

## **APPENDIX 3**

EXTRACT IN RELATION TO FULL COUNCIL AND CABINET CONSIDERATION OF  
THE STATEMENT OF COMMUNITY INVOLVEMENT FIRST REVIEW DOCUMENT  
FOR MINERALS AND WASTE PLANNING

### **MINUTES OF A MEETING OF ESSEX COUNTY COUNCIL HELD AT COUNTY HALL, CHELMSFORD ON 11 DECEMBER 2012**

#### **12. Statement of Community Involvement**

Minutes 8 11/12/2012

Councillor J Jowers, Cabinet Member for Communities and Planning, presented a report on the Statement of Community Involvement.

The outcome of Cabinet's consideration of this matter was reported in the Report of Cabinet issues on 7 December 2012.

#### **Resolved:**

That the amended Statement of Community Involvement for Minerals and Waste Planning attached to the report be adopted.

### **MINUTES OF A MEETING OF THE CABINET HELD AT COUNTY HALL, CHELMSFORD, ON 7 DECEMBER 2012**

Present:

#### **Councillors Cabinet Member responsibility**

P J Martin Leader of the Council (Chairman)

D M Finch Deputy Leader, Cabinet Member for Finance and  
Transformation Programme (Vice Chairman)

J Aldridge Adults Social Care

K Bentley Economic Growth, Waste and Recycling

S C Castle Education and the 2012 Games

R Gooding Children's Services

J Jowers Communities and Planning

D J Louis Highways and Transportation

J R Lucas Customer Services, Environment and Culture

A Naylor Health and Wellbeing

Councillors M Mackrory and Mrs T Higgins were present as Opposition  
Observers.

Councillors A Brown, S Candy, W J C Dick, M C M Lager, G W McEwen, K  
Twitchen and R G Walters also attended.

#### **6. Adoption of Statement of Community Involvement for Minerals and Waste Planning**

The Cabinet considered report FP/866/06/12 by the Cabinet Member for Communities and Planning which presented the Statement of Community Involvement (SCI) First Review document for Minerals and Waste Planning, set out the results of the public consultation on the document and sought agreement to the next steps.

**Resolved:**

- 1) That the comments received as a result of public consultation on the SCI First Review be noted and the next steps proposed in Appendix 2 and Section 3.2 of report FP/866/06/12 be endorsed.
- 2) That the subsequent amendments to the SCI set out in Appendix 3 to report FP/866/06/12 be agreed.
- 3) That the Council be recommended to adopt the amended SCI at its meeting on 11 December 2012.
- 4) That the equalities issues identified in Appendices 2 and 4 to report FP/866/06/12 regarding those potentially disadvantaged by the implementation of the Council's print policy be referred to the Corporate Communications Team, based on targeted evidence provided by the service area.

## **AGENDA ITEM 6**

### **REPORT TO CABINET**

**Report of John Jowers, Cabinet  
Member for Communities & Planning**

**Forward Plan reference number**  
FP/866/06/12

**Date of meeting** 27 November 2012  
**Date of report** 29 October 2012

**County Divisions affected by the decision**  
All Divisions

**Title of report** Approval for adoption of the revised Statement of Community Involvement (SCI) for Minerals & Waste Planning

**Report by** John Jowers, Cabinet Member for Communities & Planning

**Enquiries to** Vee Green, Service Development Officer, Minerals & Waste Planning  
Ext 51201 or 01245 437201 or  
Roy Leavitt, Head of Environmental Planning  
Ext 51522 or 01245 437522

*NB: Terms/abbreviations used are defined at the end of this report.*

## **1. Purpose of report**

1.1. To bring before Cabinet the Statement of Community Involvement (SCI) First Review document; to set out the results of the public consultation on the document; to agree the next steps as set out in the recommendations.

## **2. Recommendations**

2.1 To note the comments received as a result of public consultation on the SCI First Review and to endorse the next steps proposed by officers (Appendix 2 and Section 3.2 below);

2.2 To agree the subsequent amendments to the SCI set out in Appendix 3;

2.3 To approve the amended SCI to go forward for adoption by Full Council;

2.4 To refer the equalities issues identified in Appendices 2 and 4 regarding those potentially disadvantaged by the implementation of the County Council's print policy to the Corporate Communications Team, based on targeted evidence provided by the service area.

## **3.1 Background**

1. The Statement of Community Involvement (SCI) is a statutory document setting out the standards by which the County will produce planning policy documents (the Replacement Minerals & Waste Local Plans) and through which the people and businesses of Essex can contribute to these plans, and to the consideration and determination of planning applications for minerals, waste and the County Council's own developments.

2. The SCI was adopted by Full Council in October 2009 after extensive public consultation and submission to the Secretary of State for approval. It has been reviewed on a yearly basis since then via the Annual Monitoring Report on the Minerals & Waste Development Framework (MWDF).

3. Since the adoption of the SCI, a number of changes have made it appropriate to review and update the document before further consultation takes place on the Replacement Minerals & Waste Local Plans. Conformity with the SCI is one of the Tests of Soundness for the Local Plans at the Examination in Public, and it is essential that the SCI is kept up-to-date.

4. These changes include:

- Changes in National Legislation: new legislation such as the Town & Country Planning (Local Planning)(England) Regulations 2012, the National Planning Policy Framework 2012 and the Localism Act 2011 has affected some statutory requirements set out in the SCI, or the way in which procedures are carried out, eg developer pre-application consultation.

- Changes in Corporate Policy: a shift in corporate policy to reflect the straitened economic climate nationally has led to an even greater emphasis being placed on cost-effectiveness, good value and reduced budgets. This is echoed by the new ECC Communications & Marketing Strategy and supporting Print Policy which advocates the use of electronic communication as the preferred method to engage the public. Again, this has implications for some processes and procedures set out in the SCI – eg, public engagement policy and the impact of the new APAS case management system for the Development Management team.

- General and Cultural Progression: Since 2009, public willingness to view and respond to documents electronically has increased dramatically, and this willingness enables us to review our consultation methodology and identify

where more cost-effective options may be implemented in future. Any changes proposed have been subjected to Equality Impact Assessment (see (8) below).

5. Approval to carry out the First Review of the SCI and subsequent approval of the draft document for public consultation was authorised by Cabinet Member Action in June and August 2012. The document was published for public consultation between 30 August and 25 October 2012.

6. A list of respondees to the consultation appears as Appendix 1 with a detailed schedule of comments received and officer responses to these at Appendix 2.

Appendix 3 outlines changes proposed to the SCI First Review as a result of the consultation. A revised Equality Impact Assessment (Parts 1 and 2) is attached as Appendices 4.1 and 4.2, and a summary of the consultation results can be found at Appendix 5.

### 3.2 Conclusions and next steps after consideration of Appendix 2

Main change proposed in SCI FR	Action proposed as a result of consultation
<p>Proposal 1: That electronic communication should become the preferred method for how we engage and involve everyone in consultation on documents in the Minerals &amp; Waste Development Framework, including the Replacement Minerals &amp; Waste Local Plans, in line with ECC's Corporate Communications Strategy</p>	<p>a) That electronic communication should become the preferred method of engagement for Minerals &amp; Waste Planning consultations, but with hard copies of main documents for inspection at specified locations only;  b) That the equalities issues identified in the EqIA regarding those potentially disadvantaged by the implementation of the corporate print policy should be considered by the Corporate Communications Team in relation to the targeted evidence provided by the service area;  c) Alternatively, that hard copy main documents whose production costs are less than £10 should be available on demand, free of charge  d) where production costs (including printing, postage and packing) are £10 or more, hard copy main documents would only be available upon prior receipt of payment of those production costs above £10.</p>
<p>Proposal 2: That the consultation period for policy documents should reduce from our previous 8 weeks to the statutory 6 weeks, thereby bringing ECC in line with neighbouring authorities</p>	<p>a) That the consultation period for policy documents should be reduced from 8 weeks to the statutory 6 weeks;  b) That the wording of paragraph 4.16 (and anywhere it recurs in the document) be amended to state that the consultation period will be reduced to the statutory 6</p>

	weeks, but with some flexibility over holiday periods and for multiple consultations. (see Appendix 3, N°3)
Proposal 3: That developers now be required to carry out pre-application public consultation for major developments under the terms of Chapter 4 of the Localism Act 2011	<p>a) That officers vigorously encourage developers to carry out pre-application public consultation for major developments;</p> <p>b) That Bullet 3 of the Summary, p4 (and further references throughout the document, see Appendix 3, Schedule of Changes, N°1) be amended to reflect the fact that the full legislation is not yet in force;</p> <p>c) That the 250m radius for DNN continues to be used for reasons of conformity with the national norm and cost-effectiveness (see Section 5 below for costings).</p>
Proposal 4: That hard copies of planning applications should no longer be available once ECC's new Advanced Planning Application System (APAS) became fully operational	<p>a) That entirely electronic viewing of planning applications should be introduced once APAS is fully operational;</p> <p>b) That the equalities issues identified in the EqIA regarding those potentially disadvantaged by this should be considered by the Corporate Communications Team in relation to the targeted evidence provided by the service area;</p>
Other: Consultees suggested alternative/ additional wording which might be included in the SCI, eg reference to the Duty to Co-operate and to a more detailed description of the pre-application process for planning applications.	<p>c) That those changes and additions set out in Appendix 3, the Schedule of Changes, be included in the Adopted SCI First Review;</p> <p>d) That the Duty to Co-operate and Preapplication guidance be produced as separate documents with a link from the SCI First Review.</p>

#### 4. Policy context

- Corporate Plan, especially:
  - Giving people a greater say and a greater role in building safer and stronger communities, encouraging residents to get more involved in their communities and helping communities play a greater role in shaping, challenging and developing local services;

- Securing the highways infrastructure and environment to enable businesses to grow, ensuring planning services are cost-effective, transparent and timely and delivering minerals and waste plans/determining applications in a timely and cost-effective manner whilst always seeking improvements to the service;
- ECC Communications & Marketing Strategy 2012-2017 and accompanying Print Policy.

## 5. Financial Implications

The proposals set out in the SCI First Review will update and improve consultation and engagement techniques in line with new corporate requirements, national policy and changes in custom and practice.

Under Proposal 1, the changes proposed will involve a total saving in costs from £3995 for the previous Adopted SCI of 2009 to approximately £750 now, through reductions in quantity printed, quality of paper and length of document. It is felt appropriate, in view of the EqIA carried out, to continue with this very limited production of inspection copies for certain specified locations. If, as identified as an alternative under Proposal 1 above, Cabinet supports the on-demand printing of hard copy main documents either free of charge or upon receipt of production costs above £10 (see Proposal 1), this would involve some additional costs and reduce the savings predicted.

Under Proposal 3, the continuing use of the 250m radius for Direct Neighbour Notification (DNN) for both policy and planning application consultations is recommended. Using the 250m radius, costs for DNN on major policy consultations are estimated to be about £2,500 each time. Costs per annum on DNN consultation on planning applications is in the region of £4,000. It has previously been calculated that to increase the DNN radius by 50m to 300m would increase costs by 300%; to increase the radius to 500m would increase costs by 700%. Increased costs are therefore tabulated below:

Radius	Cost for policy consultations (each document)	Cost for DM Consultations (pa)
250m	£2,500	£4,000
300m	£7,500	£12,000
500m	£17,500	£20,000

The relatively modest costs of 250m DNN are outweighed by the benefits in meeting equality and diversity targets; however, the cost of increasing the radius further is thought to be impractical.

There are no identified financial implications for Proposal 2, and the total cost savings for Proposal 4 have already been set out in the business case for APAS, estimated at just under £50,000.

## 6. Legal Implications

There are two main drivers for the review of the SCI: ensuring that it is accurate and up to date and ensuring that it fully supports the next stage of policy adoption. Whilst some alternatives have been provided for consideration and decision, the recommendations are demonstrably necessary to achieve these aims. Further

revisions may be necessary when the development order anticipated by section 122 of the Localism Act 2011 is available.

## **7. Staffing and other resource implications**

There are no identified staffing or other resource implications.

## **8. Equality and Diversity implications**

8.1 An updated Equality Impact Assessment (EqIA) Part 1 was carried out on the SCI First Review, and a Part 2 EqIA has been completed based on the feedback from this public consultation: these are included as Appendix 4. The EqIA Part 1 included an independent review of the document by a project manager from ECC's Transformation Support team.

8.2 The main findings of the EqIA have been referred to elsewhere in this report: that the implementation of the corporate Print Policy has the potential to disadvantage certain sectors of the community. Although Minerals & Waste Planning staff are being pro-active in identifying ways forward, care needs to be taken to reduce the impact wherever possible, and to identify ways in which this can be done cross-functionally, recognizing that some solutions are not likely to be immediate.

## **9. Background papers**

- Town & Country Planning (Local Planning)(England) Regulations 2012 (<http://www.legislation.gov.uk/ukxi/2012/767/contents/made> )
- National Planning Policy Framework 2012 (<http://www.communities.gov.uk/publications/planningandbuilding/nppf> )
- Localism Act 2011 <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>)

## **10. Appendices & Enclosures**

- **Appendix 1** – Schedule of responses (detailed individual responses can be viewed via the consultation portal at [http://consult.essexcc.gov.uk/portal/statement\\_of\\_community\\_involvement\\_-\\_first\\_review\\_august\\_2012?tab=list](http://consult.essexcc.gov.uk/portal/statement_of_community_involvement_-_first_review_august_2012?tab=list) )
- **Appendix 2** - Detailed report
- **Appendix 3** - Schedule of proposed changes
- **Appendix 4** - Equality Impact Assessment Parts 1 & 2
- **Appendix 5** - Consultation results
- **Statement of Community Involvement First Review Draft for consultation, August 2012.** Further hard copies available if required.

## **Abbreviations used throughout the report**

<b>APAS</b>	<b>Advanced Planning Application System</b>
<b>gen</b>	<b>General consultee</b>
<b>CCs</b>	<b>County Councils</b>
<b>MWDF</b>	<b>Minerals &amp; Waste</b>
<b>Development Framework</b>	

<b>DBCCs</b>	<b>District, Borough &amp; City Councils</b>
<b>PTCs</b>	<b>Parish &amp; Town Councils</b>
<b>DNN</b>	<b>Direct Neighbour Notification</b>
<b>sc</b>	<b>Specific consultee (on policy documents) or statutory (on planning applications)</b>
<b>EqlA</b>	<b>Equality Impact Assessment</b>
<b>SCI (FR)</b>	<b>Statement of Community Involvement (First Review)</b>

t/pl/dc/sci/firstreview/cma/app2detschedresp/oct12

## **Appendix 2: Detailed schedule of responses & MWP comments**

Numbers in brackets in the sections below refer to the submission numbers of representations on the attached spreadsheet (see Appendix 1)

### **1. That electronic communication should become the preferred method for how we engage and involve everyone in consultation, in line with ECC's Corporate Communications Strategy.**

Of the comments received on this proposal, 18 were supportive (or had no objections), and 7 raised concerns, all coming from broadly the same viewpoint. Issues cited were:

- *that without hard copies it would be difficult for certain sectors of the community (the elderly, those unfamiliar with IT or without use of a computer, those living in rural areas) to access documents or to be involved in consultations; (25)(32)*
- *that poor/slow broadband/internet access puts people living in more rural areas of the county at a disadvantage; (25)(32)*
- *agreed on proviso that ECC ensures adequate broadband capacity in all rural areas (41)*
- *that hard copies must be available on request, especially for use by parish councils; (26)(44)*
- *that if all consultation documents are now to be provided electronically, consideration should be given to making documents more user-friendly to view on screen, possibly as Powerpoint presentations; (20)*
- *that a greater range of consultation methods should be employed;(31)*
- *that although supportive of cost-saving and the principle of using more modern methods of community engagement, it was considered that ECC should plan such a move with care to engage those with accessibility needs in order that those members of the community are not disenfranchised from future consultations. (35)*

## **MWP Response**

The key issues here have already been identified in the Equality Impact Assessment which accompanies the SCI First Review (see Appendix 4 attached). It is possible



that some members of the community will potentially feel disadvantaged by the adoption of the new Corporate Communications Strategy and Print Policy and we must do all we can to minimize any adverse impact. The strategy and accompanying print policy are measures introduced as a result of the straitened economic climate nationally and aim to make the best possible and most cost-effective use of current technology.

We need to stress that it is not proposed that all communication in future should be electronic: we shall still continue to send initial information on both policy documents and planning applications by letter to ensure that information reaches all those most affected by proposals, unless they have advised us that they prefer this to be by email. We shall continue to use other methods of consultation such as drop-in sessions and workshops at appropriate stages during the consultation process as set out in Tables 5 and 6 of the SCI First Review.

Additionally, we are continuing to provide hard copy main documents in County Hall, Southend Civic Centre (Waste documents only) and 14 district, borough and city council offices as well as at all 73 Essex libraries, which are spread throughout the county within easy access of most communities. The Essex library service is a valuable factor in helping those without computers or who are unfamiliar with IT to access the information they need electronically, including accessibility options such as magnification and narrator tools. Further possibilities will be explored with the library service as a result of feedback received: because our policy is a reflection of new corporate policies, there will undoubtedly be other ECC service groups in a similar position.

The issue of slow broadband and poor internet access in some rural areas of the county has already been identified as a key corporate issue and major progress has been made since July this year, with the launch of Superfast Essex, the Local Broadband Plan for Greater Essex. National government has provided £6.5 million which has been matched by ECC to support the realization of the commitment that by 2015, 90% of premises across Essex will have access to Superfast Broadband. In addition, an ongoing survey is available via the ECC website at [www.essex.gov.uk/Pages/Superfast-Essex-Broadband.aspx](http://www.essex.gov.uk/Pages/Superfast-Essex-Broadband.aspx) where individuals, parish councils, businesses etc can register interest in getting faster broadband and thereby aggregate demand for its early implementation in their area. Individuals and local councils with concerns relating to broadband will be encouraged to get involved in this way.

As regards the plea that documents be made more user-friendly, it is difficult to offer an easy solution: our MWDF documents do not lend themselves readily to Powerpoint presentation. We do ensure that all our documents conform to ECC branding and accessibility guidelines, and shall consider any future developments in our desktop publishing system which might make our documents more accessible. Electronic communication will therefore become our preferred method for engaging the community because of the undoubted benefits in terms of improved quality, speed and reduced costs. However, the potential to exclude certain sectors of the community from full involvement in the consultation process must be recognized, and the process carefully managed. MWP has already identified and is implementing a number of measures including inspection copies of main documents in specified locations plus local drop-in sessions and exhibitions. This issue is not just for MWP to resolve: it is a common issue across all service groups and needs to be looked at cross-functionally. The Superfast Essex broadband project is making good progress, but is still two years from achievement and it is necessary to have

some interim measures in place. We also need to be sure that we are not loading a weight of expectation onto the library service in dealing with the shift to electronic communication without knowing that it has the resources to deal with this expectation. We recommend that the full implications of going electronic are reviewed by the Corporate Communications Team, and further common solutions identified and implemented.

**2. That the consultation period for policy documents should reduce from our previous 8 weeks to the statutory 6 weeks, thereby bringing ECC in line with neighbouring authorities.**

Of the comments received on this proposal, 12 were supportive (or had no objections), including 1 comment that the SCI First Review was “*appropriate and accords with national legislation. The consultation document appears to set out adequate opportunities for Councils and members of the public to become aware/comment on planning applications and policy documents. The document is considered clear and comprehensive.*” (24).

However, 5 respondees raised concerns relating to the shortened timescale proposed:

- *Cutting from 8 to 6 weeks causes difficulties for large organisations who need time to co-ordinate a response, especially for large proposals like MWDF documents; (3)*
- *There should be no reduction in length of consultation; (26)*
- *We recognize that the change is being proposed to bring this SCI in line with the statutory minimum, to be in keeping with neighbouring councils, and because there is no inherent reason why this SCI should differ from others. There is however no explicit rationale as to why it was originally decided to set it at 8 weeks (all the other factors being equal when the policy was first set) and why this reason(s) is no longer valid.(31)*

*The proposal is that the consultation minimum period may be extended over Christmas or in the event of other large consultations. If the rationale for Christmas extensions is to allow for absence then it could be argued that the same applies at other times of the year such as Easter and May bank holiday breaks. (31)*

- *Parish and town councils meet once a month, and it would therefore be difficult to meet the timescale. (32)*
- *8 weeks is the preferred time limit for consultation and gives PCs enough time to respond if meetings are bi-monthly – all (ie the PC members)agree to retain 8 weeks (41)*

**MWP Response:**

We acknowledge that reverting to the statutory minimum timescale for consultations may not please some consultees. When the decision to consult for 8 weeks was taken in the early stages of public consultation on the SCI back in 2005, the main reason for extending the statutory period was out of consideration for parish and town councils who might only meet infrequently. There was no inherent reason why ECC's SCI should need a longer consultation period than that set out in the regulations and used by the great majority of councils nationwide.

However, we have always included a caveat in the SCI that any activities proposed

above the minimum statutory requirements would be kept under regular review, and if identified as unsuccessful, would be refined or replaced at the next consultation stage (see Table 13 of the SCI First Review). While an additional 2 weeks consultation may seem insignificant in the overall scheme of things, consultations such as the Replacement Minerals Local Plan have had numerous steps in the Issues & Options and Preferred Approach consultation stages, including some reconsultations and limited consultations on specific sites: this has had a cumulative effect on the production timetable for the document, and the timescale was therefore identified as something which needed to be amended.

In support of this, the methodology of consultation has changed since 2005, when the standard procedure was to circulate a single document around a number of consultees within an organization or local council, which inevitably took time. Now we should expect a document to be considered simultaneously online by a number of consultees within an organization, so that a shorter turnaround period could be expected.

In paragraph 4.16 of the SCI First Review, we state that if the consultation period runs over the Christmas holiday period or in conjunction with another major consultation, consideration would be given to extending this period. In fact, each consultation is considered for appropriateness of timing and we should be happy to amend the wording of this paragraph (see Appendix 3, N°3).

We believe that a 6 week consultation period is adequate for the reasons given above, and therefore propose not to amend it in the SCI First Review, as it is in line with statutory requirements and with the consultation periods of neighbouring authorities. However, we acknowledge that timing can be difficult for a number of reasons, and shall continue to give careful consideration to timetabling of consultations to avoid holiday periods and to avoid multiple consultations wherever possible.

### **3. That developers now be required to carry out pre-application public consultation for major developments under the terms of the Localism Act 2011.**

Of the comments received on this proposal, 14 were supportive (or had no objections) including an ECC internal consultee's feedback that *"the requirement for developers to undertake pre-application discussion will hopefully improve the Historic Environment content of present applications submitted"* (38).

However, 3 respondees had issues with the wording of the SCI First Review on this point:

- *Your revised document...says that the Localism Act now places a statutory requirement on applicants to undertake pre-application consultation on major applications. However that is not yet in force. Section 122 of the Act explains that it will first be dependent on a detailed development order being brought in, to set out the specific requirements. (9)*
- *[The summary] box at the beginning of Section 5 needs some form of caveat to cover the fact that pre-application public consultation isn't required in support of all applications...in Table 8, under pre-Application...applicants wouldn't need to agree a PIP with the Planning Officer. It may be discussed...but does not require prior agreement (39)*
- *Not all parts of the Localism Act have come into force including pre-application consultation...suggested alternative wording: "Developers are encouraged to*

*carry out pre-application public consultation for major developments in accordance with current legislation.” (16)*

- *Should elements of GPDO be included and referenced as they also include preapp requirements? ...Could be expanded to include all pre-commencement requirements referenced in current legislation. (16)*

This respondent also had concerns about the 250m radius selected for Direct Neighbour Notification in relation to both policy consultations on proposed sites and subsequent planning applications for minerals and waste sites:.

- *Point 7. I think a specific distance of 250m could be problematic as a development may impact beyond 250m (Traffic Movements) also depending on the development, properties within 250m may not be affected by the proposed development. Each application should be assessed individually and neighbours notified as necessary. (17)*

One further respondent felt that “*the emphasis on a pre-application public consultation implies the general public and not the specific consultation bodies. As the purpose is early engagement it may also prove beneficial to include some of these bodies eg NHS.*” (31)

#### **MWP Response:**

We agree that the wording in the SCI First Review implies that statutory preapplication consultation on major applications is already in force, and therefore propose to amend Bullet 3 of the Summary (p4 of the document) to read:

- *It is expected that the Localism Act of 2011 will place a statutory requirement on applicants to undertake pre-application consultation on applications for major developments in the future, with a footnote to read: Section 122 of the Localism Act 2011 so far as they require or authorise the making of provision in a development order.*

and to amend other similar references in the document accordingly (see also Appendix 3 N°1, Schedule of Changes).

Respondent N°13 also suggested above that some further elements might be included under the pre-application stage of the SCI First Review. In paragraph 5.11 of the First Review document, we state that “*A more detailed summary setting out the steps and requirements for all parties involved in the pre-application stage (including the role of County Councillors and the implications of new legislation) is currently in preparation, and will be available shortly here on the ECC website.*”.

Because so much new information and legislation affecting our procedures relating to the pre-application stage of planning applications is currently emerging or about to emerge, we took the decision to deal with this aspect as a separate document so that the production of the SCI First Review was neither held up to await clarification nor immediately obsolete if information were to be soon superseded.

The issue of a 250m radius for Direct Neighbour Notification (DNN) on both policy documents and planning applications has been raised in the past, and is regularly reviewed in the Annual Monitoring Review on the SCI. Our stance on the radius remains clear: this radius is widely accepted as a national norm, and indeed very few other local authorities carry out any DNN on policy documents, whereas we regard it as a significant technique, particularly in reaching the seldom heard. Our calculations have demonstrated that expanding the radius by a further 50m would increase notification costs by 300%; doubling the radius to 500m would increase costs by 700%, which would not be appropriate in the current economic climate.

We also stress that Direct Neighbour Notification is carried out as an additional and

specifically-targeted method of raising public awareness of a proposed development – it is not an indication that we believe those contacted (and only those) will be affected by the proposal. We have found that it is much more cost-effective to carry out local drop-in sessions at appropriate stages of the consultation, and to tap into the existing local parish networks of communication to ensure good local awareness of proposals, and community involvement to date supports the success of these methods.

As regards the point made by Respondee N°31 relating to including specific consultation bodies in pre-application consultation, we do already encourage developers to involve relevant statutory consultees at the pre-application stage where appropriate, and would continue to do so in the future.

#### **4. That hard copies of planning applications should no longer be available once ECC's new Advanced Planning Application System (APAS) became fully operational.**

Of the comments received on this proposal, 17 were supportive (or had no objections) including an ECC internal consultee's feedback that "*the move to APAS has the potential to speed up [Historic Environment's] response to the applications as well as to provide information on any monitoring of archaeological contractors that is undertaken by this team*" (38), and an Essex district planner added that "*The availability of planning applications online is particularly supported; it will bring the County Council in line with districts*" (24).

However, 7 respondees had concerns about potential accessibility issues if hard copies of planning applications were no longer available to view, or about the lack of a firm date for APAS going live :

- *My only comment on the First Draft Review concerns the quality of map and diagram scans which I have had problems reading on some scanned consultations and planning applications in the past (usually private ones). Obviously they will have to be fit for purpose if the option to go and see a physical piece of paper ceases to exist. (22)*
- *There is more written about APAS on the summary of main changes than is contained in the body of the document itself, and it is only clear from the main changes summary that APAS is intended to replace hard copy. In fact, table 6 bullet point 5 suggests otherwise and the box on page 27 has wording that could imply hard copy ("range of accessibility options"). The SCI makes clear how the public can access on line at listed public venues if no personal computer access, so access may not be an issue but it would be helpful to make more explicit the change as indicated in the summary. (31)*
- *If plans are no longer available in hard copy at planning offices & libraries it will make it difficult for those without computer access to view and comment on plans. **Poor broadband and internet service in rural areas again disadvantage those in rural areas.** (32)*
- *Members supported cost-saving and the principle of using more modern methods of community engagement. However, it was considered that Essex County Council should plan such a move with care to engage those with accessibility needs, in order that those members of the community are not disenfranchised from future consultations.(35)*
- *The commitment by ECC to the APAS is welcome and will bring the authority in line with others in the UK. However, given that we are now at the end of October*

*the reluctance to be any more specific than “late 2012” for the delivery of this system is concerning. Is there any further update that can be provided in this regard?(39)*

- *Would suggest that this should not be exclusively online as particularly in rural areas this would be impractical online; it is understood that these new arrangements have not yet been formalised with Local Authorities. (40)*
- *We disagree (41)*

## **MWP Response:**

Support for entirely-electronic viewing of planning applications has undoubtedly been influenced by the fact that Essex district, borough and city councils (DBCCs) have been implementing this approach for several years now, and end-users have in the main been satisfied with the quality of viewing and tracking applications online.

ECC, together with other county councils, has been slower to embrace this technology, partly because of the greater problems presented by the very large quantity of technical documents accompanying minerals and waste planning applications. In addition, once the technology to address this was in place, the MWP business case for the acquisition required offsetting by a reduction in staffing numbers. At the time of this report, some unforeseen issues particular to minerals and waste applications are not yet completely resolved, although many aspects of APAS are already being implemented successfully. Because these issues are IT based, the final go-live date for APAS is beyond our control, and it is for this reason that the wording relating to APAS is less specific than we might hope, although implementation is expected before the end of 2012. We are very nearly at the stage where a complete transition to online viewing of planning applications can be made, but for the present, hard copy documents are still available as previously.

One parish council commented that the new arrangements had not yet been formalized with local authorities. We have kept Essex DBCCs informed of the transition, and parish and town councils (PTCs) have been kept up to date on progress with APAS via ECC's electronic bulletin *Making the Links*. The SCI First Review consultation is seeking formal ratification of the changes, which have the approval of the majority of those who responded.

One respondent above commented on the variable quality of maps and diagrams supplied by applicants. All applicants will be required to meet very specific standards when submitting plans, and these will be set out in our revised validation checklists. However, the requirement for high-quality images must inevitably be balanced against the need for reasonable document sizes for downloading, particularly in low band-width areas of the county.

The issue of possible accessibility problems for some members of the community is something of which we are very much aware, and this has been considered in this appendix under Section 1 above, and in our Equality Impact Assessment Action Plan (see Appendix 4.1 and 4.2).

One point which should be made is that the introduction of APAS actually provides **enhanced** viewing facilities for planning applications: where previously anyone wishing to view an application had to travel to a local library or council office, with APAS, anyone with access to a computer can now view applications anywhere at any time online. We strongly believe also that if an individual is able to attend his or her local library, the online accessibility options available there are considerably better than just looking at a hard copy of a planning application, and assistance

should be available to help interpret any aspects of the application which are not clear. As said in Section 1 above, we shall work with the Library Service and other ECC service groups to identify appropriate measures to offset the impact of the shift to electronic communication required by the new corporate Communications Strategy.

## **5. Other issues raised**

Consultees were invited to suggest any further elements which they felt might be appropriate to include in the SCI First Review, and various comments were received, some making suggestions which would clarify or update wording in the SCI First Review, others suggesting additional topics which could be included, such as the Duty to Co-operate:

- *It may be appropriate to [include] a section setting out ECC's requirements in respect of the level and nature of pre-application consultation...[and] including reference to the Duty to Cooperate. (13)*
- *More information could be included on the specific measures which the County Council will be undertaking to consult other authorities in Essex on their plans and meet the 'Duty to Co-operate' (13)*
- *The appendix of consultees should be updated to reflect changes under the Health & Social Care Act and replace PCT with Clinical Commissioning Groups (CCGs) to be effective from 1 April 2013. Please note that Public Health will move to ECC from 1 April 2013. Currently, consultation requests to the PCT are handled by Public Health Team as to the health impact of any proposals. CCGs have access to public health advice from the Public Health team transferred to Essex County Council.(31)*
- *Reference is made to environmental impact assessment but not to health impact assessment. Waste disposal and mineral extractions both have the potential to impact on the health of the local population and we encourage you to include this assessment in the process.(31)*
- *Table 2, page 7 and paragraph 5.27 all refer to the D&R Committee and to the members of the public being able to make comments but there is no mention of the very limited number permitted to speak. (26)*

Two respondees (39)(44) suggested a number of clarifications to wording or format which are included in the Schedule of Proposed Changes (Appendix 3).

### **MWP Response:**

Most of the amended wording suggested by respondees has been taken on board and appears in the Schedule of Proposed Changes (Appendix 3) although we have been conscious of the need to keep the SCI First Review as brief as possible in response to consultee requests for a shorter and less technical document. Brief reference will be made to the Duty to Co-operate (see N°2 of Appendix 3) but it is our intention to produce separate statements for each Replacement Local Plan at the appropriate stage in plan preparation. The topic of pre-application procedures (see 5.11 of SCI First Review) is also being produced as a separate document which will appear on the ECC website and can be added to as new processes become clear.

We have taken on board information relating to future changes with effect from 1 April 2013 relating to Health & Social Care and shall ensure that our database of

consultees reflects these changes.

As regards the matter of health impact assessment (HIA), the National Planning Policy Framework 2012, paragraph 120, gives a hint that this may become statutory in the future, and we are monitoring this from both a policy and development management viewpoint. Our current validation checklists for development management state that an HIA may be required for a proposed development, particularly if there are issues relating to pollution, transport movements, radioactivity or proximity to a hazardous installation and reference is made in the Replacement Minerals Local Plan Submission Document to the use of HIAs. However, for an HIA to be of significant value, it needs to be considered in conjunction to other impact assessments including environment and transport.

The issue of Public Speaking at Development & Regulation (D&R) Committee was raised at the original public consultation on the Adopted SCI, and led to a review of the process in 2008 supported by benchmarking of other local authority procedures, and a further review in late 2010. However, when the matter was considered by members of the D&R committee, it was felt that the system in place was working well, and only minor changes to procedures were implemented. A further review will take place when needed.