

Cheltenham Borough Council
Cabinet – 18 June 2013
Cheltenham Plan – Revised Statement of Community Involvement
Report of Leader

Accountable member	Councillor Jordan – Leader Cheltenham Borough Council
Accountable officer	Tracey Crews – Head of Planning
Ward(s) affected	ALL
Key Decision	Yes
Executive summary	<p>The Council is legally required to prepare and adopt a Statement of Community Involvement (SCI), the purpose of a SCI is to set out the opportunities by which the public and organisations can engage with the planning system.</p> <p>The Council currently has a SCI which was adopted in 2006, however, as a result of changes to legislation it is now necessary to revise the existing SCI.</p> <p>This report introduces the revised draft SCI which is intended to form the basis of public consultation prior to adoption by the Council.</p> <p>Once adopted the Local Planning Authority must comply with the SCI when preparing new Local Plans and Supplementary Planning Documents and when consulting on planning applications.</p>
Recommendations	<p>That Cabinet has considered the updated Statement of Community Involvement and approve for public consultation.</p> <p>That Cabinet allows for any consequential minor amendments to the document to be agreed by the Head of Planning prior to submission of the final document to Council for adoption.</p>

Financial implications	<p>There are no financial implications.</p> <p>Contact officer: Paul Jones – head of Finance, paul.jones@cheltenham.gov.uk, 01242 775154</p>
Legal implications	<p>The Council is required to have a Statement of Community Involvement and it is good practice to keep the statement under review to reflect changes in legislation etc</p> <p>Contact officer: cheryl.lester@teWKesbury.gov.uk</p> <p>01684 272013</p>

HR implications (including learning and organisational development)	There are no HR implications Contact officer: Julie McCarthy, HR Manager (West), Julie.mccarthy @cheltenham.gov.uk, 01242 26 4355
Key risks	Corporate risk CR81: If the Council does not progress as quickly as possible to preparing the Cheltenham Plan, then the Borough will be exposed to the risk of inappropriate development.
Corporate and community plan Implications	Corporate Action ENV 6 We will commence preparation of a Cheltenham Plan.
Environmental and climate change implications	
Property/Asset Implications	The Statement of Community Involvement does not have any impact on CBC owned property assets.

1. Background

- 1.1** The Council is legally required to prepare and adopt a Statement of Community Involvement (SCI) under Section 18 of the Planning & Compulsory Purchase Act (2004) (as amended).
- 1.2** The purpose of an SCI is to set out the opportunities by which the public and organisations can engage with the planning system, including the procedures and methods the council will use to consult on the planning applications we receive and when we are preparing new Local Plans and Supplementary Planning Documents. Cheltenham's Local Plan will contain at least two policy documents: the strategic JCS and the local Cheltenham Plan, see Appendix 2 for an explanatory diagram.
- 1.3** The Council currently has an SCI which was adopted in 2006 and was one of the first documents prepared by Cheltenham Borough Council under the regulations of the Planning and Compulsory Purchase Act (2004). However, as a result of changes to legislation including the provisions of the Planning and Compulsory Purchase Act 2004 (as amended), the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012, as well as the principles and requirements of National Planning Policy Framework 2012, it is now necessary to revise the existing SCI.
- 1.4** This report introduces the revised draft SCI which is intended to form the basis of public consultation prior to adoption by the Council.
- 1.5** Once adopted the Local Planning Authority must comply with the SCI when preparing new Local Plans and Supplementary Planning Documents and when consulting on planning applications.
- 1.6** The principles of the adopted SCI have not been altered, and changes have primarily related to:
 - Changes in planning terminology to reflect those made at a national level;
 - Changes to the stages of plan preparation and consultation, as set out in the new regulations;
 - Removal of references to the now abolished regional and County tiers of planning, including the Regional Spatial Strategies and the Structure Plan;
 - Updates to the consultee contacts, as set out in the new regulations;
 - Updates to reflect changes in internal advisory groups.
- 1.7** The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) Team has produced a Consultation Statement (November 2011) that sets out the approach that will be taken to public consultation during the production of the Joint Core Strategy, however this is not appropriate to be used for Cheltenham specific consultations as it relates to consultations covering the three districts of Gloucester, Cheltenham and Tewkesbury.

2. Reasons for recommendations

- 2.1** The existing SCI is now out of date, approval of this draft for consultation will allow for an updated SCI to be adopted by the Council.
- 2.2** In order that members of the public and organisations are able to engage with the planning process it is important that we know the best way to reach, and consult, with people. Consulting on the revised SCI enables the public and stakeholders an opportunity to comment on how they wish to be involved in the future.

3. Alternative options considered

- 3.1 As the SCI is a requirement under legislation, alternative options have been limited. One alternative would have been to revise the SCI for approval by Council without public consultation. However, as the SCI is a document about how the public and organisations will be involved in the planning process it seemed more appropriate to provide an opportunity for their comments to be fed into the review to ensure that the SCI is as effective as possible.

4. Consultation and feedback

- 4.1 The original SCI was consulted on prior to its adoption in 2006. The adopted SCI has formed the basis of this revised SCI, updated to take account of changes to regulations. Internal consultation with planning officers has taken place.
- 4.2 Following approval by Cabinet and Council (24th June 2013) it is intended that the SCI will be available for comment for an 8 week period, alongside the Cheltenham Plan Scope Document (also for consideration at Cabinet on 18th June and Council on 24th June).
- 4.3 As part of the consultation process, members of the public and organisations will have the opportunity to be added to the Council's planning consultation database in order to be involved in any future consultation events.

5. Performance management –monitoring and review

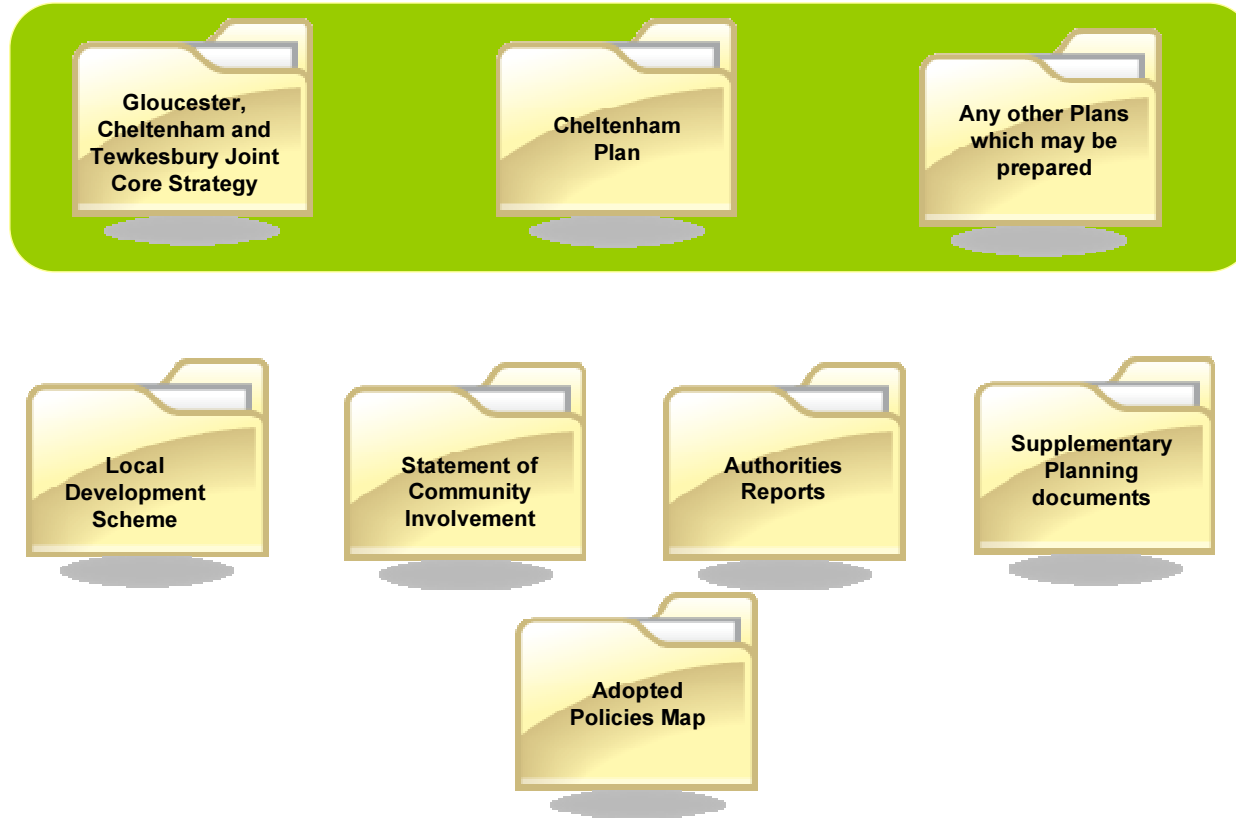
- 5.1 The Council will regularly monitor the effectiveness of community involvement in the planning process and use the results to review policies and practices. If necessary, the Council will review the SCI, including any minor amendments to meet regulatory or statutory changes over time.

Report author	Contact officer Claire Cullen-Jones/David Halkyard – Senior Planning Officers claire.cullen-jones@cheltenham.gov.uk David.halkyard@cheltenham.gov.uk 01242 264235/01242 774988
Appendices	<ol style="list-style-type: none">1. Risk Assessment2. Diagram showing Cheltenham's Local Plan structure and supporting documents3. Draft Cheltenham Statement of Community Involvement, 2013
Background information	<ol style="list-style-type: none">1. Adopted Statement of Community Involvement, 2006 http://www.cheltenham.gov.uk/downloads/file/3250/statement_of_community_involvement_20062. GCT JCS Consultation Statement (November 2011) http://www.gct-jcs.org/Documents/PublicConsultation/ConsultationStatement141111doc.pdf

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the Council does not progress as quickly as possible to preparing the Cheltenham Plan, then the Borough will be exposed to the risk of inappropriate development.	Mike Redman	21.3.13	3	4	12	Reduce	Set up Scrutiny Task Group to advise and challenge on the development of a Cheltenham Plan		Tracey Crews	Corporate
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

Diagram showing Cheltenham's Local Plan structure and supporting documents

Cheltenham's Local Plan and supporting documents



Cheltenham Borough Local Development Framework

Statement of Community Involvement

Adopted 2006
Revised May 2013
v9

Cheltenham Borough Council
P. O. Box 12
Municipal Offices
Promenade
Cheltenham
Gloucestershire
GL50 1PP

telephone: 01242 264379 **facsimile:** 01242 264140 **DX:** 7406
Cheltenham 1
web site: www.cheltenham.gov.uk **email:** slu@cheltenham.gov.uk

CONTENTS

		Page
Section 1	Introduction	3
Section 2	Who could we consult?	4
Section 3	Duty to Cooperate	4
Section 4	Local Plans	4
Section 5	Older Plans	5
Section 6	National Planning Policy Framework	6
Section 7	General Overview of Consultation Arrangements	6
Section 8	Minimum Standards for Consultation	8
Section 9	Interpreting the Regulations: Local Plans	9
Section 10	Interpreting the Regulations: Supplementary Planning Documents	11
Section 11	Development Control: Planning Applications	12
Section 12	Resourcing and Reviewing the Statement of Community Involvement	18
Appendix 1	Summary of key terms	19
Diagram 1	The Local Plan and Supporting Documents	21
Appendix 2	Consultees	22
Appendix 3	Where can the Statement of Community Involvement be viewed?	26

Terms printed in **GREY** are defined in the summary of terms.

1. INTRODUCTION

- 1.1 This document sets out the opportunities by which the public and organisations can engage with the planning system, including the procedures and methods we will use to consult on planning applications we receive and when we are preparing new Local plans (LP) and Supplementary Planning Documents (SPDs).
- 1.2 The Statement of Community Involvement (SCI) was one of the first documents prepared by Cheltenham Borough Council under the regulations of the Planning and Compulsory Purchase Act (2004). The first Cheltenham SCI was adopted in 2006.
- 1.3 We have revised the text of our SCI to reflect current legislation including the provisions of the Planning Act 2008 (as amended), the Localism Act 2011, the Town and Country Planning Local Planning Regulations 2012 as well as the principles and requirements of National Planning Policy Framework (NPPF) 2012.
- 1.4 This document explains:
- how the planning system operates and how we will manage the planning process (see sections 7, 9 and 10);
 - how we will consult people regarding the production of Local development documents and Supplementary Planning Documents (see sections 9 and 10); and
 - how we will consult people regarding planning applications (see section 11).
- 1.5 The Council would like to hear the views of all the community within Cheltenham and also those outside Cheltenham Borough who are affected by the policies and proposals of the Local Plan and planning applications for development within the borough. This SCI sets out the way in which we aim to achieve this.

Neighbourhood Plans

- 1.6 The Localism Act 2011 introduced the ability for communities who meet the basic criteria defined in the act to draw up their own neighbourhood plans which can add detail and local objectives to the strategic elements of local development documents where resources allow. Cheltenham Borough Council will support neighbourhoods in the preparation of their plans where this is appropriate, and under these circumstances will set out procedures and guidance for this support as the need arises. However, procedures on this work are outside the scope of the SCI and will be dealt with on a case by case basis.

Monitoring

- 1.7 The council will regularly monitor the effectiveness of community involvement in the planning process and use the results to review policies and practices. If necessary, the Council will review the Statement of Community Involvement, including any minor amendments to meet regulatory or

statutory changes over time.

2. WHO COULD WE CONSULT?

- 2.1 Depending on the type of plan or application being considered there are a number of bodies and groups in the community that we can consult and invite to participate in the preparation of local development documents or to comment on relevant planning applications.
- 2.2 These include 'specific' and 'general' consultation bodies, as listed at Appendix 2, as well as members of the public and groups representing those 'hard to reach' who traditionally do not engage with the planning process who are contained on our planning database.

3. DUTY TO COOPERATE

- 3.1 Section 110 of the Localism Act 2011 sets out a new 'duty to co-operate'. It is a requirement that local planning authorities engage with one another and other statutory bodies to consider joint approaches to plan-making. Cheltenham Borough Council is committed to meeting this duty to ensure that planning delivers the best outcomes for our area by working closely with partner organisations and stakeholders. See Appendix 2 for a list of consultation bodies.

4. LOCAL PLANS AND SUPPORTING DOCUMENTS

Local plans

- 4.1 Local planning authorities must prepare a local plan which sets the planning policies for a local authority area. Local Plans are important tools for deciding planning applications. Independent planning inspectors must examine in detail all local development documents prepared by local authorities in England to ensure that they are sound. This examination is the last stage of the process for producing a local plan. By the time a plan reaches examination, the process should have fully involved everyone who has an interest in the document and they should have had the chance to comment
- 4.2 Local plans must be positively prepared, justified, effective and consistent with national policy in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework.
- 4.3 The council is currently producing the **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS)**, which will form the strategic vision, objectives and policies for the wider area. The JCS forms part of the Local Plan for Cheltenham, see Diagram 1.
- 4.4 The council is also working on the **Cheltenham Plan**, which will deal with planning issues specific to the Borough and contain more detailed policy and guidance for the local area.

4.5 All Local Plans also require a Sustainability Appraisal, which is produced in tandem with the Local Plan to assess its environmental and social impact. These appraisals are usually consulted on and examined at the same time as Local Plans.

4.6 In addition to Local Plans, other supporting documents (which are given less importance in planning terms) are listed below:

Supplementary Planning Documents (SPDs)

4.7 These are locally produced documents which provide additional information relating to a specific policy or proposal within a Local plan or the National Planning Policy Framework.

Local Development Scheme (LDS)

4.8 This is a three year work programme which illustrates which local plans (and sometimes other related documents) will be produced and a timetable for their production.

Statement of Community Involvement (SCI)

4.9 This sets out how the Council will engage and involve the community at every stage in the production of the Plan making process.

Authorities Monitoring Report (AMR)

4.10 This monitors the success of planning policies and demonstrates how the council is performing in terms of the Local Development Scheme. From 2012 onwards it will contain a statement regarding the progress on Cheltenham's duty to co-operate with other authorities and prescribed bodies.

5. OLDER PLANS

5.1 **The Cheltenham Borough Local Plan Second Review** was adopted in July 2006 and covers a plan period to mid-2011. It deals with development, helping to conserve the special environment of Cheltenham and identifying land which will be needed for future development. The policies set out in the plan influence decisions on planning applications and support the council's proposals for managing traffic in the town.

5.2 Under the provisions of the Planning and Compulsory Purchase Act, the policies within this plan are saved until they are replaced by subsequent Local Plan Documents.

5.3 The **Draft Regional Spatial Strategy for the South West (RSS)** and the **Gloucestershire Structure Plan Second Review** have now been revoked and are no longer relevant.

6. NATIONAL PLANNING POLICY FRAMEWORK

6.1 The government published the National Planning Policy Framework on the 27 March 2012. This framework is a key part of the government's reform of

the planning system and replaces all previous planning policy statements (PPS), with the exception of PPS 10: Planning for Sustainable Waste Management, until it is replaced at a later date.

- 6.2 As a local planning authority, we have to take the National Planning Policy Framework into account in the preparation of local and neighbourhood plans, and it is a material consideration in planning decisions.
- 6.3 The National Planning Policy Framework sets out the implementation strategy for dealing with existing and emerging plans and in decision taking on planning applications (Annex 1 of the National Planning Policy Framework). As Cheltenham Borough's Adopted Local plan was adopted in accordance with the Town and Country Planning Act 1990, due weight can be given to policies depending on how consistent they are with the framework. As such, in considering planning proposals the existing Local Plan must be considered in the context of the framework, ignoring all references to planning policy statements (PPS), until the policies within the plan are replaced by the Joint Core Strategy, the Cheltenham Plan or any subsequent local plan.

7. GENERAL OVERVIEW OF CONSULTATION ARRANGEMENTS

- 7.1 The preparation of a plan will involve evidence gathering and an initial stage of consultation on the proposed scope of the plan, that is, asking people what the plan ought to contain.
- 7.2 At an early stage, the Council will explore the most appropriate methods of consulting hard to reach groups and attempt to engage these groups in the early stages of the process. This work will involve an internal audit of existing relationships with external bodies and an assessment of the types of consultation which have proven most successful.
- 7.3 Specific and General consultees, as listed in Appendix 3, and members of the public registered on our database will be consulted on all the various Local plans and Supplementary Planning Documents produced as indicated in Tables 1 and 2.
- 7.4 It is recognised that some groups may wish only to be involved in the early stages of the decision making process but participation from all groups will be encouraged at every stage.
- 7.5 The Council will prepare local plans which seek to reflect comments received during work with groups, organisations and individuals during the plan preparation stage. These documents will be subject to further public consultation as set out in the regulations. Where required by relevant legislation, documents will be accompanied by a Sustainability Appraisal/Strategic Environmental Assessment. All new local plans and SPDs will be accompanied by a Statement of Compliance to demonstrate how the Council has complied with this SCI.
- 7.6 Each period of consultation will last a minimum of 4 weeks for an SPD or 6 weeks for a Local Plan and will be advertised on the Council's website www.cheltenham.gov.uk. Where appropriate, notices will be placed in the

local press. Links to the consultation document(s) will be made available on the Council's website. Any notices and advertisements will clearly identify the dates by which representations must be submitted to the Borough Council. Specific and General Consultees and other relevant groups and individuals on our updated consultation database will be contacted at the beginning of the statutory consultation period to let them know that the consultation is taking place.

- 7.7 Paper copies of the documents will be available at each of the libraries within Cheltenham, at the Municipal Offices and at other locations within the Borough, known as Deposit Locations (see appendix 4). There may be a charge to purchase some documents to reflect printing costs. Electronic copies will be made available via the council's website.
- 7.8 The Council will hold public exhibitions where appropriate at accessible locations within the Borough, such as supermarkets and municipal buildings and at other locations which attract large numbers of community members. We will seek to make local plan documents as accessible as possible to people with reading or writing difficulties or who are visually impaired. Some translation of local plans or SPD's into other languages may be possible, subject to reasonable cost limits.
- 7.9 Comments and representations may be received via a form provided on the Council's website, by fax, e-mail, by post or simply handed in to the reception at the Municipal Offices during opening hours. Representations received will be made available to view on the Council's website.
- 7.10 Views expressed at consultation events will be recorded and fed into the plan preparation. These views will be documented and made available in summary form on the website and at all deposit locations. All formal representations (those to documents on deposit) received will be considered and responded to through a response report, this will be available on the website and at all deposit locations.
- 7.11 Views and objections will be taken into account wherever possible in the preparation of local plans. Representations will need to be valid and appropriate to be considered by emerging policies and proposals.
- 7.12 The response report will be prepared by officers supported by any relevant Project Management Boards/Working groups and input from councillors and stakeholders where appropriate. The response report will provide a summary of the issues raised and the council's response. There will not be an individual response to each comment.

Online Database

- 7.13 There is an online database where groups and individuals can register their interest in being notified of consultations and also respond online. Response reports will be available on the website and at all deposit locations. Where respondents have responded via the online system they will be notified of their unique respondent number which will enable them to

navigate through to their individual representation(s). To register go to **INSERT WEBLINK**.

8. MINIMUM STANDARDS FOR CONSULTATION

8.1 Cheltenham Borough Council will ensure that minimum standards for community involvement as set out in The Town and Country Planning (Local Planning) (England) Regulations 2012 are met in the production of Local Plans or other planning documents. A summary of these requirements are set out below.

Gloucestershire Compact Agreement

8.2 Cheltenham Borough Council has signed up to the Gloucestershire Compact, the Compact is *an agreement between some of the County's public agencies and the Voluntary and Community Sector to support and improve partnership working between sectors and is underpinned by six Codes of Practice which contain specific undertakings for the public sector and the voluntary and community sector, as well as a series of joint undertakings, to improve partnership working.* The agreement seeks to achieve a 12 – week consultation period, where possible. This agreement will be considered when setting consultation periods for local development documents.

9.0 INTERPRETING THE REGULATIONS: *Who the council will involve and how they will involve them in the production of Local development documents (LDDs).*

Please note that this table contains an overview of consultation methods available for each stage of Local Plan preparation. Not all methods will be used in each case, but those most suitable and appropriate given the scale and nature of the consultation will be employed.

9.1 Table 1

Stage	Preparation	Who	How
Preparation of a local plan (Regulation 18)	Evidence gathering Notify and consult on Scope of the plan	<ul style="list-style-type: none"> • Specific and general Consultees, • Those registered on the Council's database • Any other residents wishing to make representations, or other persons carrying out business in the area that the Council consider appropriate. 	Letter, email, internet, forums or community networks, internal and joint working teams, press releases, deposit locations.
Publication of a local plan (Regulations 19 and 20)	Consult on proposed submission document	<ul style="list-style-type: none"> • Specific and general Consultees, • Those registered on the Council's database • Any other residents wishing to make representations, or other persons carrying out business in the area that the, Council consider appropriate. 	Letter, email, internet, press releases, touring exhibitions, questionnaires, forums or community networks or events, Planning for Real exercises, internal and joint working teams, deposit locations
Submission of documents and information to the Secretary of State (Regulation 22)	Submission of Local Plan and all associated documents in accordance with Regulation 22.	<ul style="list-style-type: none"> • Specific and general Consultees • Those registered on the Council's database • Any other residents wishing to make representations, or other persons carrying out business in the area that the Council consider appropriate. • Those who have responded previously/asked to be notified of submission 	Letter, email, internet, deposit locations
Independent examination (Regulation 24)	Independent examination of plan by an appointed Inspector	<ul style="list-style-type: none"> • All those who made representations 	Letter, email, internet, press releases, deposit locations.
Adoption (Regulation 26)	Adoption of the plan by the Local Planning Authority	<ul style="list-style-type: none"> • All those involved in the process 	Letter, email, internet, press releases, deposit locations.
Monitoring	Cheltenham Borough Council	<ul style="list-style-type: none"> • Specific consultees • Any other residents wishing to make representations, or other persons carrying out business in the area that the Council consider appropriate. 	Letter, email, internet, internal and joint working teams.

9.2 Wherever sustainability appraisal work is undertaken by the Council at the various stages, it will be included as part of the material that is subject to community involvement. For further details on the stages see <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

10.0 INTERPRETING THE REGULATIONS: *Who the council will involve and how we will involve them in the production of Supplementary Planning Documents (SPDs).*

Please note that this table contains an overview of consultation methods available for each stage of the Local Plan preparation process. Not all methods will be used in each case, but those most suitable and appropriate given the scale and nature of the consultation will be employed.

10.1

Table 2

Stage	Preparation	Who	How
Preparation stage	Evidence gathering Preparing draft SPD	<ul style="list-style-type: none"> Any relevant consultees, residents wishing to make representations or other persons carrying out business in the area that the Council consider appropriate. 	Letter, email, Internet, meetings
Public participation stage (Regulation 12)	Consult on draft SPD	<ul style="list-style-type: none"> Specific and general Consultees Those registered on the Council's database Any other residents wishing to make representations or other persons carrying out business in the area that the Council consider appropriate 	Letter, email, internet, press releases, touring exhibitions, questionnaires, forums or community networks or events, Planning for Real exercises, Internal and joint working teams, deposit locations
Adoption (Regulation 14)	Adoption of the plan by the Local Planning Authority	<ul style="list-style-type: none"> All those involved in the process 	Letter, email, internet, press releases, deposit locations
Monitoring		<ul style="list-style-type: none"> Specific consultees Any other residents wishing to make representations or other persons carrying out business in the area that the Council consider appropriate. 	Letter, email, internet, internal and joint working teams.

11 DEVELOPMENT CONTROL: *Dealing with planning applications*

- 11.1 The Council is aware of the importance of consultation with the community and of the need to allow the widest possible dissemination of information about planning proposals. The Council is required to consult various organisations and bodies and is advised to consult others depending on the type of application as set out in the *The Town and Country Planning (Development Management Procedure) (England) Order 2010* for more information see <http://www.legislation.gov.uk/uksi/2010/2184/made>

Methods of consultation

- 11.2 **Neighbour notification by letter:** the principal method. Neighbours bordering the site and across the road are targeted as a minimum, with more extensive consultation as appropriate to each case. Comments are required to be made within 21 days. The letter includes brief information about the proposal and gives guidance on the process for comment, including a list of considerations that are material to the planning process. The Council will take account of all the representations received to a planning application and assess the proposal in light of the comments received and other material considerations.
- 11.3 **Parish Councils:** each Parish Council receives a copy of every application within or affecting its area. There is a statutory 14 day period for comment but decisions are not made before the 21 days allowed for neighbour comment. Cheltenham Borough Council will draw up a local agreement with Parish Councils to move away from the 14 day period of consultation to 21 days to bring it in to line with other consultees.
- 11.4 **Site Notices:** these are a formal requirement for applications within conservation areas, major applications and listed building applications. They are also used to supplement letters. They are a highly visible indication of a planning proposal. Site notices are not used for all applications. The statutory requirements call for all applications to be consulted upon through the use of neighbour notification or a site notice. It is considered that neighbour notification is more useful as it directly consults those who are likely to be most affected by a planning proposal.
- 11.5 **Newspaper advertisements:** these are a statutory requirement for applications in conservation areas, major applications and listed building applications. Cost restricts the use of advertisements to the statutory requirement. The Gloucestershire Echo is supplied with a list of all applications and publishes details, although this is dependent on editorial considerations.
- 11.6 **Weekly list:** this details every application received in the preceding week and specifies whether a decision is expected to be made by Planning Committee or delegated to planning officers. The weekly list is emailed to Councillors, Parish Councils and any other addresses on request. It is also posted on the Council's web site, which provides a facility for anyone to generate their own weekly list using parameters such as outline applications, a specific agent, or a defined road.

- 11.7 **Residents' Associations:** arrangements are made with individual groups for applications to be sent as and when submitted in their area of interest.

Availability of application documents

- 11.8 Applications are available for inspection throughout office hours at the built environment reception desk in the Council offices on the Promenade. Copies of documents can be made for a small charge. A Customer Liaison Officer is available to help interpret applications.

11.9 *Libraries*

The Cheltenham Central Library receives a copy of all planning applications and relevant outlying libraries receive copies of applications.

11.10 *Website*

Software on the Council's website allows anyone with access to the internet at home or through local libraries to search planning application records. The Council is working towards 100% availability of documents via the website.

Planning Applications

- 11.11 Planning applications are either determined at planning committee by Council Members who sit on the committee or they are delegated to case officers and are determined without the need to be reported at planning committee. All planning applications are available for delegation. Triggers for a committee decision include:

- Applications submitted by Council Members,
- Applications submitted by Gloucestershire County Council,
- Applications submitted by Council staff working in the Built Environment Directorate,
- Requests from Members within 21 days of the consultation start date,
- Conflict with parish council opinion,
- Officer request to seek committee decision.

Types of application

Significant applications

- 11.12 These are defined as:

- Applications for 50 or more dwellings;
- Applications which are a departure from the Local Plan;
- Applications which propose more than 1,000 square metres of floor space;
- Buildings or structures which exceed 15m in height;
- Applications which are accompanied by an Environmental Statement;
- Other applications which the Council considers would have a significant impact on the environment or a residential area.

An Environmental Statement describes the likely significant effects of the development on the environment and proposed mitigation measures. In Cheltenham they are required for all projects likely to give rise to significant environmental effects.

Not all significant applications are determined by committee.

Prior Approval Applications

- 11.13 These proposals include some types of telecommunications mast and agricultural buildings. Prior approval means that the proposal is in principal permitted development. The Council can consider only the siting and design of the structure. There is a fixed 28 day timescale for agricultural buildings and a 56 day timescale for telecommunications masts. If no decision is made within this period, the application is approved.

Prior approval applications for telecommunication masts include all ground based masts that do not exceed 15m in height and which are outside the Area of Outstanding Natural Beauty and Conservation Areas. The Mobile Operators' Association has independently published its 10 Commitments, which include policy on consultation with local communities: www.mobilemastinfo.com/index.html

Tree Applications and Tree Preservation Orders (TPOs)

- 11.14 Some trees are afforded special protection by Tree Preservation Orders because of the contribution they make to public amenity. Where trees are covered by TPOs, any works to them require statutory notification. When a tree preservation order is made, there is a statutory requirement to inform all land owners and interested parties and send them a copy of the order. All directly adjoining neighbours also receive a copy of the order. Nearby neighbours, relevant consultee groups and ward councillors receive a copy of the schedule and plan. There is a statutory 28 day consultation from the date of the service of the notice. All representations are considered by the members of the planning committee who make the decision as to whether or not the order is confirmed.

- 11.15 Tree applications are those which relate to works for the management and/or removal of trees for those trees which are protected by Tree preservation orders (TPOs). There is a distinction between conservation area notifications and tree preservation order applications. With all applications/notifications, the consultation period is 21 days and officers have delegated authority to determine all applications with the exception of:

- applications on Council owned land,
- notifications or applications from council employees,
- when a member specifically asks for an item to be referred to the Planning Committee within the consultation period.

The Council will consult the Cheltenham Tree Group and the Cheltenham Civic Society on any planning application which the Council's Senior Tree Officer is consulted on. This will include planning applications where it is identified that a TPO is present and any application where it is declared that trees are to be removed.

- 11.16 Whilst there is no statutory requirement to consult the wider community in respect of work to trees, the Council has adopted a policy to consult as widely as possible. The procedure closely follows that for planning applications and is often a mixture of neighbour/local interest group letters and site notices. Works to trees are not published in the local press. A weekly list is published and sent to the ward councillors, parish councils and local interest groups on request. In particular, at their request, Cheltenham Tree Group and Cheltenham Civic Society receive a copy of the weekly list. All recipients of the list are given 21 days to comment.
- 11.17 As with planning applications, both objectors and supporters can address the members of the Planning Committee. Following a decision (which may be delegated) letters will be sent to all neighbours/parish councils who made representations on the application/notification informing them of the outcome. A copy of the decision notice (in the case of a TPO application) or a letter informing of the outcome of a conservation area notification is sent to the applicant.
- 11.18 Notifications/applications for amendments to works to trees are very rarely received. No further consultations are carried out unless the amendment is for more drastic work, e.g. from an original scheme to prune a tree; to felling it. The tight time limit for conservation notifications does not allow for further consultation to take place.
- 11.19 An appeal can only be lodged against a refusal of consent for, or conditions attached to, works to trees covered by a tree preservation order (TPO). All previous consultees are informed. TPO appeals are dealt with in a similar fashion to a planning appeal. There is no right of appeal in respect of conservation area notifications. The appeals procedure is explained at paragraph 4.29.

Hedgerow Removal Applications

- 11.20 As Cheltenham is an urban authority, Hedgerow Removal Applications notifications are rare. Applications under the Hedgerow Regulations 1997 will be determined within 6 weeks of receipt of a removal notice. Consultation letters will be sent out to all relevant statutory bodies in addition to the local ward members and Parish Council. All comments received will be taken into account in making a decision as to whether or not the removal should be granted.

Consultations

- 11.21 Applicants are encouraged to carry out their own consultation with the community, which might include public meetings, newsletters, questionnaires and exhibitions, before the application is submitted. This allows amendments to be incorporated into the final submission. Applicants should consider the benefits of wide consultation on schemes likely to impact on residents or the environment, regardless of whether the proposal falls below the thresholds listed above.
- 11.22 ***Public meetings:*** if a meeting is held, officers will attend as observers and to provide information when requested.

- 11.23 **Design advice:** the Civic Society and the Panel of Architects of Gloucestershire Architectural Association meet regularly to provide comment on a range of applications.
- 11.24 **Consultation on amendments:** at the discretion of the officers, amendments may be publicised, usually by letter or a site notice. It is customary to allow 14 days for comments although this period may be reduced, according to the application timetable. The Council is drawing up an amended plans procedure which will set out a standard approach in this matter.
- 11.25 **Internal consultation:** advice and comments may be sought from Parks and Landscape, Conservation, Car parks, Community Safety, Environmental Health, Housing, Property, Strategic Land Use, Tourism, Economic Development, Urban Regeneration, Urban Design, Trees, and from the Building Control Division.-

Public speaking at Planning Committee

- 11.26 Planning Committee papers are available five working days before planning committee at the Council offices and on the internet. Objectors and supporters may address the Planning Committee for a period of up to 3 minutes. If more than one person wishes to speak, arrangements are made to consolidate the comments so that there is a maximum of two speakers, one for the proposal and one against. Council Members and Parish Councillors have a right to speak at Committee.

Determining planning applications

- 11.27 The following text sets out the procedures adhered to following the decision made on any type of planning application. All responses received to a planning application are assessed as material considerations in the determination of the application. A summary of the comments received are included within the officer report for each planning application and when an application is determined by Planning Committee a copy of the letter is circulated to Members with the committee papers. Those people who have written comments on applications receive a letter after the committee meeting informing them of the decision and explaining how to see more details. Results are published in the Committee minutes and made available on the Council's website.

Enforcement

- 11.28 Most enforcement cases arise following a referral from a member of the public. All referrals are treated confidentially. There is no consultation with the public on enforcement cases. Cases are often sensitive so the anonymity of the complainant is essential. Cases are often resolved by the submission of a planning application which is then publicised in the normal way.

Appeals

- 11.29 Anyone who has submitted a planning application has a right of appeal against the decision to refuse an application, a condition attached to a permission or the non determination of a planning application. There is no third party right of appeal. The case is examined by an independent planning inspector from the [Planning Inspectorate](#). When an appeal is received the Council notifies all who wrote about the original application, with information about how to make their views known to the Inspector. Previous correspondence is forwarded to the Inspectorate and Ward Members are notified. When an appeal proceeds by way of a hearing or inquiry, the date and venue are publicised by site notice and newspaper advert.

12 RESOURCING AND REVIEWING THE STATEMENT OF COMMUNITY INVOLVEMENT

Resource implications

- 12.1 The majority of the work for Local Plan preparation will be undertaken by the Council's Planning Policy team, supported by other relevant divisions of the Council and key stakeholders. Consultation associated with major planning applications will be undertaken by the Built Environment Division of Cheltenham Borough Council.
- 12.2 Some pre application consultation may be undertaken by developers for larger applications before planning applications are submitted. This consultation is not within the Council's control and representations on these consultations should be sent to the relevant party, not the council, in the first instance.
- 12.3 A positive relationship with stakeholders and the community will help to overcome any implications derived from these limitations, and the Council is committed to maximising those resources available to it. Consultation opportunities will be maximised through the use of the Council's established relationships with Cheltenham Partnership, business, health and education sector networks.

Reviewing the SCI

- 12.4 The Council will monitor the effectiveness of the consultation undertaken on Local Plans and Supplementary Planning documents to assess whether a balanced representation of the community has been involved in the process. The SCI will be reviewed if it considered that the consultation methods are insufficient or new practices are implemented. The effectiveness of the SCI will be assessed through the work of the Annual Monitoring Report. The SCI itself will be reviewed as appropriate, and updated as and when required, for example to reflect any new legislation.
- 12.5 The Council will consider any representations made to this document and make any necessary amendments.

Appendix 1 Summary of terms

A guide to the terminology used in this document

Adopted Policies Map	A map of the Local Planning Authority area which illustrates on an Ordnance Survey base map all the policies and proposals contained in the relevant local development document.
Authorities Monitoring Report (AMR)	A report on how the Council is performing in terms of the local plans for supplementary planning documents as specified in the Local Development Scheme. It includes a review of the Local Development Scheme's timetable and monitors the success, or otherwise of the local development document policies.
Joint Core Strategy (JCS)	Sets out the long term vision for the district and provides the strategic policies and proposals to deliver that vision.
Local Development Document (LDD)	Any document prepared by a local planning authority, which deals with one or more of: <ul style="list-style-type: none">• the development and use of land• the allocation of sites for a particular type of development or use;• any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land• development management and site allocation policies, which are intended to guide the determination of applications for planning permission;
Local Development Scheme (LDS)	A three year plan which shows the local development documents to be produced and the timetable for their production.
Local Plan	Any document which can be considered as a Local Development Document (above)
Cheltenham Partnership (formerly the Local Strategic Partnership, LSP)	The Cheltenham Partnership is a non-statutory, non-executive organisation which operates at a level enabling strategic decisions to be taken and is close enough to individual neighbourhoods to allow actions to be determined at community level.

Material considerations	Material considerations are factors which are important to the decision taking process. Legally, section 54A of the Town and Country Planning Act 1990 sets out that the local planning authority must determine planning applications in accordance with the local plan unless other material considerations indicate otherwise. Material considerations include issues such as the siting of buildings, mass and design, availability of infrastructure and traffic considerations and other relevant documents.
Planning Inspectorate (PINS)	The government agency responsible for scheduling independent examinations. The planning inspectors who sit on independent examinations are employed by PINs.
Soundness Test	To be sound a local development document should be: <ul style="list-style-type: none"> • positively prepared • justified • effective • consistent with national policy
Statement of Community Involvement (SCI)	A document which sets out how the Council will consult and involve the public at every stage in the production of the local development documents. It also applies to major development control applications.
Statement of Compliance	This will set out in detail exactly how the authority has met its community involvement requirements for any particular local plan as set out in the Statement of Community Involvement.
Strategic Environmental Assessment (SEA)	An appraisal of the impacts of policies and proposals on economic, social and environmental issues, required by European legislation.
Supplementary Planning Document (SPD)	Provides additional advice and information relating to a specific policy or proposal in a local development document.

**Sustainability Appraisal
(SA)**

These are required under national legislation for emerging policy and include consideration of social & economic impacts as well as impacts on the environment. This incorporates Strategic Environmental Assessments into the definition.

Diagram 1: Showing Cheltenham's Local Plan and supporting documents

Cheltenham's Local Plan and supporting documents



Appendix 2 Consultees

The following contains a list of consultees as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and shows Cheltenham specific groups as currently held on our database. This list focuses on relevant consultees to Cheltenham and community and local-based groups and organisations but should not be considered as exhaustive. The list will be subject to revision as and when it is necessary to keep it up to date and relevant. The Planning Policy team within the Council maintain a database of contact details for all other interested individuals and organisations who will be consulted where relevant.

Contact the Planning Policy team if you would like to be added or removed from the database.

Specific consultation bodies (where relevant to Cheltenham Borough):

- the Environment Agency
- the Historic Buildings and Monuments Commission for England (known as English Heritage)
- Natural England
- Network Rail Infrastructure Limited (company number 2904587)
- the Highways Agency,
- a relevant authority any part of whose area is in or adjoins the local planning authority's area,
- any person—
 - to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003, and
 - who owns or controls electronic communications apparatus situated in any part of the local planning authority's area,
- if it exercises functions in any part of the local planning authority's area—
 - a Primary Care Trust established under section 18 of the National Health Service Act 2006(9) or continued in existence by virtue of that section;
 - a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989
 - a person to whom a licence has been granted under section 7(2) of the Gas Act 1986
 - a sewerage undertaker
 - a water undertaker
- The Homes and Communities Agency

For Cheltenham Borough this includes the following:

- Badgeworth Parish Council
- Bishops Cleeve Parish Council
- Boddington Parish Council
- British Telecommunications Plc
- Charlton Kings Parish Council
- Coberley Parish Council
- Commission for Rural Communities
- Cotswold District Council
- Dowdeswell Parish Council
- Relevant Electricity and Gas Companies
- The Environment Agency
- Forest of Dean District Council
- Gloucestershire County Council
- Herefordshire Council
- Highways Agency
- Historic Buildings and Monuments Commission for England (English Heritage)
- Leckhampton with Warden Hill Parish Council
- Monmouthshire County Council
- Natural England
- NHS South West
- Oxfordshire County Council
- Prestbury Parish Council

- Severn Trent Water
- Sevenhampton Parish Council
- Shurdington Parish Council
- Southam Parish Council
- South Gloucestershire Council
- Staverton Parish Council
- Stoke Orchard Parish Council
- Strategic Rail Authority
- Stroud District Council
- Swindon Borough Council
- Swindon Village Parish Council
- Relevant Telecommunications Companies
- Tewkesbury Borough Council
- Uckington Parish Council
- Up Hatherley Parish Council
- Warwickshire County Council
- Whittington Parish Council
- Wiltshire County Council
- Worcestershire County Council

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;

For Cheltenham Borough this includes the following:

- B & Q Plc
- Canal and River Trust (Formerly British Waterways)
- Cheltenham Business Partnership
- Cheltenham Chamber of Commerce (Planning & Transport Committee)
- Cheltenham Civic Society
- Cheltenham Cycle Campaign
- Cheltenham Borough Council Disability Group
- Cheltenham Disability Forum
- Cheltenham Hospitality Association
- Cheltenham in Bloom
- Cheltenham Strategic Partnership
- Cheltenham Centre for Change
- Cheltenham Tree Group
- Commission for Architecture and the Built Environment
- Corporate Property Services Gloucestershire County Council
- Cotswolds Conservation Board
- Cottesloe Property Co Limited
- Council for the Protection of Rural England (CPRE)
- Dialogue
- Disability Forum
- Diocese of Gloucester
- Federation of Small Businesses

- Federation of tenants and leaseholders
- Friends of Leckhampton Hill and Charlton Kings Common (FOLK)
- Freight Transport Association
- Friends of Montpellier Bandstand and Gardens
- Cheltenham Friends of the Earth
- Gay Cheltenham
- George Bence & Sons
- Gloucester City Council
- Gloucestershire Association for Community and Voluntary Action (GAVCA)
- Gloucestershire Chamber of Commerce and Industry
- Gloucestershire Constabulary
- Gloucestershire County Council (Integrated Transport Unit)
- Gloucestershire Fire & Rescue Service
- Gloucestershire First
- Gloucestershire Geoconservation Trust
- Gloucestershire Hospitals NHS Foundation Trust
- Gloucestershire Wildlife Trust
- Government Communication HQ
- Help the aged
- Home Builders Federation
- Living Streets
- Keyway (Gloucester) United
- Mobile Operators Association
- National Playing Fields Association
- Network Rail
- NHS Estates South
- Pensioner's Forum
- Planning Aid
- Ramblers Association
- Regen South West
- Road Haulage Association
- Royal Mail
- RSPB
- Salmon Harvester Properties Ltd. & Interbrew UK Ltd.
- SecondSite Property Holdings Ltd.
- Signcraft (Cheltenham) LTD
- South West RSL Planning Consortium
- Sport England South West
- Stagecoach West
- Swindon Village Society
- The Governors of St Benedicts Catholic College
- Tidy Cheltenham Group
- Tourism South West
- UCAS
- University of Gloucestershire
- Woodland Trust
- Zurich Financial Services

Duty to Co-operate consultees (where relevant to Cheltenham Borough):

- the Environment Agency;
- the Historic Buildings and Monuments Commission for England (known as English Heritage)
- Natural England;
- the Homes and Communities Agency;
- each Primary Care Trust established under section 18 of the National Health Service Act 2006(2) or continued in existence by virtue of that section;
- the Office of Rail Regulation

- each highway authority within the meaning of section 1 of the Highways Act 1980(6) (including the Secretary of State, where the Secretary of State is the highways authority);
and
- local enterprise partnership.

An updated free standing list of consultees will be produced as necessary. Please note, these lists also relate to successor bodies where re-organisations occur. From time to time consultation lists will be reviewed and updated, this does not however require a review or update to the SCI.

Appendix 3

Documents will be deposited for the purposes of public consultation at the following locations

- Charlton Kings Library
- Cheltenham Main Library
- Hesters Way Library
- Prestbury Library
- Up Hatherley Library
- Bishop's Cleeve Library
- Hesters Way Neighbourhood Project
- Health Resource Centre
- Lower High Street Resource Centre

Copies of the SCI are available for inspection free of charge on the Cheltenham Borough Council website www.cheltenham.gov.uk and at:

**Gloucestershire
County Council**
Environment
Department Reception
Shire Hall
Gloucester GL1 2TH
Monday to Friday
8.30am to 5.00pm

**Cotswold District
Council**
Development and
Heritage Dept.
Reception
Trinity Road
Cirencester
GL7 1PX
Monday to Friday
9.00am to 5.00pm

**Cheltenham Borough
Council**
Environmental Services
Reception
Municipal Offices
Promenade
Cheltenham
GL50 1PP
Monday, Tuesday,
Thursday, Friday
9.00am to 5.00pm
9:30am - 5:00pm on
Wednesday

**Forest of Dean District
Council**
Main Reception
Council Offices
High Street
Coleford
GL16 8HG
Monday to Friday 8.30am
to 5.00pm

**Gloucester City
Council**
Reception
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ
Monday to Thursday
8.45am to 5.00pm &
Friday 8:45am to
4:30pm

Stroud District Council
Planning Reception
Ebley Mill
Stroud
GL5 4UB
Monday to Thursday
8.45am to 5.00pm &
Friday 8.45am to
4.30pm

**Tewkesbury Borough
Council**
Development Services
Reception
Council Offices
Gloucester Road
Tewkesbury
GL20 5TT
Monday to Thursday
8.30am to 5.00pm &
Friday 8.30am to 4.00pm