with stakeholders, we will monitor and review the engagement activities we carry out to ensure that all sections of the community have the opportunity to engage should they choose to, particularly those whose voices are often not heard, and change our practices accordingly. We will learn from our own practice.



Brighton & Hove  
City Council