

# REVISED WEST SOMERSET STATEMENT OF COMMUNITY INVOLVEMENT



**Adopted  
December 2014**



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# What is a Statement of Community Involvement?

This Statement of Community Involvement (SCI) sets out how West Somerset Council will involve the community and stakeholders in the preparation, alteration and review of local planning policy and the consideration of planning applications within the West Somerset Local Planning Authority area – that is, the parts of West Somerset District lying outside the Exmoor National Park<sup>1</sup>. This is our second SCI and has been prepared to take account of changes to planning policy nationally and the way in which the Council is structured and organised.

## Why have an SCI?

Decisions on where new homes, jobs, shops, services and facilities should go must take account of the capacity of a range of things including, inter alia, local infrastructure, environmental and social constraints. Often, local communities have the best understanding of how their areas work. To this end it is vital that the views of local communities and other stakeholders are taken into account through both plan-making and decision-taking (development management) processes. The Council also has legal duty to prepare an SCI.

The Council also has a legal duty to consult in the preparation of local plans and on planning applications. These duties and responsibilities are set out in a number of pieces of legislation including:

- the Planning and Compulsory Purchase Act (2004),
- Localism Act (2011),
- Town and Country Planning Act (1990),
- Town & Country Planning (Development Management Procedure) (England) Order (2010)
- the Town and Country Planning (Local Planning) (England) Regulations 2012, and;
- the Neighbourhood Planning Regulations (2012).

## How can you get involved?

There are two areas of planning that you can be involved in:

- **Planning policy preparation** (The Local Plan and other planning policy documents) - setting the policy framework against which development proposals will be assessed. Decisions on planning applications are made in line with these local planning documents.
- **Planning applications** (Development Management) - most types of development require a planning application to be submitted and approved. Anyone can view and make comments on a planning application.

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<sup>1</sup> The Exmoor National Park Authority is the Local Planning Authority for the parts of West Somerset District which lie within the Exmoor National Park. The National Park Authority is responsible for publishing its own Statement of Community Involvement.

## **Corporate Context**

The Council's first SCI was adopted in 2007, it was one of a suite of documents aimed at developing a shared Vision for the future of the West Somerset Local Planning Authority area. Since 2007 there have been changes to National Planning Policy, Equalities Legislation and the Council's Corporate Policies which necessitate the preparation of a revised SCI.

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# Community Involvement in Plan Preparation

## **The Planning System**

The planning system requires local authorities to produce local development documents. These set out the spatial strategy for an area - where people will live, work and spend their leisure time - and provide the basis on which planning applications are determined.

Planning Legislation, Regulations and Guidance set out what documents must be produced, how they must be developed and examined by an independent examiner.

Further information regarding the Council's programme for preparing development plan documents is contained in the Local Development Scheme.

Copies of the Local Development Scheme are available from:

- the Council's website – [www.westsomerset.gov.uk](http://www.westsomerset.gov.uk)
- or may be inspected at the Council's offices:
  - West Somerset House, Killick Way, Williton, Somerset TA4 4QA, and;
  - Minehead Customer Centre, 1-3 Summerland Road, Minehead. TA24 5BP

The Statement of Community Involvement will be used by the Council to guide the approach to the consultation undertaken in the preparation of its local plans.

There are two types of local plans:

- Development Plan Documents (such as the West Somerset Local Plan to 2032), and;
- Supplementary Planning Documents (these may include planning obligations SPD, strategic site masterplans etc. which provide more detail for the application of statutory planning policies).

The Statement of Community Involvement should be used by those producing the documents to guide the approach to the consultation undertaken in their preparation.

# Community Involvement in Plan Preparation

## Current Local Planning Coverage in West Somerset

### National Planning Policy

(Listed below is some of the legislation)

The Town and Country Planning Act 1990	Localism Act 2011	Planning and Compulsory Purchase Act 2004
Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended)	National Planning Policy Framework 2012 National Planning Practice Guidance 2014	
Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)	Planning Act 2008	
Neighbourhood Planning (General) Regulations 2012.	Planning (Listed Buildings & Conservation Areas) Act 1990 (As Amended)	

Related planning documents	Development Plan Documents	Supplementary Planning Documents
Statement of Community Involvement	Saved policies of the West Somerset District Local Plan 2006	Planning Obligations SPD
Local Development Scheme	Draft West Somerset Local Plan to 2032 (Revised Preferred Strategy)	
Annual Monitoring Report	Stogumber Neighbourhood Plan (in preparation)	

# Community Involvement in Plan Preparation

## **Development Plan Documents**

The West Somerset Local Plan to 2032 is a Development Plan Document (DPD). The purpose of DPDs is to set out policies and proposals for the regulation and use of land within the LPA area.

Each DPD goes through a series of formal stages of production prior to adoption. These involve the consideration of alternative options, public consultation, and a publication stage at which formal representations are made and submission for independent examination.

The formal stages in the production of a development plan document are:

- Pre-publication consultation – this could be undertaken once or a number of times. The exact scale and extent of consultation may depend on the scope and content of the Plan being prepared. For a Local Plan, issues, strategy options and preferred strategy consultations are likely to be appropriate, as well as other engagement outside these specific exercises.
- Publication – at which point stakeholders and members of the community can make formal representations on the Plan's soundness. These representations are ultimately put before an Examiner considering the soundness of the Plan.
- Submission – the Council must submit the published plan to the Secretary of State along with all representations received at the publication stage.
- Examination – an independently appointed Examiner will consider the soundness of the Development Plan Document against several tests as well as whether the Council has complied with the relevant Regulations.
- Adoption – following receipt of the Examiner's Report (and subject to the Plan being found sound) the Council can formally adopt the Plan as a Development Plan Document.

## **Strategic Environmental Assessment and Sustainability Appraisal**

The planning system requires DPDs to go through a process called a Strategic Environmental Assessment (SEA). The purpose of an SEA and Sustainability Appraisal (SA) is to assess the effects of the plan on the environment and to help to inform the choices made in developing the plan's strategy and policies.

An SEA/SA is produced when starting the process of DPD preparation; it is consulted on to allow interested parties to make representations on what it should contain.

An SA is undertaken when preparing each stage of a DPD, and a report is consulted on throughout the plan-making process, at the same time as the DPD.

Where both these documents are required The Council may combine them into one publication.

An SA is not generally required for SPDs<sup>2</sup>.

## **Supplementary Planning Documents**

Supplementary Planning Documents (SPD) are non-statutory planning policy documents which provide additional information or detail on the how particular policies in a DPD should be applied. Examples include: masterplans, development briefs and design guidance. The process for the preparation of SPDs is simpler than the more formal requirements laid down in the Regulations for preparing DPDs.

The 2012 Local Planning Regulations require the following stages for the production of an SPD:

- Publication – at which point stakeholders and members of the community can make formal representations on the draft SPD. Representations received will be collated into a report which also says how the issues raised have been addressed.
- Adoption – following consideration of the consultation responses and the making of any appropriate amendments, the document will be considered by the Council for formal adoption.

## **Neighbourhood Planning**

The Localism Act 2011 introduced a new, locally prepared, tier of statutory planning policy: Neighbourhood Development Plans and Neighbourhood Development Orders. These Documents, when successfully completed, form part of the Statutory Development Plan for the area, used to determine planning applications. The qualifying body (the Town or Parish Council within West Somerset) is responsible for research, drafting and consultation during the development of the document. West Somerset Council is responsible for formal notification and consultation at certain regulatory stages in the process.

The Council expects the relevant body to undertake appropriate and effective consultation with the community and stakeholders. Such engagement will identify issues that will shape the form and content of the Neighbourhood Plan or Development Order.

Every Neighbourhood Plan or Development Order is individual and therefore the scope and form of consultation will vary. Statutory stakeholders have specialist knowledge, information and expertise which can assist in the development and production of the Neighbourhood Plan. Voluntary Bodies have locally specific

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<sup>2</sup> The Planning Act 2008 altered Section 19(5) of the 2004 Act removing the requirement for local authorities to produce an SA for SPDs. This is because SPDs do not create new policies, but provide detailed advice on the implementation of statutory Development Plan policies which have themselves already been subject to SA. If an SPD is likely to give rise to significant effects the impacts of which have not been covered in the SA of the policy to which the SPD relates, or where an assessment is required by the Strategic Environmental Assessment (SEA) Directive then an assessment may, exceptionally, be required.

knowledge on the range of groups and people in the area. Those who live, work and play in the area may also have specific insights which can be invaluable.

The Council expects the town or parish council preparing the Plan to provide details of the engagement undertaken; including a list of organisations, associations and bodies who were consulted, a summary of their input, how the Neighbourhood Planning group have taken account of any relevant issues and how the draft neighbourhood plan has been shaped to take account of them.

A number of bodies can advise and provide training and support to neighbourhood plan groups. The Council can assist in identifying appropriate organisations and sources of information.

The Council is responsible for notification and facilitating the following regulatory stages in the Neighbourhood Plan process:

- Designation of a neighbourhood planning area. Stakeholders and members of the community can make formal representations on the compliance with the regulations of the proposed Neighbourhood Planning Area. Within the West Somerset Local Planning Authority area the relevant body for neighbourhood planning purposes will always be the local town or parish council. Once a neighbourhood area has been designated by the Council the designation must be formally advertised.
- The Council will check that the Draft Neighbourhood Plan complies with the criteria for a Neighbourhood Plan in the Legislation and Regulations.
- Publicising the Draft Neighbourhood Plan. Stakeholders and members of the community can make formal representations on it. These representations are put before the Independent Person appointed to consider the soundness of the neighbourhood plan.
- Examination of the Neighbourhood Plan: The Council will appoint an appropriately qualified Independent Person to consider whether the draft Neighbourhood Plan is in compliance with the relevant Regulations and Legislation.
- The Council considers the Independent Person's recommendations and amends the plan accordingly where appropriate. Assuming that the draft Neighbourhood Plan can be made compliant it is subject to a referendum within the Neighbourhood Planning Area.
- Decision on the Neighbourhood Development Plan proposal: Following the referendum, if a simple majority of those voting support adoption of the Neighbourhood Plan, then the Council must make the Neighbourhood Development Plan and it becomes part of the Statutory Development Plan for the area.

The Neighbourhood Planning Regulations<sup>3</sup> set out who must be consulted at which Stage.

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<sup>3</sup> The Neighbourhood Planning (General) Regulations 2012: statutory instrument 2012 No. 637

## Who we will consult

We will consult people at various stages in the development of local plans. The Town and Country Planning Regulations require Local Planning Authorities to involve the community and stakeholders in Local Plan preparation and specify a number of organisations which must be consulted on local plan matters relevant to them (the Specific Consultation Bodies<sup>4</sup>) and also describes a number of interest group types (General Consultation Bodies<sup>5</sup>) to be included. A list of Specific Consultation Bodies, General Consultation Bodies, and other organisations and groups the Council seeks to involve in plan-making is included in Appendix A.

In addition to meeting its statutory obligations, the Council is committed to ensuring that local groups, organisations and individuals are provided with the opportunity to be involved in the preparation of local development documents.

West Somerset Council has a database of consultees, who have either commented upon, or expressed an interest in being involved with the development of local plans. This database is used to keep individuals, companies and organisations informed on the production of the Local Plan and other planning policy documents. New consultees are added to the consultation database via e-mail or letter to the Policy Team requesting inclusion on to the database. The Data Protection Act will be followed to ensure personal data is kept securely and personal details are not disclosed.

## Consultation methods

The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the minimum requirements for public participation in the preparation of Development Plan Documents. These are marked with an “M”. The Council aims to go beyond these requirements; examples of ways we may do this are listed after the statutory requirements.

A variety of methods will be used at various stages of the planning process to enable community involvement in the preparation of local plans. These methods include, but are not limited to:

- **The Council’s website (M)** – consultation activities will be publicised through the Council’s website, on the Planning Policy and home pages. Local plan evidence base studies are also available to view and download. The [www.westsomersetsays.com](http://www.westsomersetsays.com) consultation portal will also be available for people to access consultation documents and to read and submit comments online.
- **Inspection Points (M)** – hard copies of documents will be available for inspection at the Council’s Offices during consultation periods. In addition we will also make them available at selected local libraries in the area. Copies of the evidence base studies are also be available to view on request at West Somerset House in Williton.

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<sup>4</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012: statutory instrument 2012 No. 767 Regulation 2.(1)

<sup>5</sup> Ibid.

- **E-mail (M)** – notifications will be sent to statutory bodies, stakeholders, relevant groups and other individuals and organisations on our consultation base. The Council's Planning Policy team is contactable via the following e-mail address: [ldf@westsomerset.gov.uk](mailto:ldf@westsomerset.gov.uk)
- **Letters (M)** – where we have no e-mail details postal notifications will be sent to statutory bodies, stakeholders, relevant groups and other individuals and organisations on our consultation database where we only have a postal address or they have specifically requested to be contacted by post.
- **Local News Media** – Public Notices will be placed in the West Somerset Free Press. Advertisements will include details on when and where planning documents can be inspected, how copies can be obtained, the closing date for representations and where to send them. We will also issue a press release to appropriate local news media.
- **Public exhibitions / drop-in sessions** – these events, staffed by planning policy officers, provide information and detail on the emerging Local Plan's proposals. They offer the opportunity for the public and stakeholders to ask questions about the Plan and collect information and literature about the consultation exercise. This helps to target members of the community who may not get involved through electronic media or more formal methods.
- **One-to-one meetings** – with individuals, groups, organisations and stakeholders as appropriate, to provide the opportunity for exchange on information, discussions and problem solving. However, it is the responsibility of the individual, group or organisation to submit written comments after the meeting if they wish.
- **Presentations** – to groups, organisations and stakeholders as appropriate, to target particular people in the community who may be interested in a specific issue.
- **Community and resident meetings and groups** – use of pre-existing community and resident meetings to target people with specific characteristics or interests.
- **Local Plan Newsletter** – this will be published from time to time via the Council's website to provide information about the progress of planning policy document preparation and public engagement opportunities.
- **Local Plan Workshops** – Round table workshop sessions have been offered at each stage in the preparation of the Core Strategy / Local Plan. These have provided a valuable opportunity to discuss the Plan's strategy and policies in some detail and to receive feedback and answer questions. This informal environment may also help to reach people who might not get involved with more formal processes.
- **Social Media** – we may advertise consultations through the Council's Twitter account with additional tweets if appropriate during the course of the consultation.

It is recognised that some of the methods outlined above may not suit everybody, however it is hoped that the variety of methods will enable a wide range of people to get involved in the consultation process.

In line with Equalities legislation, all of our publications will be written clearly and concisely, explaining any technical terms or language. A translation facilities box will be included on all consultation and adopted DPDs and SPDs. We will also offer an appropriate timescale for representations to be received to allow everyone to have the chance to participate.

## **Equalities and Diversity**

The Equality Act (2010) defines nine “protected characteristics”: age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council will aim to ensure that these characteristics do not affect people’s ability to respond to our consultation and have their views heard.

It is recognised that some groups are harder to engage with than others. These can include: those for whom English is not their first language, people with disabilities, children and young people, older people, gypsies and travellers, ethnic minorities, and the homeless. Such groups may not be engaged by or may be unable or unwilling to engage in traditional consultation methods. The Council will endeavour to take account of barriers faced by these groups and try to overcome these by using alternative methods of consultation, or by asking affected groups or individuals how they would like to be involved.

A list of community and voluntary organisations operating in West Somerset with links to equality and diversity groups is included in Appendix A. This is not an exhaustive list, it provides an indication of the variety of harder to reach groups in the District.

## **What we do with representations received**

We will read all representations received and taken into account those which are related to planning policy matters. Because we get a large number of responses we cannot always respond individually to them, but we will produce a summary document which will be published on our website.

All representations received will be public documents and as such will be available for others to see. In line with the Data Protection Act we will not publish personal information such as e-mails, signatures, telephone numbers or addresses. We cannot keep your name secret.

The Council will not accept comments that are offensive, obscene, racist or illegal. We may pass any such material to the Police.

A statement of consultation will be produced containing an overview of the consultation activities undertaken, summary of representations received and how or what the Council will do to accommodate these into account in the final document. This statement will form part of the publication documentation for the Local Plan.

A response report on the consultation exercise will be presented to the Council’s Local Development Panel. All responses will be considered although not all will justify any

amendment to the Plan's content. Responses suggesting changes to the Plan's strategy or policies should be supported by appropriate evidence where possible.

When submitting a DPD to the Secretary of State the Council is also required to submit a statement of compliance setting out which bodies and other persons have been consulted, how they have been consulted, the main issues that were raised and how these have been addressed.

### **What we will do if you feel unfairly treated**

The level of service you can expect from the Council is set out in our Service Standards. If a person is not happy with the service they have received they should contact the Planning team in the first instance. If they are dissatisfied with the response they can make a formal complaint through the Council's Complaint Procedure.

The Local Government Ombudsman investigates complaints of injustice arising from misadministration by Local Government and certain other bodies. The Ombudsman can investigate complaints about how a Council has done something. However, they cannot question what a Council has done simply because someone does not agree with it. [www.lgo.org.uk](http://www.lgo.org.uk)

# Community Involvement in Development Management

## **The Planning System**

The Planning System requires Local Authorities to determine applications for changes of use of land and buildings.

Planning Legislation, Regulations and Guidance set out what should be in an application and the process for making decisions on its acceptability.

Development Management decisions shape the character of an area. The Council determines a range of applications, inter alia, household extensions, fences, listed building applications, changes of use, advertisements to major housing and business premises<sup>6</sup>.

There are four stages at which the local community and stakeholders may be consulted and/or notified about development proposals:

- pre-application stage - undertaken by the applicant once or a number of times. The exact scale and extent of consultation will depend on the scope and content of the planning application being prepared;
- application stage - undertaken by the Council this is formal consultation on the application;
- when a decision has been made - undertaken by the Council; and
- appeal on a decision - undertaken by the Council on behalf of the Planning Inspectorate (PINS), additional formal comments may be submitted.

Planning Acts, Orders and Regulations set out the approach that the Council and applicants are required to undertake in regard to consultation.

The SCI will be used by the Council to set expectations for applicant led consultation and guide our approach to consultation in the planning application process.

## **Pre-application (for the applicant to undertake)**

Because West Somerset Council is rarely the applicant for planning permission, this section of the SCI is primarily focused on setting the standards we would expect an applicant to follow prior to making an application for planning permission.

We recommend that all applicants undertake appropriate and effective pre- application consultation with the community before submitting an application. Early engagement with the Council, local community and key stakeholders can identify and address issues before applications are submitted, shape the design of the development and ensure sufficient information is submitted for an application to be registered and a recommendation made.

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<sup>6</sup> Applications for waste, minerals and major highway schemes are considered by Somerset County Council. Applications for nationally significant infrastructure projects are considered by the Planning Inspectorate

Engagement with the Council is important and can vary from a short conversation with a Council Officer to a number of meetings with various WSC departments and Elected Members. Pre-application advice is subject to the payment of an appropriate fee. The fee is based on the size and type of development. Details of the Pre-application advice service and fees are available on the WSC web site:

<http://www.westsomersetonline.gov.uk/Planning---Building/Planning/Making-an-Application/Pre-Application-Advice> .

Open and transparent consultation with Parish and Town Councils as well as members of the public at public meetings is recommended. Advice from the Council and Parish or Town Councils is confidential and will be “without prejudice” to any eventual decision of an application. Views from a wide number and range of community members; utilising local and community media, publications and knowledge is expected.

The Council expects an applicant to provide details of the pre-application engagement undertaken; including a list of the organisations, bodies and people who engaged with the consultation, a summary of their responses and an explanation of how they have taken account of any relevant issues raised as well as how the developer has amended their scheme to take account of them. This should also be presented within the appropriate policy context, relevant national and local policies and links to local strategies.

Every planning application is individual therefore the scale of community consultation and techniques used will vary. The Council's Development Management and Policy Teams can advise of the relevant issues and suggest ways to involve and inform the community.

A number of bodies can advise and provide training to communities on a range of planning issues including pre-application engagement, representations to planning applications and planning policy consultations. Planning Aid England provides a range of advice and support to individuals and communities. See their web site for more information: <http://www.rtpi.org.uk/planning-aid> . The Planning Portal also provides information on the planning system to individuals, developers and Councils: <http://www.planningportal.gov.uk>.

### **Application (for the Council)**

When an application is received it will be registered and checked to make sure that all the information the Council expects is submitted. When it has been validated it will be included on the weekly application register. The register as well as all information and correspondence pertaining to the application will be put on the case file. This will be available on the Council's website: [www.westsomersetonline.gov.uk/planning](http://www.westsomersetonline.gov.uk/planning) . Paper copies of current planning applications will also be available to view on request at West Somerset House's Reception in Williton.

# Community Involvement in Development Management

## **Who we will consult**

The Town and Country Planning (Development Management Procedure) (England) Order 2010 requires the Council to consult the community. For certain types of application WSC is also obliged to consult with specific groups and organisations, often referred to as statutory consultees, these are listed in Appendix B. Consultation will be proportionate to the application being considered.

## **How we will consult**

The Council has a duty to ensure applications and decisions are properly publicised in order that the public and stakeholders can meaningfully influence the process. The Council is required to publicise the application, either by site notice or by writing to neighbours. Site notice/s will be placed in a prominent position on or near the site. For some larger developments, applications contrary to the local plan and some statutory applications, such as those affecting Listed Buildings or Conservation Areas, a Public Notice will also be placed in that section of the local newspaper<sup>7</sup>.

The letter, notice or advert will contain details of the planning application and information on where plans and any supporting documents accompanying the application can be viewed. It will also explain where to make representations and when they have to be returned to the Council.

Sometimes planning applications are revised after they have been submitted; this could be as a result of matters of concern or items raised in objections. In these cases, the Council may re-consult those people originally notified of the application to give them the opportunity to comment on the amendments. The Council has a statutory time limit within which WSC has to determine most applications. Given this a 14 day response period will usually apply for re-consultation.

Parish and town councils are consulted on the planning applications within their area.

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<sup>7</sup> Article 13 Town & Country Planning (Development Management Procedure) (England) Order 2010 (as amended), DMPO, and Regulation 5 Planning (Listed Building and Conservation Areas) Regulations 1990 (as amended), and Section 67 & 73 Planning (Listed Building and Conservation Areas) Act 1990 to be amended by the Planning and Compulsory Purchase Act 2004)

# Community Involvement in Development Management

## **What we do with representations received**

Representations received will be put in the case file and published on the Council's website. The Council will only be able to consider matters relating to planning and the planning application. The Council will not accept comments that are offensive, obscene, racist or illegal. We may pass such material to the Police.

Where appropriate, comments may result in changes to an application, conditions attached to an application decision to address particular issues or refusal of an application. There are nearly always differing views and competing interests, we are required to make informed decisions having regard to national and local planning policies, development impacts and what will be in the best interest of the community.

## **Decisions**

For most minor and householder applications decisions are made by the Assistant Director for Planning and Environment under powers delegated from the Planning Committee. Ward Councillors may request that any application be determined by the Planning Committee. Such requests received within 14 days of validation will be considered by the Chair & Vice Chair of Committee.

For major, significant and controversial applications decisions are made by Councillors on the Planning Committee. The Development Management Officers prepare a report for committee outlining the proposal, issues raised and recommendations of either approval, approval with conditions or refusal.

Any person who has made a representation will be notified when the application is to be reported to the Planning Committee for determination.

On occasion the Secretary of State will call in an application rather than let the Local Authority decide. If this happens the Council will provide copies of all correspondence to the Secretary of State and publicise the call-in on its website.

## **Post-application (the Council)**

Once a decision has been made on an application, the Council will publish it on the weekly decision register and in the local newspaper. A copy of the decision notice for all applications since 1974 is also available on the Council's website.

Where an applicant is unhappy with the Council's decision they have the right to appeal. Applicants must lodge an appeal with the Planning Inspectorate who will determine its validity before initiating proceedings and setting a start date. When an appeal is accepted the Council has one week from the start date to notify all statutory consultees and interested persons. Statutory consultees and interested persons may have the opportunity to make any additional comments on the application. Within five weeks the Council will submit all relevant information, including further representations received, and an appeal statement to the Planning Inspectorate. The Inspectorate will re-evaluate the information and determine whether the Council's decision was correct or if it should be overturned. The Council will publish the decision on its website.

## **What we will do if you feel unfairly treated**

The level of service you can expect from the Council is set out in our Service Standards. If a person is not happy with the service they have received they should contact the Planning team in the first instance. If they are dissatisfied with the response they can make a formal complaint through the Council's Complaint Procedure.

The Local Government Ombudsman investigates complaints of injustice arising from misadministration by Local Government and certain other bodies. The Ombudsman can investigate complaints about how a Council has done something. However, they cannot question what a Council has done simply because someone does not agree with it. [www.lgo.org.uk](http://www.lgo.org.uk)

# Monitoring and Review

The contents of the Statement of Community Involvement will be regularly reviewed in order to keep up to date with any changes in policy, to update consultee groups, where necessary, and to review the relative success of the various community involvement measures undertaken.

# Appendix A – Stakeholders to be involved in local planning policy

<b>Specific Consultation Bodies -</b>	
<b>These are the statutory consultees defined in the Regulations</b>	
Marine Management Organisation	The Highways Agency
English Heritage	Parrett Internal Drainage Board
Natural England	Somerset County Council
Environment Agency	Devon County Council
Sedgemoor District Council	British Telecom PLC
Taunton Deane Borough Council	Commpro Telecommunications
Exmoor National Park Authority	Mobile Operators Association (MOA)
North Devon District Council	Mono Consultants Ltd.
Mid Devon District Council	T-Mobile (UK) Ltd
Homes and Communities Agency	O2 (UK) Ltd
Somerset Supporting People Partnership	Orange Personal Communications
NHS Clinical Commissioning Group and NHS Commissioning Board	Vodafone Ltd
Somerset Health & Wellbeing Board	South West Water
RWE npower renewables	Wessex Water
EDF Energy	Network Rail Infrastructure Limited
National Grid UK Transmission	Avon and Somerset Constabulary
National Grid	British Transco
Western Power Distribution	Wales and West Utilities
<b>West Somerset LPA town and parish councils</b>	
Bicknoller Parish Council	Brompton Ralph Parish Council
Brompton Regis Parish Council	Brushford Parish Council
Carhampton Parish Council	Clatworthy Parish Council
Crowcombe Parish Council	Dulverton Town Council
Dunster Parish Council	East Quantoxhead Parish Meeting
Elworthy Parish Meeting	Holford Parish Council
Huish Champflower Parish Council	Kilve Parish Council
Minehead Town Council	Monksilver Parish Council
Nettlecombe Parish Council	Old Cleeve Parish Council
Sampford Brett Parish Council	Skilgate Parish Meeting
Stogumber Parish Council	Stogursey Parish Council
Stringston Parish Meeting	Upton Parish Council
Watchet Town Council	West Quantoxhead Parish Council
Williton Parish Council	Withycombe Parish Council
<b>Adjacent town and parish councils outside the LPA area</b>	
Brayford PC	Challacombe PC
Chipstable Parish Council	Combe Martin Parish Council
Countisbury PC	Cutcombe Parish Council
East Anstey Parish Council	Exford Parish Council
Exmoor Parish Council	Exton Parish Council
Fiddington Parish Council	Fitzhead Parish Council
Luccombe Parish Council	Luxborough Parish Council
Lydeard St Lawrence Parish Council	Lynton and Lynmouth PC
Molland Parish Council	Morebath Parish Council
Nether Stowey Parish Council	North Molton PC
Oakford Parish Council	Oare Parish Meeting
Otterhampton Parish Council	Over Stowey Parish Council

Porlock Parish Council	Selworthy & Minehead Without Parish
Stockland Bristol PC	Timberscombe Parish Council
Tolland Parish Council	Treborough Parish Meeting
Twitchen Parish Council	West Anstey Parish Council
West Bagborough Parish Council	Winsford Parish Council
Withypool & Hawkrigde Parish Council	Wiveliscombe Parish Council
Wootton Courtenay Parish Council	-

### **General Consultation Bodies –**

**The Regulations also require the Council to consult such general consultation bodies as it considers appropriate, this lists below are not exclusive and additional organisations can be added on request.**

#### **a. Voluntary bodies some or all of whose activities benefit any part of the authority's area**

The West Somerset Initiative	Seaward Way Community Group
Minehead Conservation Society	Somerset Activity & Sports Partnership
POPP team leader, Age Concern Somerset	West Somerset and Exmoor Bridleways Association
Somerset Playing Fields Association	Community Council for Somerset
Rural Women's Network c/o Council for Somerset	Somerset Gay Health
Age Concern Somerset	Forum 21
Ecos Trust	Friends of Watchet Station
Single Parent Action Network	Scout movement and over 60 club
Cycle Somerset	Engage (formerly W Somerset CVS)
West Somerset Seniors' Forum	Transition Minehead and Alcombe
Somerset Wildlife Trust	Somerset County Federation of Womens' Institutes
The Woodcombe Society	Somerset Association of Local Councils
West Somerset LETS Group	West Somerset Citizens Advice Bureau
Williton Regeneration Partnership	CPRE, West Somerset District Committee
The Ramblers	CPRE South West
Magna Tenants Panel	RSPB SWRO
FWAG South West England Office	The Exmoor Society
10 Parishes	Artlife
Friends of the Earth	SUSTRANS

#### **b. Bodies which represent the interests of different racial, ethnic or national groups in the authority's area.**

Equality South West	Traveller Education Service
Somerset Racial Equality Council	Friends, Families and Travellers

#### **c. Bodies which represent the interests of different religious groups in the authority's area**

Faithnet South West	Property Officer and Secretary of the Houses and Glebe Committee of the Bath and Wells Diocesan Board of Finance
Minehead Baptist Church	West Somerset Methodist Circuit
Somerset Circuit of Jehovah Witnesses	Catholic Church, Clifton Diocese

#### **d. Bodies which represent the interests of disabled persons in the authority's area**

Compass Disability Services	Taunton and District Mencap Society
Open Daws - Disabled Activities in West Somerset	Somerset Cancer Care, Minehead West Somerset Group

	Mind in West Somerset
<b>e. Bodies which represent the interests of persons carrying on business in the authority's area</b>	
Somerset Chamber of Commerce	West Somerset Business Forum
Federation of Small Businesses, Taunton and District	Minehead Chamber of Trade
Country Land and Business Association – South West	Road Haulage Association Bristol/Avonmouth, Cornwall, Dorset, Devon, Somerset, Wiltshire
South West Tourism Ltd	Regen SW
Business Link Somerset	WACET

# Appendix B – Stakeholders to be involved in development management

The Regulations<sup>8</sup> require the Council to consult specific consultation bodies when considering some planning applications.

The statutory consultees for Development Management include:

Local highway authorities

Local planning authorities

Natural England

Town and Parish councils

Rail network operators

Regional development agencies

The British Waterways Board

The Coal Authority

The English Sports Council

The Environment Agency

The Health and Safety Executive

The Historic Buildings and Monuments Commission for England

The National Park Authority

The Secretary of State for the Environment, Food and Rural Affairs

The Secretary of State for Transport

The Theatres Trust

The Office for Nuclear Regulation

The statutory consultees which need to be consulted vary depending on the type of application submitted, and the specific site circumstances. Therefore, the detailed table within Schedule 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2010 should be referred to for more detailed information.

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<sup>8</sup> Article 16 of The Town and Country Planning (Development Management Procedure) (England) Order 2010

# Appendix C - Definition of application type

The following is a general guide. As sites and applications are uniquely individual there may be deviations from these categories.

Application type	Description	Examples
<b>Significant applications</b>	Applications where there are considerable issues of scale and controversy	<ul style="list-style-type: none"> <li>○ Strategic Site Allocations</li> <li>○ Large scale retail or residential development, i.e.:               <ul style="list-style-type: none"> <li>○ 10 or more dwellings or where the site is more than 0.5 hectares;</li> <li>○ All uses where floor space is more than 1,000m<sup>2</sup> or the site is more than 1 hectare.</li> </ul> </li> <li>○ Applications requiring a full transport assessment</li> <li>○ Proposals to remove community facilities – such as development on playing fields</li> <li>○ Schedule 1 and 2 developments under Environmental Impact Assessment Regulations<sup>9</sup></li> <li>○ Applications are normally determined within 13 weeks</li> </ul>
<b>Departure applications</b>	Applications contrary to or out of line with the Development Plan	<ul style="list-style-type: none"> <li>○ Applications considered to be in breach of and/or may significantly compromise the delivery of Local Planning Policy, i.e.               <ul style="list-style-type: none"> <li>○ Core Strategy;</li> <li>○ Local Plan;</li> <li>○ Site Allocations and Development Management Plan;</li> <li>○ Town Centre Area Action Plan.</li> </ul> </li> <li>○ Applications which must be submitted to DCLG for their consideration</li> </ul>

<sup>9</sup> The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

<b>Small Scale applications</b>	Applications for sites that are of local significance or are sensitive to development pressures and allocated sites that have not generated significant objection in the Development Plan Document process.	<ul style="list-style-type: none"> <li>○ Less than 10 dwellings</li> <li>○ For all other uses where floor space is less than 1,000m<sup>2</sup></li> <li>○ Normally determined within 8 weeks</li> </ul>
<b>Other minor applications</b>	Applications for minor items which are of local significance or are sensitive to development pressures and allocated sites that have not generated significant objection in the Development Plan Document process.	<ul style="list-style-type: none"> <li>○ Applications which impact on a local landmark</li> <li>○ Applications in the Area of Outstanding Natural Beauty (AONB) or Site of Special Scientific Interest (SSSI)</li> <li>○ Applications which propose the loss of a community facility - such as post office, public house</li> <li>○ Applications for: <ul style="list-style-type: none"> <li>○ Advertising consent</li> <li>○ Tree works</li> <li>○ Conservation Area Consent</li> <li>○ Listed Building Consent</li> <li>○ Householder applications</li> <li>○ Change of use for non-major developments where no building or engineering works are proposed</li> </ul> </li> <li>○ Normally determined within 8 weeks</li> </ul>

# Appendix D – Glossary of Town and Planning Terms

## Glossary

It should be noted that this is not intended as a comprehensive list of planning terms.

**Adoption:** The formal adoption, by Council, of its Local Plan (cf) or other Development Plan Document following public examination and receipt of a positive report from the Planning Inspectorate is the final formal stage in the evolution of a statutory planning document. Once a plan is adopted it has full legal weight in the determination of planning applications.

**Allocation:** Formal identification of a land parcel for a specific planning use through a development plan.

**Amenity:** A positive element, or elements, that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquility.

**Ancillary use:** Where a building or plot of land is in a variety of uses (as defined by the Use Classes Order), the principal use will be the defined use of the land in planning law terms. For example, a factory may have a storage building, offices, a staff restaurant and over-the-counter sales to the public. All of the other uses are ancillary to the predominant use of the factory falling within Use Class B2. If there is no one dominant use a mixed use will exist. Changes in the balance of uses in both instances may constitute a material change of use (cf) and, therefore, require planning permission.

**Authorities Monitoring Report (AMR):** This measures how the Council is progressing with the timetable set out in the Local Development Scheme (cf). It also assesses the effectiveness of the various policies contained in the Development Plan Documents and monitors key indicators, such as house-building etc.... The Localism Act has removed the statutory requirement to produce this document however it is good practice to prepare such a report..

**Appeal:** Within a set time of a planning application being determined, or if the Council has failed to determine the application within the statutory timeframe, an aggrieved applicant may ask for a decision to be (re)considered by the Planning Inspectorate. The appeal may be conducted (i) in writing, (ii) by an informal discussion led by the Inspector or (iii) by a formal public inquiry, with cross-examination of witnesses and perhaps barristers to present the respective parties' cases. The Planning Inspectorate decision is binding (but is subject to potential legal challenge in the High Court).

**Application form:** Each planning application must be accompanied by a formal application form. These forms follow a national standard and include the name and address of the applicant, the location of the development and details of the proposal. Must be accompanied by: a signed ownership certificate; a plan of the proposal at an appropriate and recognised scale; and usually by a variety of other information i.e. Design and Access Statement, an Environmental Impact Assessment, Ecological Surveys, Transport Assessments, etc.

**Approved plans:** A plan at a recognised scale that shows the development permitted by a grant of planning permission. Any significant variation in the built form from that shown on the approved plans may require a further planning application or may lead to enforcement action, which could include the demolition of the offending buildings or cessation of the aberrant use(s). See also 'Decision Notice'.

**Blight:** The reduction, or perceived reduction, in value of a building or piece of land as the result of a planning decision.

**Brownfield land:** Land which has been previously developed. Often associated with urban land but equally relates to previously developed land in the countryside. May be contaminated by pollutants which require remediation before re-use and redevelopment occur.

**Call-in:** Some planning applications must be notified to the Secretary of State to give her/him the opportunity to 'call-in' an application for her/his own determination. The Secretary of State also has powers to call-in any application and may direct us to hand it over to them. The application is considered at a public inquiry by one or more members of the Planning Inspectorate (cf) who make recommendations to the Secretary of State, who decides whether or not to allow the application.

**Capacity study:** A study designed to identify what capacity or 'headroom' there is for a particular form of development. Uses population projections and other statistical data/assumptions to identify whether there is a gap between the current amount of provision and the level of provision projected as being necessary (usually at some point in the future). Most commonly associated with retail capacity studies, where a developer wants to show that there is the capacity for a new store that will not undermine existing stores. But see also 'Urban capacity study'.

**Change of use:** Planning permission is usually required to change the use of a building or land to another use class. Intensification of a use may constitute a change of use.

**Code for Sustainable Homes:** A national standard for sustainable design and construction of new homes. It aims to reduce carbon emissions and promote higher standards of sustainable design above the minimal set out in the Building Regulations. The code awards new homes a star rating from 1 to 6, based on their performance against nine sustainability criteria which are combined to assess the overall environmental impact. Six stars are the highest achievable score, reflecting exemplary developments. Code level 3 compliance became mandatory in September 2010 for new-build residences, currently compliance with higher levels of the Code is voluntary.

**Comparison shopping:** Shopping for non-essential items, generally of a higher value (such as furniture and electrical goods) but also extends to clothing, books, cosmetics, etc. Comparison shopping has traditionally been conducted in town centres, but since the 1980s has also been carried out in retail [warehouse] parks and, most recently, on-line. See also: 'Convenience shopping' and 'Town centres first'.

**Compulsory Purchase Order (CPO):** An Order issued by the government, or a local authority, for the enforced acquisition of land or buildings for public interest purposes. For example, for the construction of a major road or the redevelopment of certain brownfield sites. The purchasing authority needs to be capable of demonstrating that they have tried to acquire the property by negotiation before a CPO can be issued. Most CPOs are preceded by a CPO Inquiry conducted by a member of the Planning Inspectorate, who will either confirm or reject the Order.

**Conditions:** Planning permission is usually granted subject to conditions, all of which must be complied with. Conditions should only be imposed when permission would otherwise have to be refused. It is the responsibility of the developer to ensure that the terms of all conditions are met.

**Conservation area:** A defined area, designated by a local council, which is to be preserved or enhanced because of its special architectural or historic interest. There are 11 conservation areas in the West Somerset LPA area. A special planning regime operates in conservation areas.

**Convenience shopping:** Shopping for goods of an essential day-to-day nature, such as food, newspapers, tobacco, etc.

**Decision notice:** The official document, issued by the Local Planning Authority, Planning Inspectorate or the Secretary of State, that grants or refuses planning permission. Development may not legally begin before the decision notice has been issued. Reasons for permitting or refusing development, and for any conditions imposed on a permission, are always given. In conjunction with the approved plans, this is the definitive statement of the development that has been granted or refused permission.

**Design Guides, Statements or Codes:** A document which focuses on the visual character of a place and how it might be protected or enhanced.

**Delegation/delegated decision:** Decisions on planning applications where officers make decisions on behalf of the elected planning committee. The majority of decisions are made in this way, provided that there are no complex issues, or the proposal is wholly acceptable in planning terms. It is also used for refusal when an application is clearly not in accordance with planning policies or practice.

**Demolition:** Requires planning permission only in certain circumstances (such as for homes), but planning permission is normally required to rebuild on the site. Demolition of listed buildings requires Listed Building Consent and special provisions apply in conservation areas.

**Density:** In the case of residential development, a measurement of either the number of habitable rooms (any room used or intended to be used for sleeping, cooking, living or eating purposes i.e. not bathrooms, hallways, utility rooms) per hectare or the number of dwellings per hectare [dph].

**Department for Communities and Local Government (DCLG):** Government department responsible for, inter alia, preparing primary and secondary legislation on town and country planning and for preparing guidance to direct and assist in the day-to-day interpretation and operation of the statutory town planning system, such as the National Planning Policy Framework. Also determines called-in or recovered planning applications.

**Departure:** A proposed development that is not in accordance with the adopted development plan, but for which the Local Planning Authority proposes to grant planning permission subject to no intervention from the government.

**Design & Access Statement:** Prepared by applicants for planning permission. Describes the development and explains how the design was arrived at, what local planning policies have been observed, how any public engagement has been reflected in the design, and how relevant principles of good design have contributed to the proposal. This document enables the lay public to understand how the finished proposal was arrived at, and acts as a check upon the quality of the decision-making process which led to that proposal by the developer concerned.

**Detailed application/'Details':** A planning application seeking full permission for a development proposal, with no matters reserved for later planning approval. Antithesis: outline application development: Defined in the 1990 Act as "the carrying out of building, engineering, mining or other operations in, on, over or under land" (known as operational development) or "the making of any material change of use of any buildings or other land". Not all development requires planning permission – see 'Permitted development'.

**Development Brief:** See 'Masterplan'.

**Development Management:** The new name for development control. The act of determining planning applications (and similar) in conformity with the development plan and material considerations.

**Development Plan Document (DPD):** Statutory documents produced by LPAs that must be taken into account in determining planning applications eg: the Local Plan. Currently, planning permission must be granted in accordance with these documents unless material considerations indicate otherwise. Development Plan Documents must be subjected to examination by The Secretary of State for Communities and Local Government. Under the changes introduced by the Localism Act and the NPPF most of the former Local Development Framework documents have been combined into a single Local Plan.

**Edge of centre:** A location that is within easy walking distance of the primary shopping area.

**Enabling development:** Development that is usually contrary to established planning policies but which is exceptionally permitted because it has been demonstrated to be necessary to generate funds to enable the conservation of a Listed Building or its setting and where the indirect benefit of the enabling development clearly outweighs any direct harm that it would cause.

**Enforcement:** The investigation and resolution of alleged breaches in planning control, usually undertaking development without permission or failing to observe conditions. An otherwise acceptable breach of planning control can be corrected by a retrospective planning application. Formal enforcement action, which could include issuing of an Enforcement Notice to require the demolition of any offending buildings/structures or cessation of any aberrant use, may only be undertaken if the development would not be permitted and it is considered “expedient” to take action. Can ultimately lead to action in the County Court against the defaulting party if negotiation and service of an Enforcement Notice fails to remedy the breach of planning control.

**Environmental Impact Assessment (EIA):** Likely to be required for nationally defined large-scale developments. Undertaken by the developer when applying for planning permission, the EIA assesses the social, economic and environmental impacts of the proposed development and identifies what remedial measures may be necessary to counter any negative impacts. Used as an informative to decision-making rather than a determinant of whether permission should be granted.

**Environmental Information Regulations 2005 (EIR):** Provide a statutory right of access to environmental information held by public authorities. Covers information about air, water, soil, land, flora and fauna, energy, noise, waste, emissions and information about decisions, policies and activities that affect the environment.

**Examination:** See ‘Public examination’.

**Fee:** Nationally set fees are required for a planning application to be determined. Locally-set fees are payable for pre-application discussions and advice. In both cases, the fees vary depending upon the scale and nature of the development being proposed. The fee income is kept by the Council and offset against the costs of providing the planning service. There are limited exemptions from paying planning application fees, including householder applications by registered disabled persons.

**General Permitted Development Order (GPDO):** The Town and Country Planning (General Permitted Development) Order 1995 allows for the extension of, or changes to, a property without the need for express planning permission, within certain guidelines. This includes small domestic extensions which comply with pre-determined measurements.

**Grampian-type condition:** A negative condition imposed on a planning permission barring development from happening until a particular action on another piece of land not owned by the applicant has been performed (usually highways works). Named after a court case involving Grampian Regional Council in 1984.

**Green Belt:** There is no land designated as Green Belt within West Somerset District.

**Greenfield land:** Land which has not previously been developed (hence antithesis: brownfield land). Most commonly associated with land in the countryside but could equally apply to an undeveloped site within an urban area.

**Highways Authority:** Somerset County Council is the Highways Authority for Somerset. It is charged with the statutory responsibility of adopting, maintaining, designing, making safe and constructing all roads, footways and public rights of way which are not the responsibility of the Highways Agency (see above). A major consultee on planning applications and in the preparation of Local Plans.

**Householder application:** A, generally smaller-scale, application to alter or enlarge a house, including works within the garden of a house which are not permitted development. Nationally these form the majority (60%) of the applications received by LPAs.

**Inquiry:** See 'Appeal'.

**Judicial Review (JR):** A challenge to the High Court by any aggrieved and affected party against a decision made by, for instance, the Council, the Planning Inspectorate or the Secretary of State. Can only be made on points of law (viz, not planning judgments) and must be made "expeditiously" after the decision to be challenged has been made. This means that applications for JR must be made within 3 months.

**Landbank:** A stock of land (for housing, for example) which has planning permission or is allocated for development in adopted Core Strategies or Local Plans but has yet to be developed. Housebuilders commonly have considerable landbanks, which bolster their value on the Stock Exchange.

**Lawful Development Certificate (LDC):** A specialist type of application that determines: (i) whether the existing use of land or buildings is lawful for planning purposes or (ii) confirms that a proposal does not require express planning permission. Often necessary to confirm that the use, operation or activity named in it is lawful when land or property is placed on the market for sale. A fee is charged for an LDC; it is not the same as a planning permission. Sometimes used in enforcement cases.

**Listed Building:** A building or structure on the Statutory List of Buildings of Special Architectural or Historic Interest maintained by the Secretary of State for Culture Media and Sport. Listing began as a consequence of the destruction of historic buildings during the 1939-45 war and was included in the 1947 Town and Country Planning Act. It was the Planning Act of 1968 however which introduced the concept of 'listed buildings' as such and which afforded them statutory protection. Listing currently protects some 500,000 buildings and structures across England and Wales. By reason of their relative importance, Listed Buildings fall into three categories: Grade I, Grade II\* and Grade II, of which the majority - over 90% - are Grade II. A listed building may not be demolished, extended or altered without Listed Building Consent from the Local Planning Authority. No fee is charged for applications for Listed Building Consent but a flat fee is charged for pre-application discussions. Enabling development may, exceptionally, be contemplated in order to secure the preservation of a Listed Building where this can be properly justified..

**Local Development Scheme (LDS):** This document sets out which planning policy documents are to be prepared by the LPA and also the timetable for their review and the preparation of new documents.

**Local Plan:** A term which describes the statutory local planning document produced under the pre-2004 planning system that set out all the Council's policies on the development and change of use of land and buildings. Since the passing of the Localism Act 2011 and the publication of the NPPF, the Local Plan is also the new statutory planning document which replaces the Local Development Framework Core Strategy and associated documents which had been introduced in 2004.

**Local Planning Authority (LPA):** A local authority is charged by central Government with the statutory duty to prepare development plan documents and undertake other duties under the Planning Acts. District Councils have planning powers for all development in their administrative areas with the exceptions of minerals and waste and nationally significant infrastructure projects such as the Hinkley Point C new nuclear proposals. County Councils have planning powers for minerals and waste proposals within their administrative areas. Within West Somerset District, the Exmoor National Park Authority is the LPA for the part of the District within the Exmoor National Park. The West Somerset LPA area comprises the parts of the District which are not in the National Park.

**Major application:** Involves any one or more of the following: (i) mineral deposits; (ii) waste development; (iii) a site for 10 or more new homes or where the site area for new homes is 0.5ha or more; (iv) the provision of a building or buildings where the floorspace to be created is 1,000m<sup>2</sup> or more; or (v) any other development carried out on a site with an area of 1 hectare or more.

**Masterplan:** A term usually applied to a comprehensive written and/or cartographic representation of a potential development scheme. Sometimes a masterplan may have SPD status or it may be submitted with a planning application. Alternatively, land-owners or developers may prepare masterplans to guide their own, or other parties', development. It is important to have a clear understanding of the status and intent of any particular masterplan in order to ascertain how much weight should be placed upon it. A good masterplan sets out constraints and opportunities presented by a site and the principles of the type, form, layout and appearance of development appropriate for it.

**Material considerations:** Factors considered in the determination of applications for planning permission, alongside the statutory development plan. These include: residential amenity, highway safety, traffic, noise, smell, design and appearance, conservation and listed building interests and any relevant planning comments made by consultees. In order to be material a consideration must relate to the use and development of land and to the planning merits of the development in question. Non-planning comments and the number of objections received are not material considerations. What is considered to be material may be subject to appeal and/or judicial review but the weight to be attached to a material consideration is solely for the decision-maker and will not be challenged by the courts.

**Minerals Local Plan:** A statutory long-term development plan framework for mineral extraction and associated development. Covers oil, coal, gas, sand, gravel, crushed rock and chalk. All minerals planning powers (plan-preparation and development management) reside with the County Council in Somerset.

**National Planning Policy Framework (NPPF):** From 1 April 2012 this 50 page document replaced 2,000 + pages of national government policy, advice and guidance contained in Planning Policy Statements and Planning Policy Guidance Notes and their annexes. Until up-to-date local plans are put in place, planning applications must be determined in accordance with the presumption in favour of sustainable development contained within the NPPF.

**National Planning Practice Guidance:** A web-based resource initiated by the Secretary of State on 6<sup>th</sup> March 2014 giving additional information on the practical application of the National Planning Policy Framework.

**Neighbourhood plans:** Introduced under the planning provisions of the Localism Act 2011. Parish or Town Councils may prepare statutory neighbourhood development plans, the policies of which will be material in assessing planning applications within the designated neighbourhood area concerned. These Plans must be in general conformity with the strategic policies of the local plan. After public examination, if found compliant with the regulations they must be subject to a local referendum following which, if successful, being formally 'made' by the LPA.

**Net migration:** Takes into account natural change in the population (births and deaths) and also those people who have moved into, and out of, the locality. A well accepted population projection model. See also: 'Nil-net migration' and 'Population projections'.

**Non-determination:** If the Council fails to make a decision on a planning application within the set time, the applicant may appeal to the Planning Inspectorate who then make the decision, rather than the Council.

**Objections:** Representations received by the Local Planning Authority or any other determining body in respect of either a planning application or a development plan which opposes all or part of the proposals. In order for the objections to be considered and given weight they must raise legitimate planning matters (see 'Material considerations'). The number of objections received is not a legitimate ground for refusing planning permission.

**Outline application:** An application for planning permission primarily designed to establish that a development is acceptable in principle, subject to subsequent approval of detailed matters. Usually applies to major developments where it is either uncertain whether the proposal is in conformity with the development plan or where the scale of the development is such that it is inappropriate to be exact in every detail at the time of applying for planning permission.

**Out of centre:** In retailing terms, a location that is clearly separate from the primary shopping area of a town centre but not outside the urban area.

**Out of town:** In retailing terms, a location clearly outside the current urban boundary.

**Overbearing:** A term used to describe the impact of a development or building on its surroundings, particularly a neighbouring property, in terms of its scale, massing and general dominating effect.

**Over-development:** An often pejorative term describing an amount of development (for example, the quantity of buildings or intensity of use) that is considered excessive in terms of demands on infrastructure and services, or impact on local amenity and character.

**Overlooking:** A term used to describe the effect when a development or building affords an outlook over adjoining land or property, often causing loss of privacy.

**Overshadowing:** The effect of a development or building on the amount of natural light presently enjoyed by a neighbouring property, resulting in a shadow being cast over that neighbouring property.

**Performance targets:** Local Planning Authorities have nationally set performance targets to meet, principally revolving around the time taken to determine different types of planning applications. These were originally set as Best Value Performance targets.

**Permitted development:** Building works and uses as defined by the General Permitted Development Order and Use Classes Order that can be undertaken without the need for express planning permission from the Local Planning Authority.

**Planning Acts:** The first Planning Act was in 1909 but the modern planning system was introduced by the Town and Country Planning Act of 1947. There have been a series of further Acts over the succeeding years, with the main ones in use today being the four 1990 Acts, the Planning and Compulsory Purchase Acts of 1991 and 2004 and the Planning Act of 2008. To these have been added the planning provisions of the Localism Act 2011. Supplementing the Acts are various circulars, statutory instruments (such as the Local Planning (England) Regulations) and the National Planning Policy Framework (1<sup>st</sup> April 2012) as well as other guidance notes, policy statements and ministerial announcements.

**Planning application:** A planning application is necessary in order to secure express planning permission from the relevant Local Planning Authority for development that is not otherwise permitted development. See also 'Application form'.

**Planning Obligations:** Securing the delivery of community benefits by legal agreement following negotiation with applicants for planning permission, without which any development would be unacceptable. May include the physical construction of facilities, the provision of land or the payment of a fee in lieu of on-site provision. The building of affordable housing and the provision of new children's play areas are examples. Also known as Section 106 agreements. These may not be used to remedy existing infrastructure deficiencies and should only be used to meet the needs generated by the development being permitted. There is currently no intention to introduce the Community Infrastructure Levy in the West Somerset LPA area. (cf).

**Planning Inspectorate (PINS):** National Body that undertakes planning and enforcement appeals on behalf of the Secretary of State for Communities and Local Government (usually against Local Planning Authority refusal of permission or non-determination of planning applications). As of 2012 it also determines nationally important infrastructure projects. Holds evidence-gathering, quasi-judicial examinations into both planning applications and local plans and DPDs. PINS decisions on planning applications are binding on all parties except Government, but all of its decisions may be overturned by the courts on limited technical grounds following judicial review.

**Planning Permission:** The consent given by the Local Planning Authority, the Planning Inspectorate or the Secretary of State for development. Usually given with conditions and with a time limit for the beginning of development. May be subject to planning obligations. Reasons for permission will be given on the decision notice. Will be closely based on the information given in the planning application form and the ancillary information supplied by the applicant.

**Planning Portal:** A Government sponsored web-site from which much useful generic information about the statutory town and country planning and building control systems can be gathered. Most LPAs are connected to the Planning Portal via hyperlink, such that it acts as a 'one stop shop' for developers and the public wishing to gain access to the planning pages of their local authority's web-site. West Somerset Council, offer electronic submission of planning applications and the payment of fees via the Planning Portal.

**Pre-application discussions/fees:** An opportunity for councils and developers to work together to achieve developments that deliver benefits to the community and the economy. These discussions are provided for a fee, for officer time, but in the long-term they can save time, costs and frustration and optimise the potential of a site.

**Previously Developed Land (PDL):** See 'Brownfield land'.

**Primary Shopping Area (or Primary Shopping Frontage):** A designated area where the number of Use Class A1 shops is most concentrated in a town centre. Beyond the primary shopping area may lie secondary and tertiary shopping areas, where shop uses become more diluted by other A-use classes (such as pubs, restaurants, banks) and other town-centre type uses (such as assembly and leisure uses).

**Prior Approval:** A procedure where permission is deemed granted if the Local Planning Authority does not respond to the developer's application within a certain time. Often relating to telecommunication or agricultural developments. **Public examination:** An interrogatory process led by one or more members of the Planning Inspectorate, held to examine the soundness of a DPD. Similar to an informal hearing: see 'Appeal'.

**Public [local] inquiry (PLI):** See 'Appeal'.

**Refusal of planning permission:** The guiding principle in determining planning applications is that development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will "cause demonstrable harm to interests of acknowledged importance". The person making the decision will issue a decision notice detailing the reasons for refusal. Within a set time, aggrieved applicants have the right to appeal against the refusal of planning permission.

**Retrospective planning application:** Occasionally a Local Planning Authority may receive, or in some enforcement cases encourage, those parties that have undertaken unauthorised development to submit a planning application to regularise the situation. Attempting to sell land or buildings upon which unauthorised development has occurred can lengthen the process and reduce the price received.

**Saved policies:** Policies within a development plan that the Secretary of State has allowed to continue to have legal force, following passage of the 2004 Act, during the production of replacement Development Plan Documents. Development plan policies which were not included in saving directions issued by the Secretary of State no longer have any effect.

**Secretary of State for Communities and Local Government:** The member of the Government with responsibility for local government functions including town and country planning.

**Section 106 agreements:** See 'Planning gain/obligations'.

**Sequential test:** The process of demonstrating that development is to occur on the most preferable location for the appropriate use. Most commonly associated with the 'town centres first' policy.

**Site Notice:** Statutory notice posted on, or close to, a development site for at least 21 days, providing public notice of the existence of a planning application on the site. Usually accompanied by the publication of the same notice in a newspaper circulating in the locality.

**Soundness, tests of:** At a public examination held by one or more members of the Planning Inspectorate, local plans are checked against four tests of soundness – whether they have been positively prepared, are justified, effective and consistent with national policy - and whether the plan has been prepared in accordance with the duty to co-operate, legal and procedural requirements. Neighbourhood plans are not tested for soundness but will be tested for compliance with the relevant regulations. These criteria are established in the National Planning Policy Framework.

**Statement of Community Involvement (SCI):** This sets out the Council's policy on involving the community in policy-making and major planning applications. The preparation of an SCI is a statutory requirement.

**Stop Notice:** Notice served by an LPA on a land-owner where there is a breach of planning control that requires to be stopped. Serving a stop notice must follow an enforcement notice. Does not come into force for three days and gives reasons why the stop notice is necessary.

**Strategic Environmental Assessment (SEA):** Required to be prepared for plans and policies under the terms of the European directive 2001/42/EC for "environmental assessment of certain plans and programmes". Undertaken in conjunction with the Sustainability Appraisal. All but the least important of planning documents now have to be subject to SA/SEA.

**Strategic Flood Risk Assessment (SFRA):** Study to provide a reference and policy document to inform the local plan; and to ensure that the Council meets its legal obligations in respect of managing flood risk. SFRA come in two levels, SFRA Level 1 covers the whole LPA area at a relatively basic level. SFRA level 2 focuses in considerably more detail on flood risk issues affecting areas for which major development is proposed.

**Strategic Housing Land Availability Assessment (SHLAA):** Study to determine the availability and viability of potential future housing sites.

**Strategic Housing Market Assessment (SHMA):** Study to identify the full objectively assessed housing need for the area including evidence on the types of housing that are needed to meet current and future demand. Used to inform both the local plan and development management decisions...

**Sui generis use:** A use not falling within any of the defined planning Use Classes (cf). Any change of use requires express planning permission.

**Supplementary Planning Document (SPD):** SPD provides more detailed information on the way in which statutory planning policy and proposals featured in development plan documents will be applied. They are also used in the process of determining planning applications.

**Sustainability Appraisal (SA):** An assessment of the impact the proposals contained within a DPD would have on the environment, economy and society. It is carried out in conjunction with the Strategic Environmental Assessment. The results of SA are used to help make choices between available strategy /policy options in the interests of developing a sustainable Local Plan.

**Sustainable Development:** The underpinning definition for planning is that included in Resolution 24/187 of the United Nations General Assembly: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." As cited on page 2 of the National Planning Policy Framework, which goes on to state that: "The policies in paragraphs 18 to 219 of the NPPF taken as a whole constitute what the Government's view of what sustainable development in England means in practice for the planning system".

**Temporary Stop Notice:** Served by an LPA on a landowner where a breach of planning control needs to be stopped immediately. Lasts for 28 days, during which the LPA must decide whether to issue an Enforcement Notice. Must specify the activity to be halted. See also 'Stop Notice'.

**'Town centres first':** A sequential locational test that developers and LPAs have to demonstrate has been followed in the placing of new shopping, leisure and office developments. The preferred order in the sequential test is: town centre; edge of centre; out of centre; out of town. Only if it can be clearly demonstrated that the development cannot be placed in a location higher in the preferential scale can the development be placed in a less favoured location lower in the hierarchy.

**Town, Parish or Village Plans:** Community led documents which help a community come to a collective view about various issues affecting its life and future development. They can address both planning and land use issues as well as social and service related matters. Their contents are not material considerations in considering planning applications unless they have been prepared through the full SPD processes and have been adopted by the Council as such. One of the main benefits of this type of document is that it helps communities respond to consultation exercises in a well informed way.

**Tree Preservation Order (TPO):** An order made by an LPA securing the protection of a single tree or group of trees of significant amenity benefit to their local area. In general, it is an offence to cut down, top, lop, uproot, willfully damage or willfully destroy a tree subject to a Tree Preservation Order without the consent of the Local Planning Authority.

**Unauthorised development:** Development that requires planning permission but which does not have it. Once unauthorised development comes to the attention of the Local Planning Authority an enforcement investigation will be begun. Unauthorised development can be regularised by a retrospective planning application in some instances or it may be beyond the time limits for enforcement action (four years for operational development or ten years for a change of use or breach of a planning condition). A Lawful Development Certificate is sometimes applied for to regularise the situation.

**Use Classes [Order]:** Government statutory instrument that sets out broad classes of similar uses. Currently there are 15 different use classes. Within each class, planning permission is not required to change from one use to another e.g. changing from a butcher's shop to an internet café does not require planning permission as both fall within the same use class (A1 - shops). There are also certain changes of use from one class to another that do not require planning permission e.g. from a pub (class A4) to a shop (class A1).

**Validation:** The initial process carried out by the Local Planning Authority upon receipt of a planning application. Checks are undertaken to ensure that all of the necessary information has been supplied with the application form and that the appropriate planning application fee has been paid. Only once this process has been completed will an application:

- be registered as valid;
- be given a unique reference number;
- be allocated to a specific planning officer (known as the case officer) to process and determine, and;
- be added on to the weekly list.

The necessary consultation letters will be sent out only after validation is completed.

**Waste Local Plan/LDF:** A statutory long-term development plan framework for managing and disposing of waste. In Somerset, Somerset County Council is the waste local planning authority being responsible for both plan-preparation and development management concerning waste matters.

**Weekly list:** A compendium of all new valid planning applications received by the Local Planning Authority in the preceding seven days. Gives limited details including the application reference number, the address of the development, a brief description of the proposals and the name of the case officer. Available to view free of charge or to purchase.

**Weight:** The weight to be attached to an issue in the determination of a planning application is a matter for the decision-maker and will not usually be challenged by the courts. See also 'Material considerations'.