

Cabinet

- Date and Time - **Monday 24 May 2021 – 6:30pm**
- Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**
-

Councillors appointed to the Committee:

Councillor D.B. Oliver (Leader), S.M. Prochak, MBE (Deputy Leader), C.A. Bayliss, T.J.C. Byrne, K.P. Dixon, K.M. Field, H.L. Timpe and J. Vine-Hall.

AGENDA

1. MINUTES

To authorise the Leader to sign the Minutes of the meetings held on 29 March and 8 April 2021 as correct records of the proceedings.

2. APOLOGIES FOR ABSENCE

3. ADDITIONAL AGENDA ITEMS

To consider such other items as the Leader decides are urgent and due notice of which has been given to the Head of Paid Service by 9:00am on the day of the meeting.

4. URGENT DECISIONS

The Leader to give details of those reports that have been referred to the Chairman of the Council to consider designating as urgent, in accordance with Rule 17 of the Overview and Scrutiny Procedure Rules contained within Part 4 of the Council Constitution, and to which the call-in procedure will not therefore apply.

5. DISCLOSURE OF INTERESTS

To receive any disclosure by Members of personal and disclosable pecuniary interests in matters on the agenda, the nature of any interest and whether the Member regards the personal interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

At the discretion of the Leader, the order of the items set out in the agenda may be varied

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**Rother District Council aspiring to deliver...
an Efficient, Flexible and Effective Council, Sustainable Economic Prosperity,
Stronger, Safer Communities and a Quality Physical Environment**

6. **PROGRESS ON THE ENVIRONMENT STRATEGY (2020)** (Pages 1 - 4)
7. **RECOMMENDATIONS OF THE OFF-STREET CAR PARKS TASK AND FINISH GROUP** (Pages 5 - 8)
8. **KEY PERFORMANCE TARGETS 2021-22** (Pages 9 - 12)
9. **PRIVATE SECTOR LEASING SCHEME** (Pages 13 - 22)
10. **UPDATED STATEMENT OF COMMUNITY INVOLVEMENT** (Pages 23 - 80)

Malcolm Johnston
Chief Executive

Agenda Despatch Date: 14 May 2021

NOTE:

Observers are kindly requested to watch the meeting live, via the YouTube broadcast and NOT attend the Town Hall in person, unless it is absolutely necessary. All observers present will be required to adhere to social distancing guidelines and wear a face covering at all times.

[Agenda for Cabinet on Monday 24th May 2021, 6.30 pm - Rother District Council \(moderngov.co.uk\)](https://www.moderngov.co.uk)

Rother District Council

Report to:	Cabinet
Date:	24 May 2021
Title:	Progress on the Environment Strategy (2020)
Report of:	Environment and Policy Manager
Cabinet Member:	Councillor Field
Ward(s):	All
Purpose of Report:	To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 15 March 2021, regarding the Progress on the Environment Strategy (2020). The minutes arising are reproduced below.
Decision Type:	Non-Key
Officer Recommendation(s):	It be RESOLVED: That consideration be given to adding a review of the grounds maintenance contract to the work of the Climate Change Steering Group.
Reasons for Recommendations:	A review of the grounds maintenance contract be added to the work of the Climate Change Steering Group.

OSC20/47. **PROGRESS ON THE ENVIRONMENT STRATEGY (2020)**

Members received the report of the Environment and Policy Manager, which outlined progress made on implementing the Environment Strategy (ES) since her appointment in August 2020. The Climate Change Steering Group (CCSG) had been established by Cabinet in September 2019.

The priorities within the scope of the ES were: Air quality, active/sustainable transport; sustainable waste management; sustainable energy; protecting and enhancing biodiversity; construction and existing buildings; and environmentally friendly Council. The Key Performance Indicators (KPI) for the ES were: building environmental evidence / driving environmental improvements; and partnership working.

The ES had a dual focus, i.e. it was both internally and externally facing. Internally, linkages had been explored between the ES's priorities with existing Council activities and it was recognised that existing staff and functions were already delivering on aspects within the identified priority areas. Several resource gaps had been identified, representing risks for the organisation in terms of delivering the ES, which had been reported to the CCSG on 25 November 2020.

Externally, the ES had a strong commitment to working with partners in order to meet its goals. The core stakeholders included local environmental groups, local volunteer environmental officers, Rother parish and town councils and Rother Association of Local Councils (RALC). It represented a core group of circa 250 stakeholders.

The ES set out partnership working as a key approach to its delivery and ten partnership projects had been initiated within the first six months of the ES's delivery, which met the ES's KPIs. Projects included four short 30-day placements that were part of MSCourses at University of Brighton, benefiting from the Council's membership with the Clean Growth Hub. Two were large scale projects of up to 12 months duration: Bexhill i-tree study and tree planting strategy, and the Electric Vehicle (EV) charging project for Council-owned car parks. An overview of the projects and activities was detailed at Appendix A to the report.

An external communications specialist had been appointed to create a framework and a plan for communication and engagement, working closely with the Communications Team at East Sussex County Council. A progress overview was contained within Appendix B to the report.

The draft timetable for the new Local Plan saw adoption towards the end of 2023 and a dialogue with Planning Policy colleagues was already underway, aiming to develop robust linkages between the ES and the environmental evidence underpinning the new Local Plan. Two of the projects which had already been initiated under the ES would inform the new Local Plan, notably the Bexhill i-tree study and the MSC placement on onshore and offshore wind mapping.

Discussions with Democratic Services and the Corporate Management Team had been initiated to modify the report template used to draft reports for committee meetings, to include Environmental and Sustainability Implications. A clear guidance for staff with respect to these sections of the report template would be developed to ensure that all proposals being put forward were robust and aligned with the Council's climate emergency commitments and the visions and aims articulated within the ES and any other relevant strategic and policy documents.

Improved green spaces were specified as outcomes under the draft Corporate Plan, to maximise carbon reduction effectiveness. The Council's grounds maintenance 10-year contract was nearing its end and the Environment and Policy Manager had given advice to Neighbourhood Services on the contract review and attended a meeting with the external contractor on 28 January 2021. A soft market analysis was being carried out by the Neighbourhood Services team and time would be required to understand the various schemes available and how they aligned with the ES. The role of the Council within the process would need to be reviewed following the establishment of the Bexhill Town Council and discussions on devolvement of services.

Members suggested, and agreed, that if it was not possible to set up a working group to review management of green spaces within Rother at the current time, that Cabinet be recommended to add the work to that of the CCSG.

The ES's budget for 2020/2021 had been spent on Solar Together Sussex, Bexhill i-Tree study and the external communications specialist support. Criteria would be developed on how ES funding would be spent in subsequent years. The CCSG and local environmental organisations would advise Cabinet on what initiatives the ES budget would support.

The progress made in the first six months was a testament to the commitment to the climate emergency agenda within the Rother District. It showed that partnership working was possible and that it was the right approach for the ES's delivery.

RESOLVED: That:

- 1) the progress made against the Environment Strategy (2020) included in the Appendices A and B to the report be noted;
- 2) future progress reports on the Environment Strategy would include reporting from Services of the Council measured against the Key Performance Indicators, as the Strategy was embedded throughout the organisation; and
- 3) a review of the Environment Strategy be undertaken annually; the review completion to coincide with the Strategy's adoption date in September 2020 and consideration be given to changes to the vision as recommended by the Overview and Scrutiny Committee.

(Overview and Scrutiny Committee Agenda Item 6).

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	Yes	Access to Information	No
Risk Management	Yes	Exempt from publication	No

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Dr Kristina Sodomkova – Environment and Policy Manager
e-mail address:	kristina.sodomkova@rother.gov.uk
Appendices:	None
Relevant Previous Minutes:	CCSG20/8
Background Papers:	Report to Overview and Scrutiny Committee
Reference Documents:	Rother Environment Strategy 2020 https://www.rother.gov.uk/strategies-policies-and-plans/environment-strategy/

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Rother District Council

Report to: Cabinet

Date: 24 May 2021

Title: Recommendations of the Off-Street Car Parks Task and Finish Group

Report of: Head of Service – Neighbourhood Services

Cabinet Member: Councillor Field

Ward(s): All

Purpose of Report: To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 26 April 2021, regarding the Recommendations of the Off-Street Car Parks Task and Finish Group. The minutes arising are reproduced below.

Decision Type: Key

Officer

Recommendation(s): It be **RESOLVED:** That:

- 1) Wainwright Road – Bexhill Gibbets Marsh – Rye and Lower Market – Battle be designated as ‘long stay’ car parks. The daily parking charge for Wainwright Road and Gibbets Marsh be reduced from £5 to £2 per day and for Lower Market to £3 per day, for both summer and winter as soon as reasonably practicable to encourage usage of these less used ‘out of town’ car parks;
- 2) the chargeable hours be brought into line across all car parks as soon as reasonably practicable, with charging starting at 8:00am and finishing at 7:00pm;
- 3) signage be installed to promote parking at Gibbets Marsh – Rye, Little Common – Bexhill, Lower Market – Battle and Wainwright Road – Bexhill car parks to improve visibility of the facility as ‘long stay’; and
- 4) a cash and card payment machine be installed at Manor Gardens car park.

Reasons for

Recommendations: To encourage increased useage of Rother District Council’s off-street car parks.

OSC20/57. RECOMMENDATIONS OF THE OFF-STREET CAR PARKS TASK AND FINISH GROUP

Members received and considered the report of the Head of Service Neighbourhood Services which detailed the recommendations of the Off-Street Car Parks Task and Finish Group (OSCPT&FG). Councillor

Cook, Chairman of the OSCPT&FG, thanked Members of the Group for their hard work and paid tribute to the officers involved for their support.

The OSCPT&FG was established in October 2020 to monitor the impact of Civil Parking Enforcement (CPE) on the level of use of Council owned off-street car parks and consider any changes to charges, hours of operation and permits, whilst taking into account the need to generate sufficient revenue to maintain the car parks.

The OSCPT&FG had met on four occasions during the six months since it was established in October 2020, received a number of presentations from officers advising on monthly car park income data and the current car park usage compared to previous years. Further information was gathered from Parish and Town Councils (P&TCs), local businesses, community groups and sports clubs most likely to be impacted by CPE and the use of car parks, via a written 'call for evidence'.

The 'call for evidence' from P&TCs, local businesses, community groups and sports clubs most likely to be impacted by CPE and the use of car parks, elicited a total of 40 responses up to the closing date of 12 March 2021. The report summarised the main findings, but it was noted by Members that this information together with car park usage data did not provide an accurate base on which to make decisions due to the third COVID-19 lockdown being in place from December 2020 to April 2021, which had severely restricted people's movements and therefore the level of use of car parks. It was therefore suggested in the report that the monitoring of car parks usage should continue throughout the summer until October 2021.

Members of the OSCPT&FG felt that some immediate benefit may be derived from designating some less used 'out of town' car parks for 'long stay' and encouraging all day workers to use them by improving signage and bringing the parking charges more in line with nearby on-road charges. Car parks for consideration were Wainwright Road – Bexhill, Gibbets Marsh – Rye and Lower Market – Battle.

Users of the Manor Gardens car park in Bexhill could only pay for parking using RingGo. Despite introducing payment facilities into a nearby shop, evidence collected to date showed strong demand for the ability to pay by cash or card using a payment machine in this car park; the OSCPT&FG recommended a machine be installed. The cost of purchasing and installing a pay and display terminal in a car park was approximately £6,000. The OSCPT&FG also recommended a thorough review of the usage of Manor Garden car park be conducted and consideration be given to the appropriate level of charges.

Members were given the opportunity to ask questions and the following points were noted during the discussions:

- Members were pleased to note that the Camber Sands car parks showed an increase in usage when compared with the previous years;

- the recommended decrease in charges for those car parks to be designated as 'long stay' was to encourage users to park a little further out of town if visiting for longer, providing more opportunity in the centre for those users wishing to park for a short time;
- Members were pleased to see the recommendations in respect of Manor Gardens car park, which had been highlighted as having particular problems for users; and
- those car parks to be designated as 'long stay' were severely underused. Members agreed that a decrease in charges would increase income by encouraging usage and improve the street scene in the surrounding areas.

Members of the Committee were supportive of all the OSCPT&FG's recommendations and thanked the Members for their work to date.

RESOLVED: That:

- 1) the Off-Street Car Parks Task and Finish Group continue beyond April 2021 to encompass the Civil Parking Enforcement review and that the revised Terms of Reference attached at Appendix 1 be agreed to reflect the group's wider remit;
- 2) the Off-Street Car Parks Task and Finish Group continue its monitoring work under the revised Terms of Reference to both inform the East Sussex County Council led review of Civil Parking Enforcement and to recommend changes to off-street parking to the Overview and Scrutiny Committee in January 2022;
- 3) the monitoring work of the impact of Civil Parking Enforcement on off-street parking be continued until October 2021 to allow for further evidence gathering and data analysis over a 12 month period to provide a more accurate reflection on car park usage but will be dependent on the COVID-19 situation in the next six months;
- 4) the installation of improved signage in relevant car parks detailing the availability of Council car parking permits to encourage uptake, be noted; and
- 5) a thorough review of the usage and appropriate level of charges for Manor Garden car park be conducted.

(Overview and Scrutiny Committee Agenda Item 5).

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Deborah Kenneally, Head of Neighbourhood Services
e-mail address:	deborah.kenneally@rother.gov.uk
Appendices:	N/A

Relevant previous Minutes:	OSC17/51 CB20/45
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Background Papers: Reference Documents:	Report to Overview and Scrutiny Committee N/A
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Rother District Council

Report to:	Cabinet
Date:	24 May 2021
Title:	Key Performance Targets 2021/22
Report of:	Head of Service Acquisitions, Transformation and Regeneration
Cabinet Member:	Councillor Dixon
Ward(s):	All
Purpose of Report:	To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 26 April 2021, regarding the Key Performance Targets for 2021/22. The minutes arising are reproduced below.
Decision Type:	Key
Officer Recommendation(s):	It be RESOLVED: That consideration be given to including a wider scrutiny of performance in Planning in the Key Performance Targets for 2021/22.
Reasons for Recommendations:	The Key Performance Targets for 2021/22 to include a wider scrutiny of performance in Planning.

OSC20/58. **KEY PERFORMANCE TARGETS 2021/22**

Members received the report of the Head of Acquisitions, Transformation and Regeneration, previously considered by Cabinet on 1 March 2021, detailing the proposed Key Performance Indicators (KPIs) and their target levels of performance for the financial year 2021/22.

Eleven KPIs as detailed at Appendix A to the report were proposed for 2021/22 and would be reported within four themed areas, namely:

- Housing and Homelessness (five indicators)
- Economic Development and Poverty (three indicators)
- Waste Collection (one indicator)
- Additional Income (two indicators)

Other KPIs that were exceeding or significantly missing their target would be reported to the Overview and Scrutiny Committee (OSC) by exception. Members of the Committee were invited to consider and suggest any additional KPIs for monitoring, bearing in mind the impact this would have on staff time to collect and provide commentary on.

The KPIs focused on key outcomes within the emerging Corporate Plan. A Corporate Programme Board would be established to monitor the Council's service plans and a twice annual report would be presented to the OSC to provide an update on activity and target completion.

The Environment Strategy 2020-2030 set out the activities and actions that were to be undertaken in response to the Council's Climate Emergency Declaration in 2019. Net carbon footprint for both the district and the Council would be KPIs in future years. By March 2022, it was anticipated that a baseline exercise and measurement model would be established and completed for inclusion within the KPIs set for the 2022/23 financial year; this work would be carried out alongside ongoing work to progress the strategy.

Cabinet had approved the KPIs and targets and were satisfied that these provided an adequate review of the Council's key performance areas. Members of the OSC were requested to review the KPIs and recommend any actions / amendments to Cabinet as necessary.

Members were given the opportunity to ask questions and the following points were noted during the discussion:

- concerns were raised about the length of time taken for planning decisions to be made. The Planning Committee regularly reviewed performance, but Members requested wider scrutiny be considered by Cabinet;
- an extensive range of performance indicators were monitored by officers in addition to the KPIs, reviewed by the Chief Executive on a monthly basis;
- the KPIs were identified each year to reflect the Council's most important areas to be focused on;
- Climate Change performance indicators would continue to be discussed by the Climate Change Steering Group for inclusion in the KPI set for 2022/23;
- the target of £107,000 for Additional Income Generation, not currently monitored, related to Garden Waste Services fees; and
- the three indicators in the theme Economic Development and Poverty would provide Members with a broader narrative of the work of the Council.

(Overview and Scrutiny Committee Agenda Item 6).

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	Yes	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	Yes		

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Nicola Mitchell
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Appendices:	None

Relevant Previous Minutes:	N/A
Background Papers:	Report to Overview and Scrutiny Committee
Reference Documents:	N/A

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Rother District Council

Report to: Cabinet

Date: 24 May 2021

Title: Private Sector Leasing Scheme

Report of: Head of Service Housing and Community

Cabinet Member: Cllr Byrne

Ward(s): All

Purpose of Report: To seek approval for a private sector leasing scheme that will enable the Council to provide tenancies to households that are homeless or at risk of homelessness. To seek approval to issue fixed-term rent guarantees to private sector landlords.

Decision Type: Key

Officer

Recommendation(s): **Recommendation to COUNCIL:** That:

- 1) lease agreements be entered into with property owners to enable the provision of tenancy agreements between the Council and households who are homeless or at risk of homelessness;
- 2) the Head of Service Housing and Community be authorised to enter property and rent account management contracts; and
- 3) fixed-term rent guarantees be issued to private sector landlords to provide access to tenancies for households who are homeless or at risk of homelessness.

Reasons for

Recommendations: Improve housing outcomes and reduce the cost to the Council of providing temporary accommodation by preventing homelessness through greater access to quality and affordable accommodation.

Introduction

1. A key objective within the Council's Housing, Homelessness and Rough Sleeping Strategy 2019-24 is to reduce homelessness and it is a Corporate Plan target for the Rother Tenant Finder Scheme to secure 100 tenancies a year for homeless households by March 2023.
2. As of May 2021, the Council had over 100 households in temporary accommodation; the number accommodated prior to the COVID-19 pandemic was 55 households. As outlined in the recent report to Cabinet in March 2021 (Minute CB20/119 refers) regarding the purchase of accommodation for

temporary use, the average cost of placing a household with children is £2,500 for an average length of stay of 66 days. The average cost has latterly been revised upwards to £2,590 per household.

3. The recommendations seek to support the Council to reduce the number of households forced to use temporary accommodation and avoid the costs to the Council of these temporary accommodation placements. The two measures proposed are:
 - Private Sector Leasing Scheme
 - Rent Guarantee Scheme
4. During the COVID-19 pandemic there have been fewer properties made available to the Rother Tenant Finder scheme due to a significant stagnation in the lettings market. There also continues to be an increase in the level of rents charged. The situation has prompted a review of the Rother Tenant Finder service and the various incentives offered to private sector landlords and estate agents.
5. The limited number of properties the Rother Tenant Finder Scheme has successfully secured for tenants during the pandemic has been achieved through the provision of 0% loans to the tenant to meet the deposit and rent in advance costs. In addition, the Council has secured tenancies through incentive payments to landlords and agents which are funded through a combination of external government grants.
6. The Housing Needs Team has reviewed a range of options that may increase the number of tenancies it can secure in the private rented sector for homeless households to access. This report proposes two new and more interventionist measures that will enable the Council to secure more accommodation and prevent and relieve homelessness more effectively. The options proposed are that the Council lease properties from property owners and manage tenancies directly – by way of a third-party property management contract - as well as a rent guarantee offer to landlords.

Private Sector Lease Scheme

7. Private Sector Leasing will give the Council access to properties for a fixed period. Property owners will be guaranteed a fixed monthly payment. The value of the payment will be negotiated on a case by case basis between the Local Housing Allowance (LHA) rate and 10% below this rate, depending on the property type, location and standard; the payment will not exceed the relevant LHA for that property type. The Council will then sub-let the property to tenants that are homeless or at risk of homelessness.
8. The Council will place tenants into the properties on Non-Secure Tenancies. In most cases tenants will claim Housing Benefit to meet the costs of their rent. The rents charged to tenants will be the same as the applicable Local Housing Allowance for the size of the property.
9. Each lease will be for a fixed period; during the term of the lease the Council will have exclusive rights to place tenants of its choosing in the properties. Leases can be ended ahead of expiry by giving of 3 months-notice by either party or at a break-clause point, six months into the agreement.

10. For properties to be accepted onto the scheme they must meet or exceed defined standards. Property owners will provide a property that is free from all category 1 and all significant category 2 hazards as defined by the Housing Health and Safety Rating System (HHSRS) and meet all other relevant statutory requirements before occupation. This will include an Energy performance Certificate at minimum grade 'E', a landlord's gas safety certificate and full compliance with the electrical safety standards. Documentation showing compliance with this legislation will be provided to the Council by owners ahead of leases being finalised. In addition, property owners will be advised and supported to implement measures to raise the level of their EPC rating.
11. Property owners will retain full responsibility for the management, maintenance and repair of the external fabric of the building to include all external doors, walls and windows as well as associated structures such as soil pipes, guttering and chimney stacks.
12. The Council will manage the interior of the building and make good any tenant related damage to the property. The condition of the property will be assessed by means of an inventory and accompanying photographic and video evidence. The condition of the property at lease commencement will be agreed with the property owner. At the end of the lease period the property will be returned to the owner in the same condition as when the lease commenced save an allowance for reasonable wear and tear.

Property Management

13. Properties will be managed by an external management organisation for which a specification is being finalised. The Council may wish to deliver certain aspects of the property management itself with the support of a third-party specialist contractor. It is the intention to develop in-house property management expertise and resources over time; this will leave open the option of the Council managing its own properties when the scale of properties under lease and Council ownership makes this option financially beneficial.

Financial Assessment

14. The scheme will be funded from external Homelessness Prevention Grant that is allocated annually by the MHCLG. It is proposed that the scheme be expanded in a measured way with up to 15 active leased properties in the first 12 months of the scheme and then a further 15 properties in the second 12 months. Once this milestone of 30 properties has been reached it is proposed that a review is undertaken to ascertain if the scheme is operating effectively.
15. The financial assessment undertaken includes an illustration of the costs which can be avoided by being able to accommodate households via the private sector leasing scheme rather than temporary accommodation. These projections have been verified in consultation with neighbouring local authorities delivering similar temporary accommodation schemes.
16. As already highlighted, the average cost to the Council of accommodating households with children in temporary accommodation is £2,590 per

household; therefore, for each property the Council secures by way of a lease these costs will be avoided.

	NO. OF PROPERTIES	COST	COST AVOIDED	TOTAL
Year 1	15	£27,192	-£38,850	-£11,658
Year 2	30	£70,090	-£77,700	-£7,610

A more detailed financial appraisal is given at Appendix A

17. The above table illustrates that the 15 leases achieved in year 1 will cost the Council £27,192 and avoid temporary accommodation costs of £38,850, leaving a balance of £11,658 in avoided temporary accommodation costs over the period. The total number of leases the Council will have by the end of year 2 is projected to be 30, achieving £7,610 in avoided costs during year 2.
18. The table also assumes that a property is only occupied by one household over the three-year lease period and therefore shows the minimum level of cost avoidance that could be achieved. In addition, it will be necessary to create a fund to offset the future cost of repair that may be required at the end of the lease period, each property will contribute 5% of the annual income it generates to the fund.

Rent Guarantee Scheme

19. Up until the time of COVID-19 the Rother Tenant Finder was delivering good results in securing properties to assist households that are threatened with homelessness; however, recently it has become clear that the lettings market expects tenants to have a guarantor and rent payments to be underwritten.
20. The Council has previously looked to tackle this issue through using a commercial insurance premium product. This has had some success; however, some landlords had negative experiences when it came to claiming for lost rent against these agreements; therefore, the Council no longer offers the insurance policy product as part of Rother Tenant Finder. We therefore require a new means of underwriting landlord risk of rent arrears.
21. The proposed rent guarantees will have the following conditions:
 - Guarantees will be time limited to 12 months after which the landlord will assume full liability for the rent.
 - The Council will be liable for up to six months of rent arrears accrued during the first 12 months of the tenancy.
 - Guarantees will be provided for Assured Shorthold Tenancies with a minimum fixed term of 12 months.
 - Tenancies must be assessed as affordable for the tenant.
 - The landlord or their agent must inform the Council in writing within seven days of the first missed rent payment and within seven days of all subsequent missed payments.
22. The Council's Tenancy Sustainment Officer will monitor with tenants their rent accounts and offer support to sustain rental payments. There will be detailed

assessments of those tenants to whom the Council will offer rent guarantees to minimise the risk of the Council needing to reimburse landlords. However, even with the support in place, there is a risk that some tenants will default on their rent payments.

23. The table below provides a profile of the level of financial risk to which the Council will expose itself if it were to provide 10, 20 or 30 rent guarantees per annum up to the value of 6-months' rent, over a 12-month fixed term period.

NO. OF GUARANTEES (PER ANNUM)	AVG. RENT (PCM)	100% ARREARS	20% ARREARS	10% ARREARS	5% ARREARS
10	£750	£45,000	£9,000	£4,500	£2,250
20	£750	£90,000	£18,000	£9,000	£4,500
30	£750	£135,000	£27,000	£13,500	£6,750

24. It is proposed that an arrears level of 20% is a reasonable worst-case scenario; however, the team will operate to an arrears target of 5% which is comfortably achieved by most Registered Providers, for example. The number of guarantees is limited to 30 in the first year and will only be extended in consultation with Section 151 Officer if the level of arrears is below 20% overall.

25. The scheme will be funded from external Homelessness Prevention Grant that is allocated annually by the MHCLG. Again, the average cost to the Council of accommodating households with children in temporary accommodation is £2,590 per household; therefore, for each property the Council secures by way of a rent guarantee these costs will be avoided.

NO. OF GUARANTEES (PER ANNUM)	AVG. RENT (PCM)	20% ARREARS	AVOIDED COSTS	TOTAL
30	£750	£27,000	-£75,000	-£48,000

26. The above table illustrates that 30 rent guarantee agreements will cost the Council £27,000 (assuming arrears of 20% of rental income); the same 30 tenancies secured through rent guarantee agreements will avoid temporary accommodation costs of £75,000, leaving a balance of £48,000 in avoided temporary accommodation costs.

Conclusion

27. Both the private sector leasing and rent guarantee schemes are designed to improve access to quality and affordable accommodation for households who are homeless or at risk of homelessness. The two schemes offer the Rother Tenant Finder a more competitive offer to landlords and property owners that will enable the Council to reach its Corporate Plan target of securing one hundred tenancies a year for homeless households by March 2023.
28. The two schemes will prevent the need for the Council to place households in expensive temporary accommodation, avoiding the associated cost. The Private Sector Leasing Scheme proposal will enable the Council to avoid up to £11,000 of temporary accommodation costs in its first year and £7,000 in

its second year. The Rent Guarantee Scheme will enable the Council to avoid up to £48,000 for every 30 rent guarantees issued.

Financial Implications

29. The financial implications associated with the recommendations are addressed within the main body of the report. The risks associated with the management of the properties is included at Appendix B.

Legal Implications

30. The lease agreement between the Council and the property owner, alongside the non-secure tenancy agreement between the Council and tenant are predicated elsewhere in the county and we are consulting with our legal team to finalise these agreements. We are also consulting legal colleagues to refresh rental bond agreements that have been utilised by the Council in the past and enable the delivery of rent guarantees to landlords.

Environmental

31. The accommodation leased will be offered to tenants with the following standard: EPC E or above. The housing will comply with Health and safety standards for rented homes (HHSRS) and Decent Homes Standard.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	No
Environmental	Yes	Access to Information	No
Risk Management	No	Exempt from publication	No

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Joe Powell
e-mail address:	Joe.powell@rother.gov.uk
Appendices:	A – Financial appraisal B – Property management risk register
Relevant Previous Minutes:	CB20/119
Background Papers:	None
Reference Documents:	None

Financial Appraisal

	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12	Year 1 total
Total 2 bed units in scheme	1	4	5	6	7	8	10	12	13	14	15	15	15
Housing Benefit income	-648.22	2,592.88	-3,241.10	-3,889.32	-4,537.54	-5,185.76	-6,482.20	-7,778.64	-8,426.86	-9,075.08	-9,723.30	-9,723.30	71,304.20
Voids 10%	64.82	259.29	324.11	388.93	453.75	518.58	648.22	777.86	842.69	907.51	972.33	972.33	7,130.42
Management Cost @ 10%	64.82	259.29	324.11	388.93	453.75	518.58	648.22	777.86	842.69	907.51	972.33	972.33	7,130.42
Rent payment to landlords	615.81	2,463.24	3,079.05	3,694.85	4,310.66	4,926.47	6,158.09	7,389.71	8,005.52	8,621.33	9,237.14	9,237.14	67,738.99
Total Debt at 5%	32.41	129.64	162.06	194.47	226.88	259.29	324.11	388.93	421.34	453.75	486.17	486.17	3,565.21
Repairs & Maintenance	41.67	166.67	208.33	250.00	291.67	333.33	416.67	500.00	541.67	583.33	625.00	625.00	4,583.33
Tax liability @ 1 month	13.65	54.60	68.25	81.89	95.54	109.19	136.49	163.79	177.44	191.09	204.74	204.74	1,501.39
Utilities	9.00	36.00	45.00	54.00	63.00	72.00	90.00	108.00	117.00	126.00	135.00	135.00	990.00
Gas Safe	4.17	16.67	20.83	25.00	29.17	33.33	41.67	50.00	54.17	58.33	62.50	62.50	458.33
Insurance	16.67	66.67	83.33	100.00	116.67	133.33	166.67	200.00	216.67	233.33	250.00	250.00	1,833.33
Sinking fund for hand back cost	32.41	129.64	162.06	194.47	226.88	259.29	324.11	388.93	421.34	453.75	486.17	486.17	3,565.21
Total costs	895.42	3,581.70	4,477.12	5,372.54	6,267.97	7,163.39	8,954.24	10,745.09	11,640.51	12,535.94	13,431.36	13,431.36	98,496.64
TOTAL	247.20	988.82	1,236.02	1,483.22	1,730.43	1,977.63	2,472.04	2,966.45	3,213.65	3,460.86	3,708.06	3,708.06	27,192.44

	Month 13	Month 14	Month 15	Month 16	Month 17	Month 18	Month 19	Month 20	Month 21	Month 22	Month 23	Month 24	Year 2 total
Total 2 bed units in scheme	16	18	20	21	22	23	25	26	27	28	29	30	
Housing Benefit income	- 10,371.52	- 11,667.96	- 12,964.40	- 13,612.62	- 14,260.84	- 14,909.06	- 16,205.50	- 16,853.72	- 17,501.94	- 18,150.16	- 18,798.38	- 19,446.60	- 184,742.70
Voids 10%	1,037.15	1,166.80	1,296.44	1,361.26	1,426.08	1,490.91	1,620.55	1,685.37	1,750.19	1,815.02	1,879.84	1,944.66	18,474.27
Management Cost @ 10%	1,037.15	1,166.80	1,296.44	1,361.26	1,426.08	1,490.91	1,620.55	1,685.37	1,750.19	1,815.02	1,879.84	1,944.66	18,474.27
Rent payment to landlords	9,852.94	11,084.56	12,316.18	12,931.99	13,547.80	13,800.00	15,395.23	16,011.03	16,626.84	17,242.65	17,858.46	18,474.27	175,141.96
Bad Debt at 5%	518.58	583.40	648.22	680.63	713.04	745.45	810.28	842.69	875.10	907.51	939.92	972.33	9,237.14
Repairs & maintenance	666.67	750.00	833.33	875.00	916.67	958.33	1,041.67	1,083.33	1,125.00	1,166.67	1,208.33	1,250.00	11,875.00
C/Tax liability @ 1 month	218.38	245.68	272.98	286.63	300.28	313.93	341.23	354.87	368.52	382.17	395.82	409.47	3,889.97
Utilities	144.00	162.00	180.00	189.00	198.00	207.00	225.00	234.00	243.00	252.00	261.00	270.00	2,565.00
Gas Safe	66.67	75.00	83.33	87.50	91.67	95.83	104.17	108.33	112.50	116.67	120.83	125.00	1,187.50
Insurance	266.67	300.00	333.33	350.00	366.67	383.33	416.67	433.33	450.00	466.67	483.33	500.00	4,750.00
Sinking fund for hand back cost	518.58	583.40	648.22	680.63	713.04	745.45	810.28	842.69	875.10	907.51	939.92	972.33	9,237.14
Total costs	14,326.78	16,117.63	17,908.48	18,803.90	19,699.33	20,231.15	22,385.60	23,281.02	24,176.45	25,071.87	25,967.30	26,862.72	254,832.23
TOTAL	3,955.26	4,449.67	4,944.08	5,191.28	5,438.49	5,322.09	6,180.10	6,427.30	6,674.51	6,921.71	7,168.92	7,416.12	70,089.53

PROPERTY MANAGEMENT RISK REGISTER

RISK	LIKELIHOOD	IMPACT	MITIGATION
That the offer may not be competitive meaning landlords will not sign up and the income projections will not be met	Medium	High	Monitor initial levels of interest. Increase resources for promotion and financial incentives as necessary
Lower than anticipated level of income from Housing Benefit	Low	Medium	Regular monitoring of rent accounts using appropriate software either directly or through a property management contract. Regular meetings between PSPO and tenant or agent to monitor.
Reputational risk to the Council and harm to tenants?	Low	Medium	All properties fully inspected against HHSRS. Minimum EPC 'E'. Landlord supported to raise EPC level. Gas safety checks. Electrical safety checks. Fire risk assessments. Management contract to include property visits
Accommodation becomes unaffordable for tenant	Low	Low	Regular monitoring of tenant HB claims and meetings with RP manager to flag potential issues
Insufficient supply of tenants to fill the leased accommodation	Low	High	Currently over 90 households in TA alone and up to 20 per week approaching the authority for housing assistance
Changes to benefits legislation reduces safeguards and/or revenue streams for SLA	Medium	Medium	Monitor possible changes in benefits policy and undertake regular scheme reviews
Rent arrears	Medium	Medium	Pre-tenancy checks and support needs assessments undertaken Property Management to provide regular visits and contact with tenants to identify issues. Also support from Rother TSO and 3 rd party floating support as necessary. Full affordability checks undertaken when tenancy commences. Tenants understand that NTQ will be

RISK	LIKELIHOOD	IMPACT	MITIGATION
Tenant ASB	Medium	Medium	served and possession proceedings started if necessary Tenants undertake tenancy readiness session to understand obligations. Regular contact with RDC community safety to flag issues. Agreement in place to refer to mediation services as applicable
Legislation changes and LL refuses to raise standards.	Low	Medium	Leasing agreements make clear that landlords need to adapt to changes in legislation. Support landlords to join reputable professional landlord organisation. Explore funding options with landlord for works if needed. Be prepared to take enforcement action if necessary.
Dispute with LL on property condition at hand back	High	Medium	Full photographic inventory taken at tenant move in. Produce explanatory information on meaning of 'fair wear & tear' together with asset depreciation tables. Regular visits and contact with tenants should mean that issues are known well in advance of tenant check-out
Council liable for greater level of rent arrears under rent guarantee scheme than budgeted for	Medium	Medium	Ensure that TSO and floating support services put direct payments to landlord in place with DWP assistance for tenants claiming Universal Credit. Procedure put in place to request direct payments once first missed rent payment is notified

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Rother District Council

Report to:	Cabinet
Date:	24 May 2021
Title:	Updated Statement of Community Involvement
Report of:	Head of Service Strategy and Planning
Cabinet Member:	Councillor Vine-Hall
Ward(s):	All
Purpose of Report:	To approve the draft Statement of Community Involvement for a six-week public consultation
Decision Type:	Non-Key
Officer	
Recommendation(s):	It be RESOLVED : That the draft updated Statement of Community Involvement as attached at Appendix 1 be approved for public consultation.
Reasons for Recommendations:	The risk of not updating the Statement of Community Involvement is that future consultations may be deemed to not comply with recent updates to planning legislation particular in relation to the Duty to Co-operate.

Introduction

1. This report presents a draft updated 'Statement of Community Involvement' (SCI), attached as Appendix 1, which sets out how and when the Council will carry out consultations and involve the community in both the preparation of planning policy documents and in the determination of planning applications. The updated SCI is put forward for approval in draft form for the purposes of public consultation at this stage.
2. While the existing SCI, adopted in 2018, continues to meet most statutory requirements in terms of plan-making, there is now a greater focus on early engagement. The changes relating to the closure of the Rye Community Help-Point (where planning policy documents would typically be made available for public viewing) will have an impact on how documents can be made publicly available. Recent changes to public speaking at Planning Committee have also been incorporated into this version of the SCI.
3. It is considered timely to update the SCI, in advance of any statutory consultation on the forthcoming new Local Plan. The consultation timeframe is set out in the current [Local Development Scheme](#) (March 2021). It should be noted that in any event, Regulation 10A (1) (b) of The Town and Country Planning (Local Planning) (England) (Amendments) Regulations 2017 now requires Councils to review SCIs at least every five years.

4. The review also provides the opportunity to bring the SCI up-to-date in its coverage of the recent changes to public speaking at meetings of the Planning Committee.
5. It is pointed out that the SCI deals only with planning processes. It does not deal with planning policy but sets out how the Council will involve different sectors of the community, from individual members of the public through to representative organisations, in preparing plans that do address such matters, as well as in considering planning applications.

Analysis / Details of the proposals

a. Early engagement on plan-making and the Duty to Do-operate

6. The approach to pre-production and early engagement on the Local Plan is set out within Section 3 of the SCI. Table A sets out how early engagement will be undertaken, setting out the statutory requirements and where the District Council will carry out informal engagement. This is more detailed than the previous SCI and indicates how the District Council will engage with stakeholders and the public, where appropriate.

b. Public speaking at Planning Committee

7. Since adopting the SCI in 2018, there have been some recent changes made to the process of public speaking at Planning Committee. A review was recently undertaken with the Chairman and Vice-Chairman of the Planning Committee to review the process and a number of changes have now been implemented. These are now proposed to be included formally within this newest version of the SCI.

c. Increased scope of engagement using new online platforms

8. The Coronavirus pandemic has seen the emergence of videoconferencing through software such as Microsoft Teams and Zoom. The new SCI incorporates these widely used videoconferencing platforms within the potential full range of engagement methods, in order that the Council may capitalise on the increased engagement opportunities that they provide.

Other minor changes

9. It should also be noted that the SCI has been subject to a number of minor modifications throughout the document and the format/presentation changes to improve legibility and be visually clearer, including adding a flow diagram for Local Plans, SPDs and NPs to set out within a page what the overall process is.
10. The SCI also refers to the Council's temporary Coronavirus Addendum (originally published in August 2020), which sits alongside the SCI and was produced in accordance with Government guidance and temporary changes in legislation. The Addendum identifies methods of engagement that may no longer be practicable under the conditions of the pandemic and sets out how Council's Strategy and Planning Service can safely continue to carry out its consultation and engagement responsibilities during these times.

Next Steps

11. It is proposed that the draft SCI attached as Appendix 1 is published for public consultation for a six-week period.
12. Following the consultation, any comments received will be considered in finalising the document and re-presented to Cabinet for adoption in due course.
13. The updated SCI will provide a clear, transparent basis for carrying out consultations on future plans – to which the Council may be held to account – and will provide a useful reference to all interested parties on what involvement they can expect to have in planning decisions.

Conclusion

14. It is recommended that the draft updated SCI be published for public consultation, as set out above.

Legal Implications

15. The risk of not updating the SCI is that future consultations may be deemed to not comply with recent updates to planning legislation particular in relation to the Duty to Co-operate. There is a risk of creating unrealistic expectations of community engagement via a new SCI, especially given resource constraints, but the proposed SCI maintains flexibility on approaches to take such factors into account.

Other Implications

16. It is noted that the 2018 SCI was subject to an Equalities Impact Assessment, which is still relevant and it applies to the 2021 updated SCI.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	Ye
Crime and Disorder	No	Consultation	Yes
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Tim Hickling
e-mail address:	Tim.hickling@rother.gov.uk
Appendices:	Appendix 1 – Proposed Updated Statement of Community Involvement
Relevant Previous Minutes:	N/A
Background Papers:	Rother District Council Statement of Community Involvement, Adopted 2018
Reference Documents:	None

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Statement of Community Involvement

How local people and others can get involved in planning



CONSULTATION DRAFT

This information can be available in large print, Braille, audiotape/CD or in another language upon request.

Please telephone **01424 787668** or email
planning.strategy@rother.gov.uk

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Due to the current Coronavirus Pandemic this document should be read in conjunction with the [temporary Coronavirus Addendum](#). The temporary Addendum identifies methods of community engagement within this document that are not practicable at this time, while setting out temporary measures to ensure that the Council's Strategy and Planning Service can safely continue to carry out its various functions for which it is responsible.

1. Introduction

- 1.1 Planning for land use and development in the District is one of the Council's key responsibilities, impacting both directly and indirectly on individuals and communities.
- 1.2 It follows that people and groups potentially affected by planning policies and proposals should have the opportunity to be effectively involved in decision-making and should understand what those opportunities are.
- 1.3 **This Statement of Community Involvement (SCI) explains the arrangements for public involvement in Rother District Council's planning processes. It covers both the preparation of planning policy documents and the determination of planning applications.**
- 1.4 It updates the previous SCI, which was adopted in December 2018, to explain the consultation processes as part of the Council's new Local Plan 2019-2039. Development of the new Local Plan gives an additional emphasis to early (pre-production) engagement, and this SCI update sets out in more detail what this engagement will involve for future Local Plans. This SCI also covers a new provision for pre-applicants to present their development proposals to planning committee and other members, which will be recommended by officers where the proposed development may be of a sensitive nature, likely to draw significant controversy, or impact several people.
- 1.5 It is important to note that in accordance with Government guidance, the Council has produced a [temporary Coronavirus Addendum](#) (originally published in August 2020) to identify methods of community engagement that are not practicable at this time, while setting out temporary measures to ensure that the Council's Strategy and Planning Service can safely continue to carry out its various functions for which it is responsible.

- 1.6 This Addendum identifies methods of engagement set out in the SCI which are not practicable under the conditions of the coronavirus¹ pandemic, such as those requiring face-to-face contact and shared handling of documents, whilst setting out alternative methods of engagement that may be used in order that plan making can continue during this time. In addition, where the pandemic has impacted upon workloads, the Council may, where necessary, suspend any of its discretionary engagement and services to safeguard its statutory duties. There may be further temporary minor changes made to the SCI without public consultation due to the changing nature of the ongoing Pandemic. Should further changes be necessary these will also be reflected in an update to the temporary Coronavirus Addendum.
- 1.7 The following Section (2) sets out the Council's **General Principles** for consultation, which remain as previously.
- 1.8 Section 3 highlights the opportunities to contribute to the formulation of local **Planning Policy**. This relates to the production of the District Councils' Local Plan and any supplementary planning documents, as well as a section on the preparation of Neighbourhood Plans.
- 1.9 Section 4 deals with **Development Management**, i.e. the consideration of planning applications, applications for listed building consent, conservation area consent, etc. It sets out commitments for making information available on such applications and the opportunities for making comments on them, including the public speaking process at Planning Committee.
- 1.10 The final Section 5 highlights how and when **monitoring and review of the Statement of Community Involvement (SCI)** will take place.

¹ "coronavirus" means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

2. General Principles

- 2.1 There are several principles that apply to the approach to consultation, access to information, participation for all, openness and treatment of comments for all areas of planning.

Consultation Charter

- 2.2 The Council has a Consultation Charter which identifies several principles for public consultation across its services. Its principles are reproduced below:

The Council acknowledges and undertakes that:

1. consultation is a fundamental part of good public service; it will be the starting point not an afterthought
2. consultation will be based on openness, trust, integrity and mutual respect for all participants
3. where appropriate, consultation will be used to seek views before decisions are made
4. requests to consult may come from inside or outside the Council
5. consultation will seek to involve all parties who can contribute to or who are affected by the outcome of consultation
6. it will seek to explain to people why they are being consulted, what they are being consulted about and how their views will contribute to any decision
7. some people will be less able to participate in consultation than others; specific efforts will be made to identify and target these people; every effort will be made to ensure that consultation is representative
8. it will seek to ensure that the issues are clearly understood and that objectives, timescales and expectations are clearly identified
9. relevant and easily understandable information will be provided to consultees with particular attention to those who have special communication needs
10. the results of the consultation and any impact upon Council decisions will be provided in the most appropriate form both to consultees and the wider community

- 2.3 The Council recognises that planning material is often technical in nature; hence, consultation documents will be as clear and concise as practicable, using plain English as far as possible, avoiding, or at least explaining 'jargon' (possibly in a 'glossary') without detracting from the complexities of issues.

Access and equalities

- 2.4 In terms of ensuring engagement of all sections of community, particular attention will be given to “hard to reach” groups. This includes meeting the public sector equality duty to advance equality of opportunity between different groups, associated with age, disability, gender/gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation characteristics. ‘Equality Objectives’ are set in in a separate document, see: <http://www.rother.gov.uk/equality>.

Means of involving people

- 2.5 The Council will seek to choose appropriate consultation processes that best balance community impact, accessibility and available resources. Greater use is being made of online and social media methods of consultation, while appreciating that they are not accessible for all members of the community. Some forms of consultation and public involvement can be time intensive. Hence, detailed decisions about the methods of involvement to be used at a particular stage will need to consider the availability of resources at the time. In particular, events which require considerable staff involvement, such as exhibitions, will need to be prioritised to consultations where the outputs of such events will have the greatest benefits.
- 2.6 The Coronavirus pandemic has seen an expansion of the use of online technologies to the way that we work and communicate. Whilst the end of the pandemic will see a return to the full range of engagement methods as set out in this SCI, the Council will also look to capitalise on the increased opportunities for wider engagement that these new online platforms have provided.

Making comments and their availability

- 2.7 As part of the transparency and openness of decision-making, and in accordance with the legal framework set by the General Data Protection Regulations 2016 and the Data Protection Act 1998, comments made on planning documents and on planning applications will be made publicly available. They cannot be treated in confidence. However, the Council will not publish personal information such as signatures, telephone numbers and email addresses online. Where such personal information has been provided in correspondence to the Council, then this information will be redacted before it is published publicly.
- 2.8 Comments made, whether on policy documents or planning applications should be made within the timescale prescribed, relate to the particular document/application, not be anonymous and not be potentially libelous, defamatory, threatening, abusive or likely to incite racial hatred.

Consideration of comments

- 2.9 All comments made in response to consultations on planning policy documents and on planning applications will be considered in decision-making where they relate to 'material considerations'. Guidance on what constitutes 'material considerations' for planning purposes is outlined in Section 4 of this document. However, it may not always be appropriate to determine matters in line with comments received. The Council is obliged to consider, firstly, conformity with local planning policies, consistency with national policies, as well as having regard to all material considerations (which may pull in different directions) in making decisions.

3. Planning Policy

Planning policy documents

- 3.1 Councils are obliged to prepare a 'Local Plan' setting out their policies for development and the use of land in their area which, in turn, provides the basis for decisions on planning applications. Its 'strategic policies' also provide a framework for the preparation of 'Neighbourhood Development Plans' (often referred to more simply as "Neighbourhood Plans") by local communities.
- 3.2 In Rother, the current adopted **Local Plan** covers the period up to 2028 and is set out in the following documents.
- The [Core Strategy](#), which sets the overall vision and objectives for the area, the related development strategy and core policies ("Part 1")
 - The [Development and Site Allocations Local Plan \(DaSA\)](#), which allocates sites for development and contains detailed policies to elaborate on those in the Core Strategy ("Part 2")
 - Remaining extant policies from the [2006 Local Plan](#). These extant policies consist of site allocations and development boundaries within Neighbourhood Plan areas where a neighbourhood plan is not yet in place.
- 3.3 The Council has commenced the process of developing a new Local Plan, which will cover the period up to 2039. It is expected that the new Local Plan will embrace the development strategy and key site allocations in a single document.
- 3.4 The significance of the 'Duty to Cooperate' (DtC) as introduced in the Localism Act 2011² means that the Council places particular importance on 'early and continual effective engagement' in respect of all stages in the production of the Local Plan. Emerging Government policy³ has also stated its intention to require Local Plans to 'front-load' the engagement process to facilitate the wider community having a more significant role in shaping new policy at the earliest stage.

² Section 110 of the Localism Act, incorporated into Section 33A of the Planning and Compulsory Purchase Act 2004

³ [The Government White Paper Planning for the Future – August 2020](#)

- 3.5 Details of DtC engagement are recorded and evidenced in a Consultation and Engagement Statement, produced in support of the Local Plan at submission stage. The Council will publish a series of draft Statements of Common Ground (SoCG) or Statements of Intent, in advance of the formal Regulation 18 stage consultation, and final SoCGs will be published by the time the Proposed Submission draft plan is published (Regulation 19 stage).
- 3.6 The Council can also prepare **Supplementary Planning Documents (SPDs)** – these support particular local plan policies by providing guidance either on particular subjects or specific, normally more complex, sites.
- 3.7 **Neighbourhood Plans (NPs)** are prepared by the local community (which means the relevant Town or Parish Council where one exists or specifically constituted Neighbourhood Forums), with the support of the local planning authority. Their preparation and scope are discretionary; they may include the allocation of sites and policies to guide development. When in place (“made”), they form part of the Local Plan and the policies contained within them are then used in the determination of planning applications.
- 3.8 For up-to-date information on existing plans and those in course of preparation, please either visit the [Planning Policy page](#) on the Council’s website or one of the Council’s Contact Centres.
- 3.9 There are also separate [Waste and Minerals Local Plans](#). These are the responsibility of East Sussex County Council. Further details about the programme of preparing these plans and the opportunities for involvement in them are published on East Sussex County Council’s website at: <http://www.eastsussex.gov.uk/environment/planning/development/mineralsandwaste/>

Other planning documents

- 3.10 Local Plans need to be supported by a [Sustainability Appraisal/Strategic Environmental Assessment](#) (SA/SEA) to ensure that the social, economic and environmental consequences of their policies and proposals are fully taken into account. Supplementary Planning Documents (SPD) do not usually require such an assessment because they will normally relate to a policy or site that has undergone an SA/SEA as part of the Local Plan. Neighbourhood Plans must be supported by an accompanying SEA where it has been assessed that the Neighbourhood Plan's policies are likely to have significant environmental effects. A SA/SEA Report is itself subject to public consultation; hence, the tables below also highlight the various stages of the SA/SEA process.
- 3.11 There is no legislative requirement for Statements of Community Involvement (SCI) to be subject to consultation, however it is considered good practice for councils to inform the public of updates that are intended to be made to the SCI. The Council has considered that its SCI will be subject to consultation, except under exceptional circumstances such as emergency amendments where it would be ineffective to do so. The consultation process for the SCI will be similar to that for SPDs, with public consultation on a draft SCI, comments in response to which will be reported back to the Council and considered in approving the final SCI.
- 3.12 The programme for preparing the Local Plan, SPDs and the SCI is set out in the Council's [Local Development Scheme](#) (LDS) which is updated at regular intervals in relation to the delivery of the Local Plan.
- 3.13 In addition to these documents, the Council also publishes a CIL Charging Schedule. The Council has adopted a [Community Infrastructure Levy \(CIL\)](#) to raise contributions for the provision of new infrastructure to support sustainable growth. The [CIL Charging Schedule](#) sets out the levy that applies to specified types of development, subject to exemptions set out in regulations. Like a draft Local Plan, the consultation on a Draft CIL Charging Schedule is subject to statutory consultation followed by Independent Examination.

- 3.14 In the preparation and support of the Local Plan, the Council also publishes several other documents including, background evidence documents, monitoring reports, the Brownfield Land Register, the Housing Delivery Action Plan, the Infrastructure Delivery Plan and the Local Development Scheme. These documents do not require public consultation.
- 3.15 The below table summarises the planning policy documents for which it is a statutory requirement to undertake public consultation, where the council has the option to undertake consultation subject to Council policy, and documents that are not subject to consultation.

Figure 1 – Planning policy documents and consultation

Documents where public consultation is a statutory requirement
Development Plan Documents: <ul style="list-style-type: none"> • Local Plan (including SA/SEA) • Neighbourhood Plans (including SEA if required) • Supplementary Planning Documents (including SA/SEA if required) CIL Charging Schedule
Documents where public consultation is a Council requirement
Statement of Community Involvement (SCI)
Documents that are not consulted on
Local Development Scheme (LDS) Brownfield Land Register Monitoring reports <ul style="list-style-type: none"> • Local Plan Monitoring Report • Housing Land Supply Report • Employment Land Supply Report Infrastructure Funding Statement Housing Delivery Action Plan Background evidence documents (including the Infrastructure Delivery Plan)

Approach to consultations and engagement

- 3.16 Regulations⁴ provide basic requirements for consultation, including specifying several bodies which local planning authorities must consult when preparing planning policy documents. These include ‘*specific consultation bodies*’, and ‘*general consultation bodies*’ including voluntary bodies active in the area and those bodies which represent the interests of different racial, ethnic or national groups, different religious groups, disabled persons, and of persons carrying on business in the area. Full lists of ‘specific’ and ‘general’ consultation bodies are set out in Appendix A.
- 3.17 The full range of organisations and individuals who should be involved in developing planning policy can be categorised into the following groupings:

Figure 2 – Consultee groups for statutory public consultations

A – Local groups and individuals. This group includes residents, community groups, voluntary groups and specific interest groups (for example chambers of commerce, conservation societies) as well as interested individuals.

B – Parish and town councils, adjoining parish councils. Town and Parish Councils have a particular role to play in representing the views of their communities in the planning process.

C – Utility and service providers. This group includes water, sewerage, gas and electricity companies, health providers and emergency services.

D – Government bodies/neighbouring local authorities and collaborative bodies. This group includes the South East Local Enterprise Partnership, the High Weald Joint Advisory Committee and the Sussex Local Nature Partnership, as well as East Sussex County Council, neighbouring district and borough councils and relevant Government departments.

The ‘duty to cooperate’ introduced in the Localism Act 2011⁵ and reflected in the NPPF, gives added emphasis to constructive and ongoing cooperation with neighbouring councils and other public bodies to ensure that strategic issues are appropriately addressed across local authority boundaries. There needs to be particular collaboration with Hastings Borough Council given common economic and housing markets.

E – East Sussex and Rother Local Strategic Partnerships

F – National organisations and agencies. There are a range of national organisations and agencies which have specialist expertise to input. Examples of such groups are Historic England, Natural England, the Environment Agency, Highways England and Sports England.

G – Developers, landowners, planning consultants

⁴ The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended)

⁵ [Section 110 of the Localism Act](#)

- 3.18 A full list of consultees is set out in the groups identified above, which the Council will contact as part of any relevant public consultation on an emerging planning policy document is held by the Council. This is a “live” list as it is subject to continuous update and change. Organisations and individuals can contact the Council at any time to add, amend or remove their details⁶.
- 3.19 Due to the coronavirus pandemic, certain methods of engagement are not practicable currently. This affects those methods which require face-to-face contact, as well as methods that require the physical handling of documents. Please see the temporary [Coronavirus Addendum](#) for more details.
- 3.20 The range of methods that will or may be used to help inform and engage the community about planning policy formulation are:

Figure 3 – Methods of community engagement

<p>Publication on the Council’s website. The Council will publish documents, statements, and any associated information on its website.</p>
<p>Web-based consultation. The Council will advertise all public consultations on its website, with full details and relevant documents available to view on dedicated pages, accessible via www.rother.gov.uk/planningpolicy. (NB A facility is provided to listen to the website. This is clearly marked by the word ‘Listen’ on the top right hand of the webpages.)</p>
<p>Written notifications. The Council will make direct contact by email or letter with known consultation bodies and those who have asked to be notified that a consultation is taking place and will invite participation in that consultation. Details of the consultation, including the availability of documents, will be explained within the notification.</p> <p>Organisations and individuals can ask to be added to the consultation list at any time by returning the following Planning Policy Contact Form Word version / PDF version to planning.strategy@rother.gov.uk or by calling 01424 787668.</p>
<p>Making documents available for inspection. As well as publishing draft documents and supporting material online (see above), hard copies of documents will made available for inspection, at the Council’s principal office (Town Hall, Bexhill-on Sea), and if appropriate other locations may be considered. Being ‘made available’ can be either through the deposit of physical copies AND/OR by being viewable online via public access computers. Consultation documents will also be available to purchase, at ‘cost’ price.</p> <p>Documents can be provided in large print, Braille, on audio tape or CD, and translated into other languages upon request.</p>

⁶ Organisations and individuals can ask to be added to the consultation list at any time by returning the following Planning Policy Contact Form [Word version](#) / [PDF version](#) to planning.strategy@rother.gov.uk or by calling 01424 787668.

<p>Public notices. Public notices will be placed on the Council’s website and, where appropriate, in local newspapers at key stages of plan production.</p>
<p>My Alerts. ‘My Alerts’ is a weekly email service providing information for Rother residents and businesses. Notice of consultations will be included in these. To subscribe, go to http://www.rother.gov.uk/article/10728/My-Alerts</p>
<p>Social media. The Council makes use of social media and will post information via its Twitter and Facebook accounts www.facebook.com/RotherDC and @RotherDC and/or @RDCconsult respectively. However, during formal consultations, comments will not be accepted via social media.</p>
<p>Press releases/briefings. Newspaper features may be promoted via press releases and/or briefings to convey information about the scope and timing of consultations to a wide audience.</p>
<p>Posters/Leaflets. Dedicated posters and/or leaflets may be used to gain wider public awareness of a consultation.</p>
<p>Exhibitions, Workshops and Presentations (in person and on-line). Events may be held to convey information about an emerging policy document and both publicise the opportunity for public involvement and enable face-to-face discussion about issues and options.</p>
<p>Meetings/Focus Groups. These may be selectively used as a means of bringing different perspectives together to discuss a particular theme in a structured way. Meetings may be appropriate to discuss issues of a technical nature, such as with specific statutory bodies and service providers, or with key stakeholder groups, including Parish Councils. Meetings or focus groups may also take place online using digital conferencing programs such as Microsoft Teams and Zoom, etc.</p>

3.21 Whenever a public exhibition or meeting is held, the venue chosen should be fully accessible to all members of the community and be located as conveniently as possible for the expected audience.

Comments and formal representations

3.22 In relation to making comments and representations:

- Comments/representation forms will normally be provided for Planning Policy consultations.

- For Planning Policy consultations, the Council will normally facilitate, and encourage, comments to be submitted via its online consultation system, the link to which will be made available on the website in relation to the relevant consultation. (This makes it easy to keep a record of views submitted and be in a form that allows them to be readily considered by the Council.)
- Comments may be submitted in writing either by email or by post.
- During formal consultations, all comments received either via email, or in the case of Local Plans also via the online consultation system, will be acknowledged. We are unable to acknowledge comments submitted in writing.
- The use of 'representation forms' or the online consultation system will be expected when making formal representations on 'proposed submission' Local Plans (see below), as they should address the specific tests which a Local Plan is assessed against.
- A clear deadline for the receipt of comments will be given. Comments must be received by the date/time given.

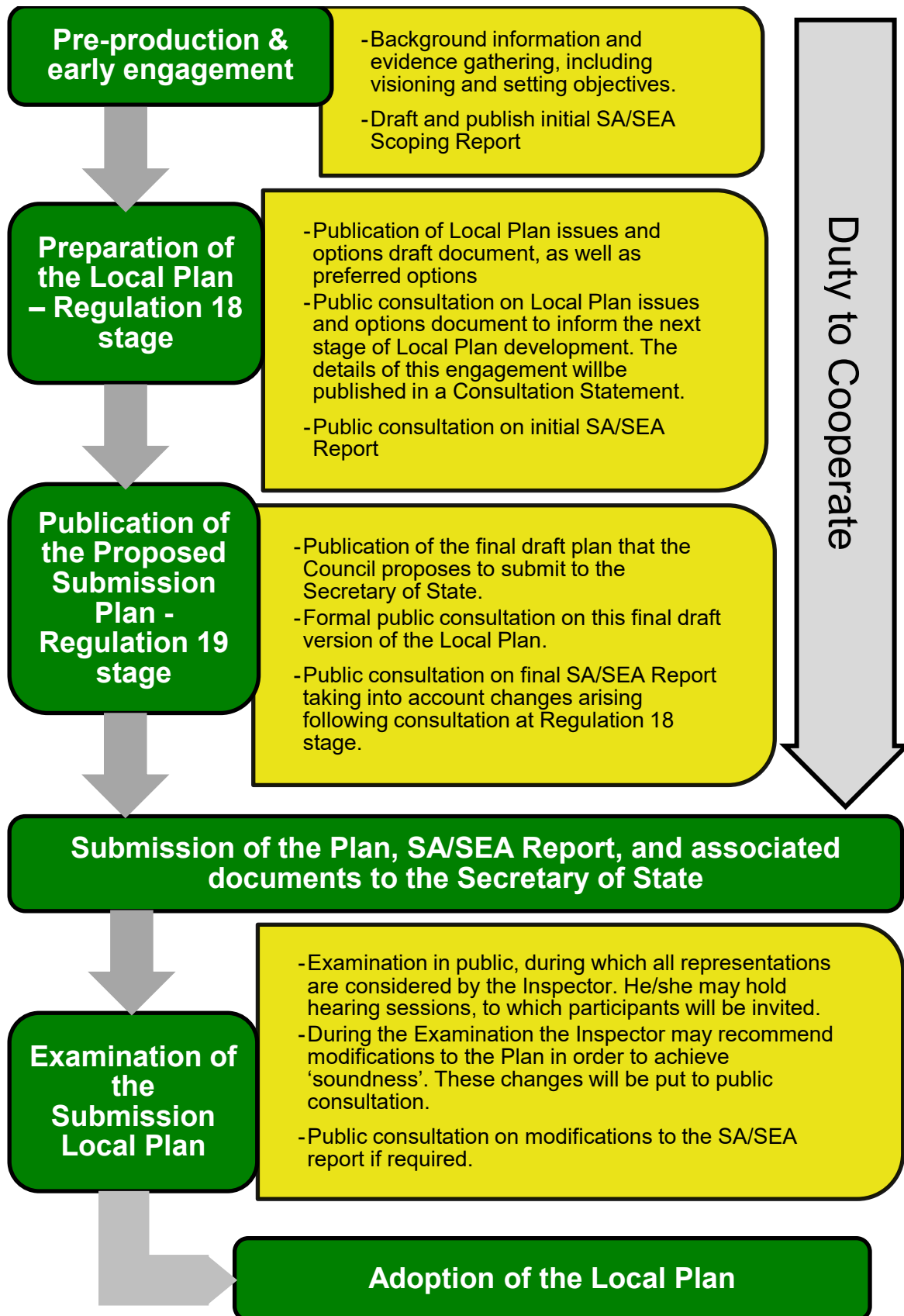
Consideration and feedback

- 3.23 An important aspect of community involvement is to offer feedback to those who have taken part.
- 3.24 The Council will take account of the comments made in progressing planning policy documents and will give reasons for its decisions in the light of comments made. This consideration and feedback will be presented in either a consultation summary report or a Consultation Statement. Consultation Statements are statutory documents that must be produced to support the Local Plan at the Proposed Submission and Submission stages. A Consultation Statement provides additional information to that of a consultation summary report in that it will also present how the Council has effectively engaged to plan for cross-boundary matters under the 'duty to cooperate' and will identify the nature and extent of comments/representations made at all consultation stages.
- 3.25 At the 'proposed submission' stage of Local Plan preparation, regulations provide for representations to be considered during the examination process, so feedback is not normally given prior to the examination.

Opportunities to be involved in plan-making

- 3.26 Planning policy documents are the subject of legislative requirements for publicity and consultation. These ensure that there will be opportunities for everyone to participate in the production of all planning policy documents.
- 3.27 Different types of plans, understandably, have particular processes for preparation and public involvement. The nature of involvement also varies depending on the stage of plan-making.
- 3.28 The tables below (A-L) show the stages of plan preparation and the opportunities for engagement, for Local Plans, Supplementary Planning Documents (SPDs), and Neighbourhood Plans. Each document type is introduced with a flow diagram to outline the different stages for the development of each document.
- 3.29 Within the tables, the left-hand column identifies the stages within plan preparation and sets out the engagement tasks required to achieve these stages, and details both statutory and optional engagement activities. The right-hand column identifies the corresponding methods of engagement as set out in **Figure 3**. An exception to this is Table H within the neighbourhood planning section, where a further left-hand column has been created to denote who is responsible for each respective task.
- 3.30 The methods of engagement in the right-hand column should not be read as prescriptive but are examples of the type of activity that may take place. In particular, the methods of engagement that involve publicity wider than the Council's website and formal notices, are discretionary, and their use is subject to the availability of resources. The methods of engagement for publicity include:
- Public notices.
 - My Alerts.
 - Social media.
 - Press releases/briefings.
 - Posters/Leaflets.

Stages of Local Plan Production



Local Plan preparation and opportunity for involvement

Table A - Pre-production and Early Engagement

Background information and evidence gathering	Engagement
<p>Identification of key issues and challenges for the District, including visioning and objective setting.</p>	
<p><u>Examples of this could include:</u></p> <ul style="list-style-type: none"> • Informal early consultation relating to matters within the District to utilise internal knowledge, for example the consulting of Parish/Town Councils and Members on planning matters regarding local areas. • Informal consultation on visioning/objective setting in the context of the Local Plan and SA baseline, potentially with Members, parishes or other targeted organisations. This could also include workshops / virtual workshops. 	<ul style="list-style-type: none"> • Written notifications • Meetings / Focus Groups (virtual or otherwise)
Development of baseline evidence to support the plan	Engagement
<p><u>Examples of this could include:</u></p> <ul style="list-style-type: none"> • Public targeted consultation for landowners (Call for sites) to put forward sites that may be suitable for consideration for their development, to inform assessments of land availability. 	<ul style="list-style-type: none"> • Publication on the Council's website • Web-based consultation • Written notifications
SA/SEA Scoping Report and development of SA Framework	Engagement
<p>Working with Members, stakeholders and the wider local community to be involved in setting a vision for the Local Plan, and the identification of key strategic issues and how they are to be addressed through the Local Plan.</p>	
<p><u>Statutory requirement:</u></p> <ul style="list-style-type: none"> • Formal targeted consultation on the SA/SEA Scoping report with statutory consultees, comprising of Natural England, Historic England and the Environment Agency, and any additional organisations that the Council may want to consult. (Statutory requirement - Reg 12 & 13 of Environmental Assessment of Plans and Programs Regulations 2004). 	<ul style="list-style-type: none"> • Written notifications • Meetings / Focus Groups (virtual or otherwise)
<p><u>Other options could include:</u></p> <ul style="list-style-type: none"> • Potential opportunities to work with key partners in delivering a Joint approach / methodology to developing an SA Framework. 	<ul style="list-style-type: none"> • Meetings / Focus Groups (virtual or otherwise)

Early Engagement with partners and stakeholders, including Duty to Cooperate ⁷	Engagement
To identify cross boundary strategic matters that will form the basis of the Council's 'Duty to Cooperate', and to propose a programme of further engagement to develop Draft Statements of Common Ground	
<p><u>Examples of this could include:</u></p> <ul style="list-style-type: none"> • Informal consultation on a Duty to Cooperate Action Plan⁸ and other Early engagement documents, with statutory consultation bodies, as well as other organisations as the Council deems necessary. • Meetings and conference calls with Neighbouring Authorities and development/progress of Statements of Common Ground on strategic cross-boundary issues. • Provide a Council representative on working groups in relation to the strategic matters, for example: Ashdown Forest, Pevensey Levels Catchment, Combe Valley catchment, Gypsy and Traveller Accommodation Assessment. 	<ul style="list-style-type: none"> • Written notifications • Meetings / Focus Groups (virtual or otherwise)
<p><i>There may be opportunities for further targeted engagement, arising out of early engagement. Ongoing engagement will continue throughout the development of the Plan at all stages.</i></p>	

Table B - Preparation of the Local Plan

Publication of Regulation 18 stage Local Plan	Engagement
<p>At this stage, the Council will set out the key issues and options for addressing them, with preferred options where appropriate. It may include draft policies.</p> <p>The Council will be engaging with neighbouring planning authorities to develop Statements of Common Ground in the lead up to the Reg 18 consultation.</p>	
<p><u>Statutory requirements:</u></p> <ul style="list-style-type: none"> • Public consultation for a minimum of 6 weeks on the scope of the local plan, issues and options and, where identified, preferred options, as well as on the initial SA/SEA report. The Council may decide it is necessary for the consultation period to extend beyond the statutory 6-week timeframe depending on local circumstances. 	<ul style="list-style-type: none"> • Web-based consultation

⁷ Please note: [The Government White Paper Planning for the Future – August 2020](#) has proposed that the Duty to Cooperate be removed from the Local Plan process. However, it is likely that activities relating to the Duty to Cooperate will continue.

⁸ The Duty to Cooperate Action Plan is specific to pre-production work on the 2019-2039 Rother District Local Plan Update. As noted in footnote 1, it is expected that Government will remove the Duty to Cooperate as a formal requirement.

<ul style="list-style-type: none"> • Notify interested parties, statutory consultees and stakeholders: The Council will make formal direct contact by email or letter with known consultation bodies and those who have been asked to be notified that a consultation is taking place and will invite participation in that consultation. (Requirements for who is to be notified derive from Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) • Publicity: In addition to the above notification process, the Council will publicise widely, using public notices in local papers, advertise using social media and the Council's My Alerts weekly information email service, and may also use posters and leaflets. • Availability of documents: All relevant documents (Local Plan, SA/SEA Report, and any relevant supporting documents) will be published on the Council's website. All relevant documents will be made available for inspection at the Council's principal office, via hard copy and viewable through the use of public access computers. If appropriate other locations may be considered. 	<ul style="list-style-type: none"> • Written notifications • Public notices • My Alerts • Social media • Press releases / briefings • Posters / Leaflets • Publication on the Council's website • Making hard copy documents available
<p><u><i>Option for additional consultation during this stage:</i></u></p> <ul style="list-style-type: none"> • Consultation(s) may be supported by events/exhibitions which may be targeted at specific local communities or specific organisations. At this preparation stage, it may be necessary to hold more than one public consultation period. This will depend on the range of issues, or further policy approaches or sites that are reasonable options but have not previously been considered that may emerge because of the first public consultation. 	<ul style="list-style-type: none"> • Exhibitions / Digital exhibitions

Table C – Publication of the Proposed Submission Plan

Publication of the Proposed Submission Plan – Regulation 19 stage	Engagement
<p>This is the final draft Plan that takes account of comments made during the previous public consultation on options. This includes the final SA/SEA Report, considering changes arising following consultation. Responses to comments made at the Regulation 18 stage are contained in a separate 'consultation statement'. This is the Plan that the Council proposes to adopt.</p> <p>The Council may need to engage further with its Duty to Cooperate partners to respond to issues raised at Reg. 18 stage consultation. The Council will finalise Statements of</p>	

Common Ground for individual organisations in support of Rother District Local Plan's submission.

Statutory requirements:

- Formal minimum six-week period for representations on proposed Submission Plan and final SA/SEA Report. The Council may decide it is necessary for the consultation period to extend beyond the statutory 6-week timeframe depending on local circumstances.

Representations at this stage must relate to specific tests of the soundness of the plan.⁹ They will be forwarded for consideration by an independent Inspector who will examine the plan.

NB Comments made in response to consultation on an earlier version are not carried forward. If anyone is not satisfied with the latest version, they need to respond again.

- Notify interested parties, statutory consultees and stakeholders: The Council will make formal direct contact by email or letter with known consultation bodies and those who have been asked to be notified that a consultation is taking place and will invite participation in that consultation.

(Requirements for who is to be notified derive from [Regulation 18 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#))

- Publicity: In addition to the above notification process, the Council will publicise widely, using public notices in local papers, advertise using social media and the Council's My Alerts weekly information email service, and may also use posters and leaflets.

- Availability of documents: ([Regulation 35 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#))

All relevant documents (Local Plan, SA/SEA Report, and any relevant supporting documents will be published on the Council's website.

All relevant documents will be made available for inspection at the Council's principal office, via hard copy and viewable through the use of public access computers. If appropriate other locations may be considered.

- Web-based consultation
- Written notifications
- Public notices
- My Alert
- Social media
- Press releases / briefings
- Posters / Leaflets
- Publication on the Council's website
- Making hard copy documents available

⁹ Please note: [The Government White Paper Planning for the Future – August 2020](#) has proposed that existing tests of soundness will be replaced by a single “sustainable development” test.

<p><u>Option for additional consultation during this stage:</u></p> <ul style="list-style-type: none"> If, following receipt of representations, the Council believes that major changes are necessary before submission for examination, there would be a further opportunity to comment on these changes. 	<ul style="list-style-type: none"> Repeat of all above methods used as part of Regulations 19 stage consultation
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Table D - Local Plan Examination & Adoption

Examination of the Submission Local Plan	Engagement
<p>The Council submit the Plan (including Policies Map if relevant), SA/SEA Report, Consultation Statement, supporting documents and the representations made at the Regulation 19 stage. All engagement here is statutory requirement, in accordance with Regulation 22 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)</p>	
<ul style="list-style-type: none"> Notify interested parties, statutory consultees and stakeholders: The Council will make formal direct contact by email or letter with known consultation bodies and those who have been asked to be notified that the Council has submitted the Local Plan. (Requirements for who is to be notified derive from Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) All relevant documents (Local Plan, SA/SEA Report, and any relevant supporting documents) will be published on the Council’s website and made available for inspection at the Council’s principal office, via hard copy and viewable through the use of public access computers. If appropriate other locations may be considered. 	<ul style="list-style-type: none"> Written notifications Publication on the Council’s website Making hard copy documents available
<p>Examination in public, during which all representations are considered by the Inspector. He/she may hold hearing sessions, to which participants will be invited. All engagement here is a statutory requirement, in accordance with Regulation 24 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) . <u>The Examination process is run by the Inspector not the District Council.</u></p>	
<ul style="list-style-type: none"> Notify anyone who has made a representation at during the Regulation 19 Consultation: The Council will provide notification of public hearing at least 6 weeks prior to its commencement. Regulation 24 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) 	<ul style="list-style-type: none"> Written notifications
<ul style="list-style-type: none"> All relevant documents (Local Plan, SA/SEA Report, and any relevant supporting documents) will be published on the Council’s website and made available for inspection at the Council’s principal office, via hard copy and viewable through the use of public access computers. If appropriate other locations may be considered. 	<ul style="list-style-type: none"> Publication on the Council’s website Making hard copy documents available

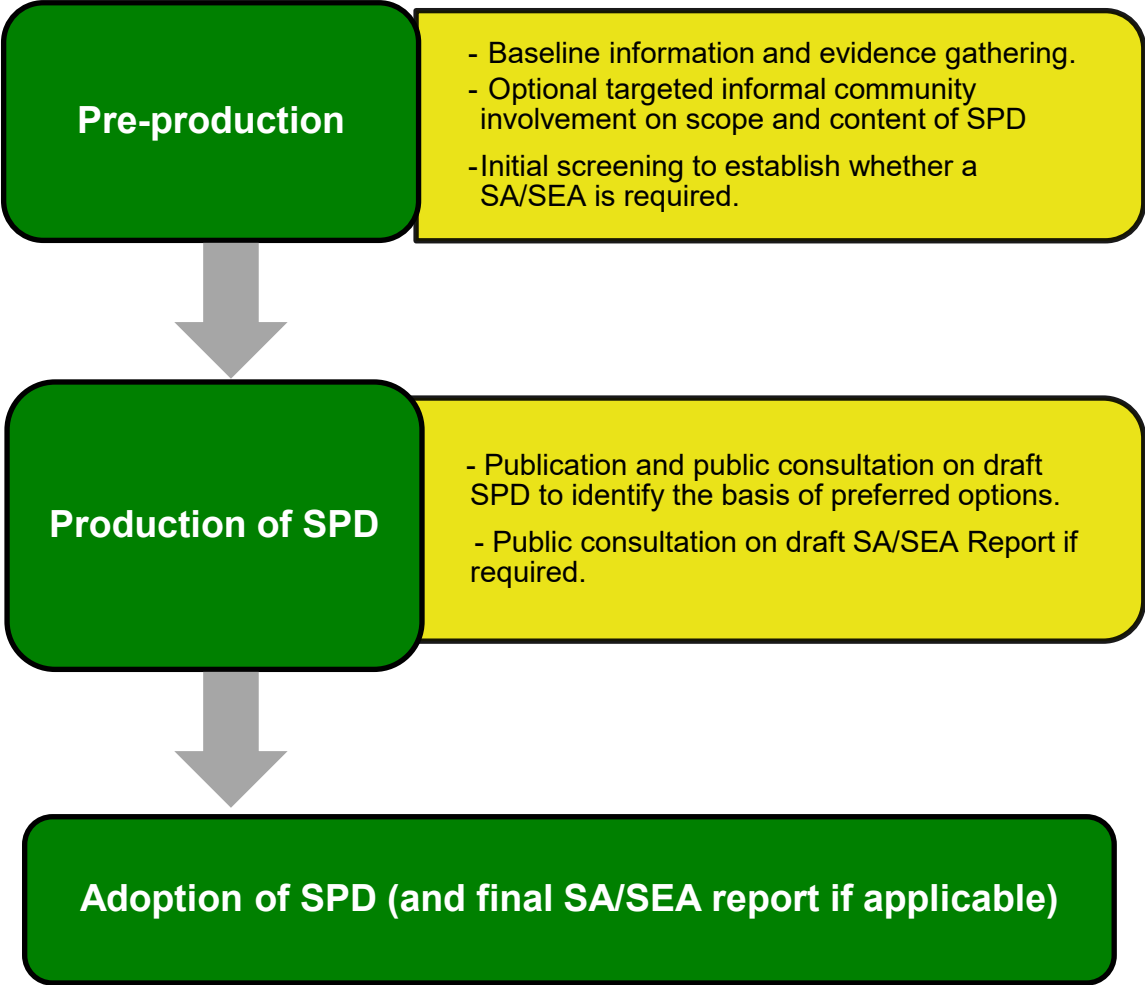
Main Modifications (if required)	Engagement
<p>If during the examination, the Inspector advises that changes are needed to the Plan to achieve soundness, the Council may propose such modifications.</p> <p>The arrangements for the consultation would be agreed with the Inspector but will be of the same nature (representations must relate to questions of soundness) and duration (at least 6 weeks) as the consultation held at Regulation 19.</p>	
<ul style="list-style-type: none"> • Public consultation on any proposed main modifications and, if needed, any changes to the policies map and SA/SEA Report (and no other aspect of the plan). <p><u>Additional Modifications</u></p> <ul style="list-style-type: none"> • The Council may also include additional minor modifications within the consultation. Additional minor modifications are not put before the Inspector and are not part of the Examination. 	<ul style="list-style-type: none"> • Web-based consultation • Written notifications • Public notices • My Alerts • Social media • Press releases / briefings • Posters / Leaflets • Publication on the Council's website • Making hard copy documents available
Publication of Inspector's Report and adoption of the Local Plan	Engagement
<p>The Council will publish the Inspector's Report as soon as is practicable following receipt of the Report. All engagement here is a statutory requirement, in accordance with Regulation 25 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)</p> <p>Upon receipt of a favourable Inspector's Report, the Council may adopt the Local Plan. All engagement here is a statutory requirement, in accordance with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)</p>	
<ul style="list-style-type: none"> • Notify interested parties, statutory consultees and stakeholders: The Council will notify anyone who requested to be informed of when the Inspector's Report is Published, and of who requested to be informed of the adoption of the Local Plan, and how in each case they can view the relevant documents which will be made available. • Availability of documents (Regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) <p>All relevant documents (Inspector's Report and Adoption Statement, Local Plan, SA/SEA Report, and any relevant supporting documents) will be published on the Council's website.</p>	<ul style="list-style-type: none"> • Written notifications • Publication on the Council's website • Making hard copy documents available

All relevant documents will be published on the Council's website and made available for inspection at the Council's principal office, via hard copy and viewable through the use of public access computers. If appropriate other locations may be considered.

All relevant hard copy documents will be made available for at least 6 weeks.

There is a six-week period for legal challenge after adoption ([Regulation 17 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#)). (Legal advice is urged if this is being considered).

Stages of Supplementary Planning Document (SPD) Production



Supplementary Planning Document (SPD) preparation and opportunity for involvement

Table E - Pre-production - Supplementary Planning Document

Baseline information and evidence gathering	Engagement
<p>Initial screening to determine whether a SA/SEA is required (Regulation 5 of Environmental Assessment of Plans and Programs Regulations). If required, the Council will publish a Scoping Report for targeted consultation (Regulation 12 of Environmental Assessment of Plans and Programs Regulations)</p>	
<ul style="list-style-type: none"> Formal targeted consultation on the SA/SEA Scoping report with statutory consultees, such as Natural England, Historic England and the Environment Agency, and any additional organisations that the Council may optionally want to consult. (Statutory requirement - Reg 12 & 13 of Environmental Assessment of Plans and Programs Regulations 2004) 	<ul style="list-style-type: none"> Written notifications
<p>Early Engagement</p>	
<p>Optional targeted informal community involvement on scope and content of SPD, dependent upon subject matter, as well as consultation with relevant agencies, service providers and, where appropriate, Parish/Town Councils.</p>	
<ul style="list-style-type: none"> Informal consultations, potentially with Members, parishes or other targeted organisations. This could also include workshops /digital workshops. 	<ul style="list-style-type: none"> Written notifications Meetings / Focus Groups (virtual or otherwise)

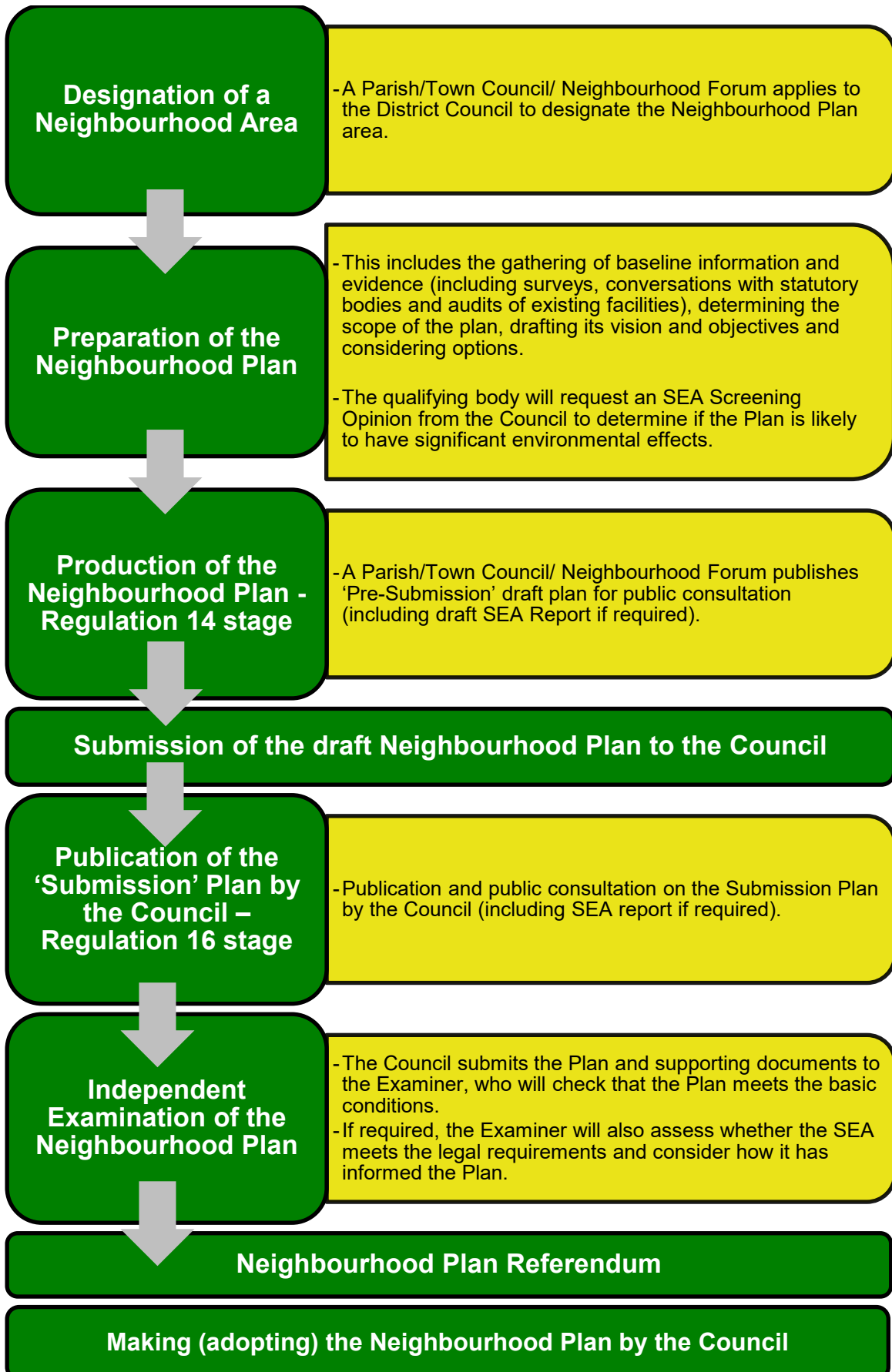
Table F - Production of a draft Supplementary Planning Document

Identification of preferred options for SPD	Engagement
Publication of a draft SPD to identify the basis of preferred options, for public consultation.	
<p><u>Statutory requirements:</u></p> <ul style="list-style-type: none"> • Minimum 4-week public consultation period on draft SPD and if required the SA/SEA report. (Regulation 12 & 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) • Availability of documents (Regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) <p>All relevant documents (SPD, SA/SEA Report if applicable) will be published on the Council's website.</p> <p>All relevant documents will be made available for inspection at the Council's principal office, via hard copy and viewable through the use of public access computers. If appropriate other locations may be considered</p> <ul style="list-style-type: none"> • Notification: If a SA/SEA report is required, written notifications will be sent to statutory consultees, such as Natural England, Historic England and the Environment Agency. 	<ul style="list-style-type: none"> • Web-based consultation • Publication on the Council's website • Making hard copy documents available • Written notifications
<p><u>Optional engagement:</u></p> <ul style="list-style-type: none"> • Publicity: Depending on the nature of the SPD, local publicity as well as public notices will advertise the public consultation, which may also be supported by events/digital events. • Consultation(s) may be supported by events/exhibitions which may be targeted at specific local communities or specific organisations. 	<ul style="list-style-type: none"> • Public notices • My Alerts • Social media • Press releases / briefings • Posters / Leaflets • Exhibitions/Digital exhibitions
<p><u>Option for Further Consultation:</u></p> <p>Further consultation may be undertaken if responses lead to a significant change of direction.</p>	

Table G – Adoption of the Supplementary Planning Document

Adoption of final SPD	Engagement
<p>Adoption of the final document by the Council, including any revisions in light of consultation on draft and if applicable the final SA/SEA report.</p>	
<ul style="list-style-type: none"> • Notification: The Council will notify anyone who requested to be informed of the adoption of the SPD, and how they can view the relevant adoption documents. (In accordance with Regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) • Availability of documents: (Regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) <p>All relevant documents (SPD, SA/SEA Report if applicable, Consultation Statement & Adoption Statement) will be published on the Council's website.</p> <p>All relevant documents will be made available for inspection at the Council's principal office, via hard copy and viewable through the use of public access computers. If appropriate other locations may be considered.</p> <p>All relevant documents will be made available for at least 3 months.</p>	<ul style="list-style-type: none"> • Written notifications • Publication on the Council's website • Making hard copy documents available
<p><i>There is a 3-month period for applications to the High Court to request a Judicial Review of the adoption of the SPD Regulation 11 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). (Legal advice is urged if this is being considered)</i></p>	

Stages of Neighbourhood Plan Production



Neighbourhood Plan preparation and opportunity for involvement

For details of advice and assistance that the Council will provide the Qualifying Body please see page 37.

Please note that in the below tables on Neighbourhood Plan processes, the term ‘*Relevant Body*’ and then subsequently ‘*Qualifying Body*’ will be used to identify the Parish/Town Council or designated Neighbourhood Forum, and the term ‘The Council’ will be used to identify the Local Planning Authority. The first table (Table H) has an additional left-hand column to denote who is responsible for each respective task.

Table H - Designation of a Neighbourhood Area

Responsible Organisation	Designation of a neighbourhood area (and, if appropriate, neighbourhood forum)	Engagement
A Parish/Town Council/ Neighbourhood Forum applies to the District Council to designate the Neighbourhood Plan area. No consultation is required if the area proposed is the whole of a single Parish, as the Council must designate the area.		
Rother District Council	<ul style="list-style-type: none"> Following the application by the ‘Relevant Body’¹⁰ for the designation of a Neighbourhood Area, the Council will consult on the area application for a minimum of 6 weeks, where the area differs from the parish boundary or is for a Neighbourhood Forum. Regulation 6 of the Neighbourhood Planning (General) Regulations 2012 (as amended) (as amended) 	<ul style="list-style-type: none"> Web-based consultation
Rother District Council	<ul style="list-style-type: none"> Publicity: The application will be publicised on the Council’s website, and any other manner that the Council considers appropriate to bringing the area application to the attention of affected persons within that area. 	<ul style="list-style-type: none"> Public notices My Alerts Social media Press releases / briefings Posters / Leaflets

¹⁰ “(2)A “relevant body” means— (a) a parish council, or (b) an organisation or body which is, or is capable of being, designated as a neighbourhood forum (on the assumption that, for this purpose, the specified area is designated as a neighbourhood area).” - section 61G(2) of the 1990 Act (inserted by paragraph 2 of Schedule 9 to the Localism Act 2011 (c.20) <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/paragraph/2>

Relevant Body	<p><u>Optional pre-application consultation</u></p> <p>Before applying to designate the neighbourhood area, the Parish/Town Council or neighbourhood forum may decide to consult with the local community about preparing a Neighbourhood Plan.</p>
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Table I - Preparation of the Neighbourhood Plan – Responsibility of Qualifying Body

Preparing the Plan - by the local Parish/Town Council or Neighbourhood Forum	Engagement
<p>Preparation of the Plan includes the gathering of baseline information and evidence, (including surveys, conversations with statutory bodies and audits of existing facilities), determining the scope of the plan, drafting its vision and objectives and considering options.</p>	
<ul style="list-style-type: none"> It is expected that there will be consultation with the local community, including residents, businesses, local groups, organisations and others with an interest in the Neighbourhood Plan, as appropriate, to inform its preparation. The qualifying body will request an SEA Screening Opinion from the Council to determine if the Plan is likely to have significant environmental effects. Following consultation with statutory environmental bodies, the Council will advise whether a SEA is necessary, within 5 weeks. As required by Regulation 5 of The Environmental Assessment of Plans and Programmes Regulations 2004 	<ul style="list-style-type: none"> Written notifications Meetings / Focus Groups (virtual or otherwise) Written notifications

Table J - Production of the Plan – Responsibility of Qualifying Body

Production and consultation on the 'Pre-Submission' (Draft) Neighbourhood Plan	Engagement
<p>A Parish/Town Council/Neighbourhood Forum publishes plan proposals for public consultation. This is the qualifying body's draft version of a Neighbourhood Plan, including draft policies and, if appropriate, site allocations. Background documents that have informed the Plan should also be published, and if required, a draft SEA should be published and consulted on, alongside the draft Plan.</p>	
<ul style="list-style-type: none"> A public consultation on the Pre-Submission Plan, including draft SEA if required, for no less than 6 weeks. Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) Notification: Statutory consultees will be notified, and a copy of the plan proposals will be sent to Rother District Council. Publicity: The qualifying body will publicise the Pre-Submission Plan and details of the consultation, in manner that is likely to bring it to the attention of people 	<ul style="list-style-type: none"> Web-based consultation Written notifications Public notices

who live, work or carry on business in the neighbourhood area	<ul style="list-style-type: none"> • Social media • Press releases / briefings • Posters / Leaflets
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Table K - Submission and publication of the Neighbourhood Plan

Submission of the draft Plan and its publication by the Council	Engagement
<p>Having considered the consultation responses this is the final draft version of the Plan approved by the Town/Parish Council, or Neighbourhood Forum. It is submitted, together with supporting documents, including a consultation statement 'basic conditions statement', and, where applicable, a SEA, to the Council for checking completeness of the documents. Regulation 15 of The Neighbourhood Planning (General) Regulations 2012 (as amended)</p> <p>The Council will then publish the Submission Plan (and the SEA, where applicable) in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended)</p>	
<ul style="list-style-type: none"> • A public consultation on the Submission Plan, including draft SEA if required, for no less than 6 weeks. • Notification: The Council will notify any consultation bodies who are referred to in the Consultation Statement. • Publicity: The Council will publicise the Submission Plan together with supporting documents, including a consultation statement 'basic conditions statement', and, where applicable, a SEA and details of the consultation, and ask the qualifying body to do the same. • Availability of documents: The Submission Neighbourhood Plan, including draft SEA if required, and all associated documents will be published on the Council's website. <p>The Council will work with the Qualifying Body to identify suitable deposit points for hardcopies of all relevant documents to be made available.</p>	<ul style="list-style-type: none"> • Web-based consultation • Written notifications • Public notices • My Alerts • Social media • Press releases / briefings • Posters / Leaflets • Publication on the Council's website • Making hard copy documents available

Table L - Independent Examination, Referendum and Making by the Council

Independent Examination of the Plan and Decision	Engagement
<p>Having collated and summarised all duly-made representations, the Council submits the Plan and supporting documents to the Examiner (who will have been appointed with the agreement of the qualifying body).</p>	

<p>In the event the Examiner decides that a hearing is necessary, then relevant parties will be invited to present their views on the issues/policies which the Examiner believes need further, oral evidence.</p> <p>The Examiner will check that the Plan meets the basic conditions. If the plan does not, he/she may recommend changes. The Examiner will also assess whether the SEA meets the legal requirements and consider how it has informed the Plan.</p>	
<ul style="list-style-type: none"> The Council will publish the Examination documents, including any hearing statements, on its website. 	<ul style="list-style-type: none"> Publication on the Council's website
<p>On receipt of the Examiner's report, if the Council is satisfied that the basic conditions (with any recommended changes) are met, it will decide that the Plan can proceed to referendum. If not, the Council may propose alternative changes or reject the Plan. The decision to proceed (or not) to referendum will be publicised in a 'Decision Statement'.</p> <p>If the Examiner requires further material to be produced, this will also be published and may trigger further consultation.</p>	
<ul style="list-style-type: none"> Availability of documents: The Council's decision (the 'Decision Statement') will be published on the Council's website within five weeks of the publication of the Examiners report. Regulation 18 of The Neighbourhood Planning (General) Regulations 2012 (as amended) The Council will work with the Qualifying Body to identify suitable deposit points for hardcopies of all relevant documents to be made available. Publicity: The Council will publicise its decision on the Examiner's report, including how this decision can be inspected, within five weeks of the publication of the Examiners report. Regulation 18 of The Neighbourhood Planning (General) Regulations 2012 (as amended) 	<ul style="list-style-type: none"> Publication on the Council's website Making hard copy documents available Public notices My Alerts Social media Press releases / briefings
Neighbourhood Plan Referendum	Engagement
<p>Within 56 working days of the Council's decision (as published in the 'Decision Statement') to put a Neighbourhood Plan forward to referendum, the Council must arrange for the referendum to be held. A Qualifying Body can raise awareness of the referendum through publication of neutral publicity material.</p> <p>The process is similar to that of a local election, but subject to its own regulations. The Neighbourhood Planning (Referendums) Regulations 2012 (as amended)</p>	
<ul style="list-style-type: none"> The Council will make arrangements for the referendum and make all the information concerning the referendum, including the referendum version of the Neighbourhood Plan and supporting documents, available to the public via its website, and made available for physical inspection at the Town Hall, Bexhill-on-Sea, as well at as any suitable locations identified through working with the qualifying body, no fewer than 28 days before the date of 	<ul style="list-style-type: none"> Publication on the Council's website Making hard copy documents available

<p>the referendum. (Regulation 4 of The Neighbourhood Planning (Referendums) Regulations 2012 (as amended))</p>	
<p>The Counting Officer is responsible for conducting the referendum.</p> <p>Eligible electors who are living within the neighbourhood area boundaries will be entitled to vote in the referendum. [*Usually, the referendum area is the area of the neighbourhood plan, unless it is amended by the Examiner.]</p>	
<ul style="list-style-type: none"> Once the result of the referendum is declared by the Counting Officer, it will be made available on the Council's website. Regulation 42 of The Neighbourhood Planning (Referendums) Regulations 2012 (as amended) 	<ul style="list-style-type: none"> Publication on the Council's website
<p>Making (adopting) the Neighbourhood Plan (Regulation 19 & 20)</p>	<p>Engagement</p>
<p>If more than 50 per cent of people voting in the referendum support the plan, then the Council must 'make' (adopt) the Plan within 8 weeks of the referendum. Regulation 18A of The Neighbourhood Planning (General) Regulations 2012 (as amended)</p> <p>A Plan comes into force following successful referendum and forms part of the Development Plan.</p>	
<ul style="list-style-type: none"> Availability of documents: As soon as possible after deciding to 'make' the Neighbourhood Plan, the Council will publicise its decision on its website. The Council will work with the Qualifying Body to identify suitable deposit points for hardcopies of all relevant documents to be made available Notification: As soon as possible after deciding to make the Neighbourhood Plan, the Council will notify the Qualifying Body and any person who asked to be notified of the decision. Publicity: The Council will publicise its decision to make the Neighbourhood Plan, including how and where this decision can be inspected. 	<ul style="list-style-type: none"> Publication on the Council's website Making hard copy documents available Written notifications Public notices My Alerts Social media Press releases / briefings
<p>A post-adoption SEA Statement is required to be produced as soon as practicable after the decision to make the Plan (Regulation 16 of The Environmental Assessment of Plans and Programmes Regulations 2004)</p>	
<ul style="list-style-type: none"> The post-adoption SEA Statement will be published on the Council's website. 	<ul style="list-style-type: none"> Publication on the Council's website

Advice and assistance in relation to Neighbourhood Planning

- 3.31 Up to the submission of the final draft (Submission) Neighbourhood Plan, it is the relevant Town or Parish Council (or Neighbourhood Forum) that is responsible for its preparation. However, the District Council must provide advice and support throughout the process in accordance with legislation¹¹.
- 3.32 Over and above the functions set out in the previous section, the Council will support the production of Neighbourhood Plans by the following:
- Identifying a nominated officer as the principal point of contact
 - Explaining the procedures involved with the preparation of a Neighbourhood Plan to an interested or existing qualifying body
 - Providing information, including environmental designations, to inform the preparation of a Neighbourhood Plan
 - Highlighting the relevant strategic policies of the Council
 - Advising on the need for, and undertaking early, Screening Assessments¹²
 - Identifying potential issues around compliance with the Local Plan and national policy
 - Providing feedback on emerging and draft Neighbourhood Plans and SEAs
 - Arranging the timely appointment of an external examiner
 - appointing a 'programme officer' to manage the examination process where a hearing is proposed by the appointed examiner
- 3.33 In accordance with the Neighbourhood Planning Act 2017, the Council, as local planning authority, will notify the qualifying body of relevant planning applications where a neighbourhood plan in force.
- 3.34 Further information about neighbourhood plans is viewable on the Council's ['Neighbourhood Plans'](#) webpage.

¹¹ Section 6 of the Neighbourhood Planning Act 2017

¹² The Council will also provide a Habitats Regulations Assessment Screening, where appropriate.

4. Development Management

- 4.1 This section sets out how the Council makes information on planning applications available to the public and how comments on such applications can be made. Reference to 'planning applications' here is taken to include all other associated applications, including those relating to listed buildings, advertisements, preserved trees and some 'prior notification'¹³ procedures and 'permission in principle' applications.
- 4.2 Consultation, publicity and notification on planning applications is carried out in accordance with the statutory requirements set out in the Town & Country Planning (General Development Procedure) (England) Order 2015 (as amended).
- 4.3 Detailed guidance on what 'planning considerations' are, can be found on the Council's website at www.rother.gov.uk/planning.
- 4.4 The Council's current procedures for consultation, publicity and notification are set out in the following sections.
- 4.5 As noted earlier in this document, the conditions of the Coronavirus pandemic have impacted on the level of engagement and service that the Council would normally provide. Whilst these changes are temporary, it should be noted that any associated measures will likely remain as possible provisions in the event of any recurrence of such conditions in the future. Please see the temporary [Coronavirus Addendum](#) on the Council's website for further detail, including timescales for any of the temporary measures that are engaged. Please note the following measures in respect of Development Management:
- A temporary suspension of the requirement for local planning authorities to provide for the physical inspection of planning application documents if not reasonably practicable. Copies of these documents will continue to be placed on the Council's website.

¹³ Prior notification procedures relate to matters where no full planning application is necessary but where an applicant is required to submit information to the Council in advance of the development.

- Where the conditions of the pandemic have had an impact on staffing levels and caseloads, the Council may temporarily suspend its discretionary pre-application service to prioritise its statutory duty to process planning applications.
- Between 4th April 2020 and 6th May 2021 the Coronavirus Act temporarily enabled Planning Committee to meet ‘virtually’ using online videoconferencing technology, where it was not practicable for the Committee to meet as normal.

Pre-application stage

- 4.6 Pre-application advice is a discretionary service offered by the Council. Potential applicants are encouraged to seek advice from the Council on their proposals prior to formally submitting an application. There is a charge for this service. Full details of this service and the scale of charges can be found on the Council’s website at <http://www.rother.gov.uk/article/8842/Pre-application-advice-and-fees>
- 4.7 Seeking pre-application advice helps to identify issues at an early stage with the view that they can be rectified before the application is submitted, thereby speeding up the application process. Advice on more straightforward proposals and householder applications will normally be provided in a letter. The planning officer may judge that more complex proposals would merit discussion at a meeting. Meetings are held wholly at the discretion of the Council. Such discussions may also usefully involve other agencies, such as the highways authority, and other Council officers such as those representing Housing or Environmental Health.
- 4.8 Where a proposal is for a major development¹⁴, or where the site is a sensitive one, or where the proposal is likely to cause significant controversy or where it will impact upon several people, potential applicants are encouraged to undertake publicity and consultation with the local community prior to the submission of the planning application.

¹⁴ Major development is defined as that which relates to 10 or more new dwellings or a site area equal or greater than 0.5ha or other development with gross floorspace equal to or greater than 1,000sqm or site area equal to or greater than 1ha.

- 4.9 This pre-application consultation process can serve to inform interested parties about the nature and scale of the proposals and forewarn the potential applicant of local concerns which may need to be addressed prior to submission. The Council will expect such consultations to be carried out at the applicant's expense and in a fair and inclusive manner which adds real value to the planning application process.
- 4.10 In addition to undertaking publicity and consultation, officers may recommend potential applicants to present their proposals as an adjunct to Planning Committee. Such a presentation would be chaired either by officers or the Committee Chairman, and would be open to other members, particularly those representing the affected ward(s), as well as Council officers outside of planning. This would be an opportunity for members to identify issues for the proposal to address, to highlight items of interest and to seek further information.

Availability of planning applications and statutory publicity

- 4.11 Details of all planning applications are posted on the Council's website <https://www.rother.gov.uk/planning-and-building-control/viewing-applications-decisions-and-appeals-online/>. The website is updated with any subsequent correspondence from the applicant, from statutory consultees or from other third parties. Applicants and other interested parties are therefore able to track the progress of an application directly via the website. The Council keeps under review opportunities to extend the amount of information held on the website, with the aim of maximising overall levels of accessibility.
- 4.12 A Weekly List of all applications is produced and is available on the website. In addition, the 'My Alerts' weekly email service identifies all planning applications as they are received within 400 metres of the recipient's address.
- 4.13 The statutory publicity for planning applications is undertaken by the posting of a pink 'Planning Notice' on or adjoining each application site. The posting of a Notice is intended to advise immediate neighbours and the public generally of current applications. The initial statutory period of notification is normally 21 days, 14 days for permission in principle applications. The Notice gives the application reference, the description of development and indicates where the application can be inspected.

- 4.14 Applications can be inspected at any time on the website, as well as via public access computers during normal office hours at the following premises:
- Bexhill Community Help Point, Town Hall, London Road, Bexhill-on-Sea, TN39 3JX
 - Battle Community Help Point, The Almonry, 43 High Street, Battle, TN33 0EA
 - Rye Community Help Point, 30a High Street, Rye, TN31 7JG¹⁵
- 4.15 Some types of applications must also be advertised in local newspapers, including all major applications and those affecting listed buildings or conservation areas. Details of applications which must be statutorily advertised in local newspapers appear in the Bexhill, Battle and Rye Observer and the Kent & East Sussex Courier¹⁶. In addition, there is discretion to use a public notice in a newspaper to publicise an application which may have more widespread interest or implications.
- 4.16 Any comments on planning applications can be made during the consultation period through the link on the Council's website <https://www.rother.gov.uk/planning-and-building-control/> or be sent to planning@rother.gov.uk. Alternatively, comments may be forwarded in writing to the Head of Service Strategy and Planning at Rother District Council, Town Hall, Bexhill-on-Sea, East Sussex TN39 3JX. The Local Government (Access to Information) Act 1985 provides that letters submitted regarding a planning application cannot be confidential and must be made available for public inspection, however, personal data such as phone numbers and email addresses will be redacted. All comments received in relation to planning applications are scanned and posted on the website.
- 4.17 The Local Planning Authority also notifies each Parish or Town Council by email of planning applications or applications for listed building or conservation area consent, advertisement consent and applications for work to protected trees within their boundaries.
- 4.18 East Sussex County Council is consulted on applications affecting notified sites such as minerals consultation areas and waste consultation areas. Other service providers are also consulted on appropriate applications.

¹⁵ The Rye Community Help Point is temporarily closed until further notice.

¹⁶ In relation to application applications in Ticehurst parish only.

- 4.19 When plans are amended during an application or further information is submitted by the applicant the Council will use its discretion in terms of any re-notification necessary. The Council is likely to re-notify where there is a significant effect on third parties, or where the amendment is significant and beyond the terms of the original application. The type of notification would be proportionate to the significance of the amendment and level of local interest.

Planning Committee

- 4.20 The Council's Planning Committee, which comprises elected Members of the District Council, is held in public every four weeks. The Committee determines those applications not considered under the delegated authority to officers (see Scheme of Delegation below) and will generally consider the more major, complex or controversial planning applications.
- 4.21 The agenda of the Committee is available on the Council's website at least 5 days before each meeting at <http://www.rother.gov.uk/article/308/Planning-Committee>. A limited supply of copies for reference will be available for viewing at the meeting. The agenda includes reports on the individual planning applications being considered.
- 4.22 All comments received during the application are summarised in the report and more complex correspondence may also be copied in full and appended to the report. Committee Members consider the comments received when deciding on an individual application and all consultation responses and comments on planning applications can be viewed in full by Members on the Council's website. Any additional comments concerning an application on the agenda must be received by 9am on the Monday before the Thursday meeting if they are to be considered by the Planning Committee (date subject to change if committee is held on a different day).

- 4.23 Where the final decision for an application is to be taken by the Planning Committee, the Council allows the opportunity for the public to address the Committee, either for or against the application. As of amendments given approval by Full Council on 11 November 2019, members of the public are no longer required to have submitted a petition to address the committee. Instead, any person who has made a representation on an application to be decided at Planning Committee may register to address the Committee. Members of the public who intend to speak should register with Democratic Services by telephone on 01424 787811 or by email at Democraticservices@rother.gov.uk. Registration will start at 2pm on the date that the agenda is published (Wednesday) and close at 4pm on Monday of Committee week (space subject to availability).
- 4.24 The maximum number of speakers for and against the application by members of the public will depend upon the type of application – as set out below:
- Householder: 1 speaker each for and against
 - Minor/Other: 2 speakers each for and against
 - Major: 3 speakers each for and against
- 4.25 At the Planning Committee meeting, the application will be introduced by the Chairman and then by the Development Manager or the Planning Officer for the application. If relevant, a representative of the parish/town council will then be invited to speak. Following this, registered speakers will then be invited to address the committee; first speakers objecting to the application, and then speakers in support of the application including the applicant. Finally, a Council Ward Member not on the Planning Committee will be invited to address the committee on behalf of the public. Each speaker will have no more than five minutes to address the committee. Once each speaker has finished addressing the committee, Members of the Planning Committee will be given the opportunity to ask the speaker questions on the content of their speech.
- 4.26 For further details on Public Speaking at Planning Committee please see the Council's website at <http://www.rother.gov.uk/speakingatplanningcommittee>

- 4.27 As noted above, Ward Members are permitted to address the Planning Committee to make known the views of local residents as part of the consideration of a planning application. Members of the public can find contact details of their local Ward Members at:
<http://www.rother.gov.uk/article/6828/Who-is-my-councillor>

Scheme of Delegation

- 4.28 Most applications can be determined by the Head of Service Strategy and Planning under 'delegated authority'. Such applications are not reported to the Planning Committee.
- 4.29 Officers may consider it appropriate for a planning application to be determined by the Planning Committee where the proposal is of a large scale, or is a controversial scheme, or because it raises significant planning policy issues. Any Member can also request (using a procedure form setting out reasons) that a particular application be reported to Committee.
- 4.30 All applications relating to land in which the Council has an interest (and including that of serving Councillors and Officers, as well as anyone who is related to a Councillor or Officer) must be determined by the Planning Committee.
- 4.31 When a decision is delegated, a report is produced which summarises the consultation responses received, the officers' consideration and the intended decision, along with conditions. This report is retained on the planning application file and is published on the Council's website once the application has been determined.
- 4.32 As set out above, all comments received on an individual planning application, including those from statutory consultees, are posted on the Council's website as soon as possible after they are received.

Permission in Principle and Brownfield Land Registers

- 4.33 Permission in Principle (PiP) is an alternative way to obtain planning consent which only establishes the principle of development on sites.

- 4.34 Local planning authorities can grant permission in principle to a site upon receipt of a valid application or by entering a site in Part 2 of its Brownfield Land Register¹⁷ which will trigger a grant of PiP for that land providing the statutory requirements set out in [Town and Country Planning \(Permission in Principle\) Order 2017](#) (as amended) and the [Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#) are met. Please see the [Council's Brownfield Land Register webpage](#) for more information, which includes a link to the Register. Please note that entering sites into Part 2 of the Brownfield Land Register is discretionary, and that as of 1 April 2021 the Council has not entered any sites into Part 2 of its Register.
- 4.35 Following a grant of PiP, the site must receive a grant of 'technical details consent' before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings. Technical details consent can be obtained following submission of a valid application to the local planning authority.
- 4.36 The consultation that must be undertaken before sites can be granted permission in principle is set out in the [Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#) for suitable sites on Brownfield Land Registers, and in the [Town and Country Planning \(Permission in Principle\) Order 2017](#) (as amended) when permission in principle is sought by application. In both situations, local planning authorities must consult bodies identified in [Schedule 4 to the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) if in their opinion the land within the site falls within the prescribed category, and take in to account any responses received. Local planning authorities must also consult anybody that they would have been required to [consult in relation to an application for planning permission](#).

¹⁷ [Regulation 3 of the Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#) requires local planning authorities in England to prepare, maintain and publish registers of previously developed (brownfield) land. Registers comprise of two parts. Part 1 comprises all brownfield sites appropriate for residential development or residential-led development and Part 2 being those sites granted permission in principle.

- 4.37 During the process of seeking PiP through a valid application, the public, statutory consultees and other interested parties are consulted and have 14 days to respond, unless, in the case of statutory consultees, they agree a longer period in writing with the case officer.
- 4.38 The second stage (or technical details consent stage) is when the detailed development proposals are assessed. The publicity requirements for technical details consent applications mirrors the approach taken for planning applications.
- 4.39 The period for making comments will be set out within the relevant publicity notices which include the required notices on the site and on the Council's website. For site notices this will be not less than 21 days for Brownfield Land Register sites and 14 days for applications. For online notices, the same period of 14 days applies to permission in principle made by application or proposed through Brownfield Land Registers.¹⁸
- 4.40 On the first publication of the Brownfield Land Register, where multiple sites may be proposed for a grant of permission in principle by entering them onto Part 2 of the register, statutory consultees should provide a substantive response to a proposal within 42 days. Thereafter, where statutory consultation is required in relation to a site proposed for a grant of permission in principle, statutory consultees have 21 days to respond to a proposal.
- 4.41 The Brownfield Land Register Regulations (2017) set out the publicity and consultation specifications for sites that are considered for a grant of PiP and then included in Part 2 of the Register. These specifications include:
- Publicise by site notice and on the Council's website for a period not less than 21 days, and
 - Notify relevant bodies if certain conditions apply, such as
 - if the site is within 10m of railway land,
 - specific requests that have been made by a Parish Council or neighbourhood forum,

¹⁸ The Housing and Planning Act (2016) requires that local planning authorities prepare, maintain and publish a register of brownfield land (also known as previously developed land) which the Council has assessed as being potentially suitable for residential development.

- those persons, bodies or authorities that fall within a category set out in the Table in Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015, or
- at the local planning authority's discretion, any other person, bodies or authority that the local planning authority considers should be informed.

Decision Notices

- 4.42 Parish and Town Councils are sent, by email, copies of the decision notices for the applications that fall within their area. All decision notices are posted on the website.

Feedback

- 4.43 The Council holds a Planning Agents' Forum around once a year to update local planning agents on recent or forthcoming changes and to receive feedback on the operation of the planning service.
- 4.44 A similar event takes place for Parish and Town Councils to exchange information on general planning matters at the Parish Planning Seminar.

Appeals

- 4.45 When a planning or other application is refused planning permission or consent, the applicant may choose to appeal against that decision and have the case considered by the Planning Inspectorate.
- 4.46 For an appeal which is being heard by means of written representations or by means of an informal hearing, the Council will send letters to all those who commented on the original planning application informing them of the appeal and inviting them to make any further submissions they may wish to the Planning Inspectorate.
- 4.47 For public inquiries, as well as informing any original objectors, an advertisement is also placed in the public notices section of a local newspaper and the applicant is required to place a notice on the appeal site.

4.48 For an appeal into an enforcement matter, the Council will aim to inform, by letter, those who may have an interest in the appeal and wish to express their view. This is the case whether the appeal is being heard by written representations, informal hearing or by public inquiry.

5. Monitoring and Reviewing of the Statement of Community Involvement (SCI)

5.1 The approaches set out in the SCI to inform and involve the community in planning policy preparation will be monitored for their effectiveness. In particular, account will be taken of the overall number and types of participants involved as documents are progressed and any feedback received about the success or otherwise of the involvement techniques used.

5.2 Changes to the SCI may be instigated by further revisions of the Regulations which govern publicity and involvement in the planning policy preparation and planning application processes.

5.3 The Coronavirus pandemic has also shown that there are situations which may render some of the methods of engagement identified in the SCI as temporarily unpracticable. In response to such cases, it may be necessary for the Council to temporarily amend the details of the SCI, to identify where engagement is not possible and to set out any alternative forms of engagement, without the requirement for public consultation on these amendments in order that planning services can continue. Such temporary amendments may be set out in SCI addendum documents.

5.4 These changes will be reported on as part of the publication of the Local Plan Monitoring Report.

5.5 The Council will review the Statement of Community Involvement every five years as stated in Regulation 10A (1) (b) of The Town and Country Planning (Local Planning) (England) (Amendments) Regulations 2017¹⁹.

¹⁹ <http://www.legislation.gov.uk/ukxi/2017/1244/made>

Appendix A - Local Plan General and Specific Consultation Bodies

The Council is required to consult the below consultation bodies as part of Local Plan Regulation 18 and 19 stage consultations. In addition to the below bodies, the Council will also consult residents or other persons carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations.

General Consultation Bodies *(with examples where helpful)*

- (a) Voluntary bodies, some or all of, whose activities benefit any part of the local planning authority's area.
Nature Conservation / countryside bodies, Environmental groups, Infrastructure and service providers, Interest and amenity groups, Resident's Associations, Neighbourhood Plan Steering Groups, Learning agencies, Recreation bodies
- (b) Bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area,
- (c) Bodies which represent the interests of different religious groups in the local planning authority's area,
- (d) Bodies which represent the interests of disabled persons in the local planning authority's area.
Disabled groups, those with caring responsibilities groups
- (e) Bodies which represent the interests of persons carrying on business in the local planning authority's area;
Business Associations, Property Trade Associations, Voluntary Groups, Landowners

Specific Consultation Bodies *(with examples where helpful)*

- (a) The Coal Authority
- (b) The Environment Agency
- (c) Historic England (The Historic Buildings and Monuments Commission for England)
- (d) The Marine Management Organisation
- (e) Natural England
- (f) Network Rail Infrastructure Limited,
- (g) Highways England (a strategic highways company)

- (h) A relevant authority any part of whose area is in or adjoins the local planning authority's area.
Local Planning Authorities, County Councils, Parish Councils, the Police and Crime Commissioner, and neighbourhood forums.
- (i) Any person—
- i. to whom the electronic communications code applies by virtue of a direction given under section 106 (3)(a) of the Communications Act 2003, and
 - ii. who owns or controls electronic communications apparatus situated in any part of the local planning authority's area.
Openreach, BT, etc
- (j) If it exercises functions in any part of the local planning authority's area—
- i. a clinical commissioning group established under section 14D of the National Health Service Act 2006; and the National Health Service Commissioning Board.
 - ii. A person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989
 - iii. A person to whom a licence has been granted under section 7(2) of the Gas Act 1986
 - iv. A sewerage undertaker; and
Southern Water
 - v. A water undertaker;
Southeast Water
- (k) The Homes and Communities Agency

Appendix B - Neighbourhood Plan Consultation Bodies

The Qualifying Body and the Council are required to consult the below consultation bodies as part of Neighbourhood Plan Regulation 14 and 16 stage consultations, respectively.

Consultation Bodies *(with examples where helpful)*

- (a) A local planning authority, county council or parish council any part of whose area is in or adjoins the area of the local planning authority;
- (b) The Coal Authority
- (c) The Homes and Communities Agency
- (d) Natural England
- (e) The Environment Agency
- (f) Historic England (The Historic Buildings and Monuments Commission for England)
- (g) Network Rail Infrastructure Limited
- (h) Highways England (a strategic highways company)
- (i) The Marine Management Organisation
- (j) Any person—
 - i. to whom the electronic communications code applies by virtue of a direction given under section 106 (3)(a) of the Communications Act 2003, and
 - ii. who owns or controls electronic communications apparatus situated in any part of the local planning authority's area.
Openreach, BT, etc
- (k) Where it exercises functions in any part of the neighbourhood area—
 - i. a clinical commissioning group established under section 14D of the National Health Service Act 2006; and the National Health Service Commissioning Board.
 - ii. A person to whom a license has been granted under section 6(1)(b) or (c) of the Electricity Act 1989
 - iii. A person to whom a license has been granted under section 7(2) of the Gas Act 1986
 - iv. A sewerage undertaker; and
Southern Water

- v. A water undertaker;
Southeast Water
- (l) Voluntary bodies some or all of whose activities benefit all or any part of the neighbourhood area;
Nature Conservation / countryside bodies, Environmental groups, Infrastructure and service providers, Interest and amenity groups, Resident's Associations, Neighbourhood Plan Steering Groups, Learning agencies, Recreation bodies
- (m) Bodies which represent the interests of different racial, ethnic or national groups in the neighbourhood area;
- (n) Bodies which represent the interests of different religious groups in the neighbourhood area;
- (o) Bodies which represent the interests of persons carrying on business in the neighbourhood area.
Business Associations, Property Trade Associations, Voluntary Groups, Landowners
- (p) Bodies which represent the interests of disabled persons in the neighbourhood area.
Disabled groups, those with caring responsibilities groups

Appendix C - Glossary of Abbreviations

CIL – Community Infrastructure Levy

DtC – Duty to Cooperate

LDS – Local Development Scheme

NP – Neighbourhood Plan

PiP – Permission in Principle

SA - Sustainability Appraisal

SEA - Strategic Environmental Assessment

SCI – Statement of Community Involvement

SPD – Supplementary Planning Document

SoCG – Statement of Common Ground

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