

Rotherham local plan

Statement of Community Involvement



October 2019

www.rotherham.gov.uk

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Introduction

1 This Statement of Community Involvement (SCI) sets out how and when you can influence Local Plan documents covering Rotherham and the ways in which you can comment on planning applications, as well as other forms of consent such as listed building consent or telecommunications applications.

2 The Council's approach to community involvement

3 This document is arranged in three sections:

Section 1 – Introduction

Section 2 – Influencing the Local Plan

Section 3 – Getting involved in planning decisions

4 The Introduction sets out in general terms the Council's approach to consultation on planning matters. Government requirements for consultation on Local Plan documents and planning applications differ in some respects. Section 2 sets out how the Council will consult on Local Plan documents and Section 3 covers the requirements for planning applications.

5 When the Council consults you on planning matters it will endeavour to:

- **Keep the process simple** by writing in plain English and explaining any planning terms that we need to use.
- **Make it easy for you to get involved** by setting out when and how you can provide your comments.
- **Be inclusive** by providing information in an accessible format and giving clear advice on how the planning system works, and encourage involvement from those groups that are not usually involved in the planning process.
- **Share information with you** using the Council's website, and other methods where appropriate and effective.
- **Make sure your involvement is effective** by assessing your comments and taking them into account when they raise relevant planning considerations.
- **Meet our timetable** for the preparation and review of the Local Plan and also meet Government targets for deciding on planning applications.

Who will the Council involve?

6 The Council is committed to doing everything reasonably possible to ensure that community involvement is inclusive. This means that the Council aims to give everyone in Rotherham an opportunity to be involved in the decisions that are made. The Council's Equality and Diversity Policy explains our approach to inclusion and the Community Engagement Framework seeks to ensure that community engagement underpins and is built into everything that the Council does. Allied to this, the Customer Access Strategy gives clear and simple advice on what you should expect from the Council.

7 The Council's Digital Strategy sets out the ambition, to increase digital services to improve service to customers and be more efficient and cost-effective. In line with the Digital Strategy and Customer Access Strategy, the Council strongly encourages on-line consultation on planning matters; while ensuring that customers, regardless of their circumstances, have access to the information, advice and help they need.

The role of planning officers

8 The Council's planning officers work in two teams within the Planning Service, which is based at Riverside House:

- The Planning Policy Team produces the planning documents that make up the Local Plan and can be contacted for advice on planning policy. They organise and lead the consultations on draft planning documents and consider relevant consultation responses, making changes to draft documents where appropriate.

Web: <https://www.rotherham.gov.uk/localplan>

Tel: 01709 823869

Email: planning.policy@rotherham.gov.uk

- The Development Management Team assesses planning applications in accordance with the policies of the statutory Development Plan for Rotherham, the National Planning Policy Framework (NPPF) and any other material considerations including consultation responses and other comments. They offer a paid pre-application service for all types of development and other advice on planning issues.

Web: <https://www.rotherham.gov.uk/planning>

Tel: 01709 823835

Email: development.management@rotherham.gov.uk

9 The planning officers from both teams work closely together in preparing planning policies, in the assessment of planning applications and in providing specialist professional planning advice on key development projects with land-use implications.

The role of councillors

10 Locally elected councillors have a key role in the planning process in the following ways:

- The Council is responsible for approving and adopting key statutory planning policy documents such as the Local Plan.
- The Council's Planning Board is made up of councillors who make decisions on the more major or controversial planning applications.

- Councillors represent their respective wards and listen to residents' concerns on planning issues (at ward surgeries or public meetings and consultations).
- Councillors can voice their support or make objections to planning applications in writing and speak at Planning Board on behalf of their constituents.

11 The role of locally elected councillors in representing the views and concerns of residents in the planning process is very important. However, your views can only be formally taken into account when you make them in writing within the specified time period for a particular consultation. There are existing rules for the way that councillors and council officers conduct their activities, which ensure that any potential conflicts of interest are resolved in a transparent way.

Planning Aid England

12 Planning Aid England is a voluntary organisation linked to the Royal Town Planning Institute (RTPI). Through its network of volunteers, who are chartered town planners, it can provide independent and impartial advice and support for Neighbourhood Planning and other planning matters. Further information is available at <https://www.rtpi.org.uk/planning-aid>

Influencing the Local Plan

The planning system

13 The Government's national planning policies are set out in the National Planning Policy Framework. The Framework must be taken into account by local planning authorities when preparing Local Plans. The Framework is accompanied by web-based Planning Practice Guidance, which provides further detailed guidance on a range of planning topics.

14 Planning legislation also places a 'duty to co-operate' on local planning authorities. This legal requirement sets out how local planning authorities, national park authorities, county councils and a number of other public organisations must work with one another in a collaborative manner when preparing their local plans.

Rotherham Local Plan

15 The Local Plan is the statutory Development Plan for Rotherham Borough. It sets out the spatial policies, guidance, land use designations and site allocations against which all planning applications and other development proposals in the borough are assessed.

16 It provides the formal statutory framework for sustainable development and lays the foundations for regeneration and economic growth, while protecting the most valuable built and natural environmental assets.

17 The Local Plan is made up of the following documents:

Core Strategy – this sets out the vision and strategic objectives for Rotherham up to the year 2028. It includes local targets for housing, employment and retail development and sets out the broad locations and amount of development for the settlements across the borough.

Barnsley, Doncaster and Rotherham Joint Waste Core Strategy – provides a detailed planning framework to manage all types of waste in the three boroughs, including commercial and industrial waste, construction, demolition and excavation waste, hazardous waste and agricultural waste. It allocates sites to manage waste, safeguards existing waste facilities of strategic importance and sets out criteria for assessing waste management proposals.

Sites and Policies document – this supports the delivery of the Core Strategy by allocating land for a variety of uses, including development for new housing and employment. It also sets out detailed policies to guide decisions on planning applications.

Community Infrastructure Levy (CIL) – this is a tariff-based charging schedule. When planning permission is granted for certain types of development (e.g. housing) the developer is required to pay a financial contribution. This will be used towards providing and maintaining the strategic and local infrastructure identified by the Council to support the growth proposed by the Local Plan. Infrastructure can be road improvements, schools, green spaces etc.

Supplementary Planning Documents (SPDs) – these are prepared to provide further detailed guidance on Local Plan policies where necessary. Although they do not have the same weight as

development plan documents they can still form a material consideration in determining planning applications.

In preparing and reviewing the Local Plan the Council also publish on the website:

- Local Development Scheme (LDS) – setting out what planning documents the Council will produce and the timetable for their production.
- Annual Monitoring Report – setting out the progress made in producing Local Plan documents and performance in implementing planning policies and proposals.

Neighbourhood Plans

18 Local communities can prepare plans for their local areas themselves if they wish to do so. Any community initiated neighbourhood plans will form part of the statutory Development Plan for those areas of the borough, once they have passed through independent examination and a local community referendum.

19 The local planning authority does not prepare Neighbourhood Plans. The Council does have a duty to provide advice and technical assistance to community groups engaged in neighbourhood planning, particularly in relation to the initial designation of neighbourhood areas and neighbourhood forums, as well as the examination process and holding referendums. The strategic policies in the Local Plan provide the context for Neighbourhood Plan preparation.

20 The National Planning Policy Framework states that Neighbourhood Plans should support the delivery of strategic policies contained in local plans, and one of the 'basic conditions' that neighbourhood plans must meet is that they are in general conformity with the strategic policies. The Council has produced a note identifying the strategic policies in Rotherham for the purposes of neighbourhood planning, available at <https://www.rotherham.gov.uk/localplan>

21 A Joint Working Agreement between the Council and Rotherham's parish and town councils sets out best practice and how they aim to work together to benefit local people, and provides further information regarding Neighbourhood Planning.

22 Further information can be found on the Government's website by searching for "neighbourhood planning" on <https://www.gov.uk>

Preparing the Local Plan

When will the Council involve you?

23 There are a number of key stages involved in preparing documents for the Local Plan. These stages are required by Government planning legislation and regulations and are designed to ensure that the process is open and transparent. More information is available under the Local Plans category at <https://www.gov.uk/government/collections/planning-practice-guidance>

24 Typically, the Council will consult on one or more drafts of Local Plan documents before they are finalised and submitted to Government. Getting involved at the earliest stages of preparation will ensure your views have the most opportunity of being taken into account. The final stage in the process to adopt Local Plan documents includes an independent examination by a

Government-appointed Planning Inspector. It is essential that you have made formal representation on the final, "publication" stage of the Local Plan if you wish to take part in the independent examination.

Publication of documents

25 At key stages of preparing and reviewing the Local Plan the Council will make reference copies of relevant documents available at our principal office at Riverside House, Main Street, Rotherham S60 1AE. All relevant planning documents will be available to download from our website <https://www.rotherham.gov.uk/localplan>

How will the Council involve you?

26 Government regulations list the organisations and other bodies that the Council is legally required to consult and involve in the preparation of Local Plan documents. This is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. In addition to these groups, the Council will also seek to involve and consult a wide range of other interest groups and organisations, developers and consultants, as well as local residents and businesses. If you would like to register on the Council's consultation database, or need to amend your existing contact details, you can do so via <https://www.rotherham.gov.uk/localplan>

27 The Council, as a part of modernisation, strongly encourage electronic communication. This is embodied by the Council's Digital First approach. This has multiple benefits around user convenience, reducing costs and helping the environment by saving paper. It also allows 24 hour access to information. The Council helps communities get to information online by providing free internet access at all libraries for library members, with a minimal charge for non-members.

Website

28 The Council has specific planning policy pages on the website, which will be regularly updated.

29 The Council must balance the need to provide easily understandable information with the need to ensure a transparent process by publishing all relevant documents, some of which may be technical in nature to meet statutory requirements. Wherever possible, the Council will ensure that the information provided through the website is concise, easily accessible and easily navigable.

30 The Council provides a consultation website available via <https://www.rotherham.gov.uk/localplan> to enable comments online during periods of public consultation. The Council strongly encourages online consultation comments as this ensures that comments are focussed on the parts of the document you are interested in and can therefore be linked to particular areas of interest or concern.

Direct contact

31 For environmental, efficiency and cost reasons, the Council will contact you by email. The Council will not normally send letters by post, unless it is a legal requirement or justified by special circumstances considered on a case by case basis.

Press notices and statutory notices

32 Local newspaper notices are less personal but they can help to ensure that the Council communicates information as widely as possible. Although it is not a requirement in Government regulations, in some cases the Council may use newspaper notices regarding Local Plan consultations.

Public drop-in sessions

33 The Council may hold public exhibitions depending on the nature of the document, the local areas affected, and the stage of the Local Plan process. These give people the chance to look at plans and proposals and speak to planning officers in an informal setting. They are an effective way to engage people who want to give their views or just gather information.

Using the results of consultation

34 All comments received will be recorded, read carefully and relevant planning considerations taken into account in preparing and reviewing Local Plan documents. A summary of comments and the Council's response to the main issues raised will be published on the website.

Timescales

35 The Council will endeavour to keep the Local Plan up to date, to support the planned development of housing and other priorities within the borough. To do this the Council will aim to carry out all our planning consultations in line with our community involvement policies and the timetable set out in the Local Development Scheme (LDS).

Getting involved in planning decisions

36 The Council deals with approximately 2,000 planning applications each year. These range from simple house extensions to large retail or office developments. Most types of applications require some level of public consultation.

Pre-application process

37 In line with national planning policy the Council places a strong emphasis on early engagement and aim to work with applicants in a positive and pro-active manner.

38 Depending upon the scale, nature and potential impact of the development proposal on the local community, it is advised that developers carry out their own pre-application public consultation. For instance, it is considered best practice that major planning applications be accompanied by their own Statement of Community Involvement. A major planning application is 10 or more dwellings (or a site larger than 0.5 hectares) or 1,000 or more square metres floorspace (or a site larger than 1 hectare).

39 These consultations should be carried out at an early stage in the design process, to enable community views to be incorporated into the submitted proposal. The form of consultation will need to be tailored to suit the particular circumstances of the site, the proposal and location. Consultation methods should provide reasonable opportunity for a wide cross section of the community to provide comments. Any publicity, presentation material and questionnaires should concentrate on facts about the proposed scheme and avoid any bias or leading questions.

40 The Council can provide advice on what level of pre-application consultation would be appropriate, for example through a public meeting, an exhibition, or other forms of community involvement. To ensure that decisions are taken in a fair and open manner, the Council's planning officers would not normally take part in pre-application public meetings or exhibitions other than to provide background information. Further information and advice is available at <https://www.rotherham.gov.uk/planning>

41 As a minimum, the consultation statement submitted with the planning application should include:

- The houses, businesses and local community groups consulted.
- The methods and timing of consultation (including methodologies adopted).
- Feedback and information on how the views were addressed in the development proposal.

42 To aid potential applicants in this process, the Council offers a paid pre-application service to help resolve issues at any early stage.

Planning applications

43 The Development Management Team is responsible for assessing all planning applications for development, making recommendations to the Council's Planning Board for those applications referred to the Board (under the Council's Scheme of Delegation), determining all other planning applications, and other application types such as adverts and listed building consent proposals, providing advice on development proposals and dealing with any unauthorised development in the borough.

44 All decisions taken on planning applications must be made in accordance with the statutory Development Plan unless any other material considerations indicate otherwise, including national planning guidance or site specific matters relevant to a particular case. Please refer to 'Appendix A: Material planning considerations' to find out what a "material consideration" is.

Getting involved in planning applications

45 The publicity procedures that the Council follows on planning applications are laid down by Government legislation and regulations, including Planning Practice Guidance. Depending on the type of application they may include:

- An individual letter to adjacent occupiers/residents (neighbour notification).
- Posting of a site notice at or near the site.
- A local newspaper notice.

The Council also publishes a "weekly list" of planning applications on its website.

46 Planning law identifies when certain statutory consultees must be consulted on particular types of development proposals. Where this is the case these organisations are under a duty to respond to the local planning authority within a set deadline and must provide a substantive response to the application in question.

47 Depending upon the nature of the proposal the local planning authority may also consult non-statutory consultees likely to have an interest in a proposed development and identified in national planning policy and guidance.

48 The applications that the Council receive, including supporting documents and corresponding plans and elevation drawings, can be viewed online at <https://www.rotherham.gov.uk/planning>. These are documents, submitted by the applicant for consideration by the Council as part of a planning application, so are made available in the website as part of the publicity process.

49 Most planning applications received are granted subject to planning conditions which specify the detail of development, and can include requirements that must be met prior to, or as part of undertaking any works. In Rotherham in 2018/2019, 91.2% of planning applications received were granted permission, the majority of which were subject to conditions.

50 The Council has a protocol which provides further guidance on how parish and town councils are involved in consultation on planning applications. This is maintained as a separate working document to allow more frequent amendment as necessary in the light of operational experience and any changes to the planning regulations.

51 When commenting on planning applications consideration should be given to what conditions might alleviate any concerns identified, taking account of national planning policy which requires conditions to be necessary, relevant to planning and to the development permitted, enforceable, precise, and reasonable.

52 Comments on planning applications should be made in writing within 21 days from the date of the notification letter or within 21 days from the date of a press notice or site notice appearing. Comments submitted after the 21 day publicity period has expired may not be considered because a decision may have already been made on the application. If an application has not been determined and representations are received after the statutory period, they may still be taken into account prior to the determination of the application where possible.

You can make comments online at: <https://www.rotherham.gov.uk/planning>

By e-mail to: development.management@rotherham.gov.uk

By post to: Development Management, RMBC, Riverside House, Main Street, Rotherham S60 1AE

Decision making and Planning Board

53 Most planning applications are determined under delegated powers as set out in the Council's Scheme of Delegation. The Council's Planning Board makes decisions in certain other circumstances as detailed in the Council's Constitution. These circumstances include where more than five written representations against a development proposal have been made which conflict with the planning officer's recommendation.

54 For those applications determined by Planning Board, the Council allows public speaking at the meeting to give the public an opportunity to put their views forward as part of the decision making process. Members of the public who wish to speak at Planning Board must clearly state this when commenting on an application so they can be informed of the date of the relevant meeting. Guidance relating to speaking at Planning Board is distributed to those who formally request to speak.

55 Planning Board agendas are published on the Council's website, five clear working days before the meeting, followed by the publication of the minutes of the meeting.

56 As part of the Council's commitment to an open and transparent planning process, the Council's Constitution includes codes of conduct for members and officers. More information about the structure of the Council and the Constitution is available via <https://www.rotherham.gov.uk/council>

Notification after a decision

57 The Council compiles a weekly list of planning decisions which is available to view at <https://www.rotherham.gov.uk/planning>

Planning Appeals – written representations, informal hearings and public inquiries

58 Notifications are sent direct to those people who were consulted on the original application (as well as any other people who submitted comments on the application) giving notice of an appeal being lodged against the Council's decision. A site notice will be posted in the case of a public inquiry.

Planning enforcement

59 The Development Management Team also investigates alleged breaches of planning control, and details of this process are set out in the Council's Planning Enforcement Plan. Further information is available on the Council's website at <https://www.rotherham.gov.uk/planning> by following the link to "Report a planning problem" or by calling Planning Enforcement for advice on 01709 823835.

Appendix A: Material planning considerations

What is a material consideration?

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as “material planning considerations”.

Material considerations can include (but are not limited to):

- Local, strategic, national planning policies and policies in the statutory Development Plan.
- Emerging new plans which have already been through at least one stage of public consultation.
- Pre-application planning consultation carried out by, or on behalf of, the applicant.
- Government and Planning Inspectorate requirements – circulars, orders, statutory instruments, guidance and advice.
- Previous appeal decisions and planning inquiry reports.
- Principles of case law held through the courts.
- Loss of sunlight (based on Building Research Establishment guidance).
- Overshadowing/loss of outlook to the detriment of residential amenity (though not loss of a view as such).
- Overlooking and loss of privacy.
- Highway issues: traffic generation, vehicular access and highway safety.
- Noise or disturbance resulting from a use, including proposed hours of operation.
- Smells and fumes.
- Capacity of physical infrastructure, e.g. in the public drainage or water systems.
- Deficiencies in social facilities, e.g. school capacity.
- Storage and handling of hazardous materials and development of contaminated land.
- Loss or effect on trees.
- Adverse impact on nature conservation interests and biodiversity / geodiversity opportunities.
- Effect on listed buildings and conservation areas.
- Incompatible or unacceptable uses.
- Layout and density of building design, visual appearance and finishing materials.
- Inadequate or inappropriate landscaping or means of enclosure.

The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker. However the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters.

Generally, greater weight is attached to issues raised which are supported by evidence rather than solely by assertion. If an identified problem can be dealt with by means of a suitable condition the local planning authority is required to consider this as an alternative to refusing an application.

What is not a material planning consideration?

The following issues are not relevant to the decision (there are further non-material planning considerations not included in this list):

- Matters controlled under building regulations.
- Private issues between neighbours.
- Opposition to the principle of development when this has been determined by an outline planning permission or appeal.
- The applicant's personal circumstances (unless exceptionally and clearly relevant e.g. provision of a facility for someone with a physical disability).
- Previously made objections/representations regarding another site or application.
- Factual misrepresentation of the proposal.
- Opposition to business competition.
- Loss of property value.
- Loss of a view.