

2021 Update to the Statement of Community Involvement

Consultation Summary Report

The draft updated Statement of Community Involvement (SCI) 2021 was the subject of a six-week public consultation between the dates of 11 June to 23 July 2021. It is not a statutory requirement for SCIs to be subject to public consultation, however the Planning Practice Guidance (PPG) notes that it is considered good practice keep communities informed and to provide notification of the Council's intention to update the SCI - as well as to give key partners, stakeholders and members of the public the opportunity to comment on any proposed changes. In addition, the Council's existing SCI commits it to public consultation on the SCI itself.

How the consultation was undertaken

During this consultation period, the draft updated SCI was published on the Council's website. The publication of the draft document is ongoing.

Due to temporary changes to legislation, which are reflected in the PPG as well as the Council's temporary [Coronavirus Addendum to the SCI](#), it was considered that it would not be appropriate to make a hard copy of the draft document available at the Council's offices. It was published that in the situation that an individual was unable to access the document digitally, that that individual should contact the Planning Policy Team by telephone in order to make alternative arrangements to view the document.

450 organisations and individuals from the Council's Planning Policy consultation database were notified of the consultation and were invited to make comments. These included organisations that would be notified as part of statutory planning policy consultations, as well as other groups and individuals who had requested to be kept informed of planning policy consultations. Of these notifications, 414 were sent via email, with 36 sent by post.

Summary of representations received

In total, representations were received from 12 organisations, and the following topics were raised:

- Concern that the increased use of online engagement methods may exclude members of the community who have limited or no online capabilities, as well as more isolated rural communities.
- Certain groups, especially those that are not statutory consultees, sought clarification that they would be consulted throughout the Local Plan and Neighbourhood Plan development process.
- That certain key issues (for example, highways and the historic environment) require a systematic and broad engagement throughout all stages of the planning process.

- Some groups expressed concern that they be consulted on planning applications (notably on major applications) where their involvement may be pertinent, and sought clarity from the SCI in this regard. This was particularly the case for organisations where their involvement is not ensured by statutory requirements.
- The value of pre-application consultation was discussed.
- Wording suggestions, including points of clarification
- General comments
- Comments of support, including the Council's approach to the 'Duty to Cooperate' and cross boundary working.

A full list of consultations received, including the Council's responses and intended actions can be found in Appendix A.

Appendix A – Table of Responses

Representation	Respondent	Summary of Issue	RDC Comments	RDC Proposed modifications
1	Natural England	<p>We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.</p> <p>No further comments</p>	Noted. The Council welcomes Natural England's comments of support.	No changes required.
2	Coal Authority	Rother District Council's area lies outside the defined coalfield and therefore the Coal Authority has no specific comments to make on your Local Plans / SPDs etc.	Comments are noted, this therefore confirms that we will not consult the Coal Authority on Local Plan matters.	No changes required.
3	Rye Town Council	Neighbourhood Plans involve significant local consultation and local democracy. They provide an unrivalled opportunity for communities to influence forward development planning.	Noted. Rother District Council supports neighbourhood plans coming forward to sit alongside the Local Plan process.	No changes required.
4	Rye Town Council	Consultation should work in all directions. It is important that organisations tangential to the democratic system - such as Alliance Homes and Rye Partnership - consult local councils.	This is acknowledged; however the Council's Statement of Community Involvement only concerns the engagement and consultation responsibilities of the Council.	No changes required.
5	Rye Town Council	In all consultations, it is important not to forget the digital divide and to adopt methods and processes that include those who are 'digitally challenged'.	This is acknowledged. While the Council intends to implement new online and digital technologies as opportunities for a wider public engagement, these methods are intended to augment the current scope of public engagement and will not be used to replace or take away from any existing methods of engagement.	No changes required.

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6	High Weald AONB Unit	<p>The Unit welcomes the reference to the High Weald AONB Joint Advisory Committee in Group D of Figure 2 in paragraph 3.17. However it would appear that this table only relates to Local Plans. The High Weald AONB JAC is not mentioned in the sections on Development Management or Neighbourhood Plans.</p> <p>Whilst it is accepted that we are not statutory consultees, our advice on planning applications and neighbourhood plans can help the District Council and Neighbourhood Planning Groups to meet their duties under section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the AONB when making any decisions that affect it.</p> <p>I would ask that you make it clear in the SCI that the District Council commits to consulting the High Weald AONB JAC on major planning applications and will encourage Neighbourhood Planning Groups to consult us on their neighbourhood plans.</p>	<p>Noted.</p> <p>This section details the Council's engagement responsibilities for all documents pertaining to Planning Policy, including Local Plans related documents and Neighbourhood Plans. While the High Weald AONB Unit is not a 'statutory consultee' in that it is not specifically named within the Regulations (Local Plan or Neighbourhood Plan), the Council is required to consult the High Weald AONB JAC as they would come under "general consultation bodies" within the Local Plan Regulations and under "voluntary bodies some or all of whose activities benefit all or any part of the neighbourhood area" with respect to the Neighbourhood Plan Regulations. Figure 2 sets out the different groups that the Council is required to consult under both Local Plan and Neighbourhood Plan Regulations, and the High Weald AONB Unit is cited as an example.</p> <p>It is acknowledged that the Council may , when considering planning applications, want to consult groups other than those designated as statutory consultees, including the High Weald AONB JAC. Consultees are decided on a case by case basis, depending on the nature of the application.</p>	<p>In addition to stating "general and specific consultation bodies" within para 3.16, also include "consultation bodies" as set required by the Neighbourhood Plan Regulations.</p> <p>Under paragraph 4.2 add an additional paragraph stating "When undertaking consultations on planning applications, the Council will identify the relevant consultee groups on a case by case basis, which in addition to statutory consultees may also include the types of organisations set out in Figure 2."</p>
7	Tunbridge Wells BC	<p>Para 2.9: where it is stated "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" – consider adding in the word 'balanced' to "...making decisions" to read 'making balanced decisions'</p>	Agree	<p>Para 2.9 - add the word "balanced" to "...making decisions" in order to read "making balanced decisions"</p>
8	Tunbridge Wells BC	<p>Para 3.3: worth noting that the new Local Plan once adopted will supersede the documents set out in para. 3.2 of the SCI</p>	Agree	<p>Para 3.3 - add the clarification that "The New Local Plan will supersede the documents listed above in paragraph 3.2, as well as any made Neighbourhood Plan that forms part of the Development Plan for the period up to 2028."</p>
9	Tunbridge Wells BC	<p>Para 3.7: it is set out here that once 'made' Neighbourhood Plans become part of the Local Plan – this should be the Development Plan rather than Local Plan</p>	Agree	<p>Para 3.7 - Change reference from 'Local Plan' to 'Development Plan'</p>
10	Tunbridge Wells BC	<p>Page 32, table H: it would be of assistance if 'Neighbourhood Forum' is defined/explains what is meant by this;</p>	Agree	<p>Page 32, table H - Provide an explanation in footnote regarding the definition 'Neighbourhood Forum'</p>

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11	Tunbridge Wells BC	Para 5.1: relating to monitoring and review this paragraph covers the involvement of the community in planning policy preparation. It is suggested that additional wording be included so that it also covers the involvement of the community in the determination of planning applications - which para 1.3 of the Introduction section of the SCI explains the SCI seeks to do.	Agree	Para 5.1 - add additional wording to include community participation as part of the determination of planning applications as well as planning policy preparation.
12	Marine Management Organisation	We would like to be kept in the loop with any future consultations and we are happy to be engaged throughout the entire process. We are looking forward to seeing the development of the new local plan. Please keep in mind our marine plans throughout the development process with anything relevant to the marine environment and align with our policies, for example infrastructure is mentioned online as a main focus and therefore you could link this area to our policies.	The Council will ensure that the MMO policies will be taken account of in the development of the Local Plan.	No changes required.
13	Southern Water	We would like to take this opportunity to remind Rother District Council although Southern Water is not a statutory consultee on Planning Applications, Southern Water would encourage Rother to consult us on all major developments, so that we are able to request planning conditions if necessary. These planning conditions or advisories will help facilitate the delivery of necessary sewerage infrastructure in parallel with new development. We can be consulted on Planning Applications at southernwaterplanning@southernwater.co.uk.	It is acknowledged that the Council, when considering planning applications, may want to consult groups other than those designated as statutory consultees, including Southern Water. Consultees are decided on a case by case basis, depending on the nature of the application.	Under paragraph 4.2 add an additional paragraph stating "When undertaking consultations on planning applications, the Council will identify the relevant consultee groups on a case by case basis, which in addition to statutory consultees may also include the types of organisations set out in Figure 2."
14	Wealden DC	Paragraphs 3.4 to 3.5, Pages 10-11 – Wealden District Council (WDC) supports Rother District Council (RDC) in their process of recording and evidencing their engagement with neighbouring local planning authorities at an early stage and we can confirm that WDC is doing the same. WDC also supports RDC in their proposed action of publishing a series of draft Statements of Common Ground (SoCG) or Statements of Intent, in advance of their formal Regulation 18 Local Plan consultation stage. WDC will work with RDC to achieve this.	Noted. The Council welcomes Wealden's comments of support.	No changes required.
15	Wealden DC	Table A, Page 21 – WDC supports RDC in its proposed actions on duty to cooperate matters included at Table A, which includes informal consultation on a Duty to Cooperate Action Plan and other early engagement documents, regular meetings and conference calls with neighbouring local planning authorities and providing regular representation on working groups dealing with strategic cross boundary matters. WDC will continue to hold regular meetings with RDC to discuss strategic cross boundary matters that pertain to both local authorities.	Noted. The Council welcomes Wealden's comments of support.	No changes required.

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16	Historic England	<p>It will be important to ensure that stakeholder organisations with interests and responsibilities in the historic environment, at national and local levels, are fully involved throughout the consultation process. To this end, it is important to consult with both the Council's own conservation officer or team, the County archaeological adviser and local amenity societies.</p>	<p>Noted.</p> <p>Figure 2 of the draft SCI identifies that both local (including local conservation groups) and national organisations will be involved in all statutory consultations, where they relate to definition of 'general consultation bodies' under the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), or 'consultation bodies' under the Neighbourhood Planning (General) Regulations 2012 (as amended). For further detail please see Appendix A and B of the SCI.</p> <p>Paragraph 4.2 of the Development Management section, clarifies that the consultation, is carried out in accordance with the statutory requirements set out in the Town & Country Planning (General Development Procedure) (England) Order 2015 (as amended). Any consultation in addition to statutory requirements would be determined on a case by case basis. The section on the pre-applications also identifies consultation may be carried out at this stage, including discussion with other Council officers where relevant.</p>	<p>Under paragraph 4.2 add an additional paragraph to state: "When undertaking consultations on planning applications, the Council will identify the relevant consultee groups on a case by case basis, which in addition to statutory consultees may also include the types of organisations set out in Figure 2."</p>
17	Highways England	<p>Section 2: The consultation charter presented at paragraph 2.2 is supported per se and is consistent with Highways England's own general approach to consultations.</p> <p>The commitment to retain and refine use of tools such as online consultation which have taken a greater role due to the Covid-19 Pandemic (para 2.6) is welcomed and supported.</p>	<p>Noted. The Council welcomes Highways England's comments of support.</p>	<p>No changes required.</p>
18	Highways England	<p>Paras 3.4 and 3.5 (which reference the "duty to co-operate"): We affirm Highways England's desire to participate fully in this process, in any matters where the safe and efficient operation of the Strategic Road Network (SRN) may be impacted by proposals and/or allocations within the emerging Rother Local Plan.</p> <p>It is noted subsequently within the footnotes of page 21 that the government white paper "Planning for the Future – August 2020" has proposed removing the Duty to Co-operate as a formal requirement of the Local Plan preparation process. Regardless of any changes to the legal requirement under the Localism Act, it will remain a statutory requirement to consult Highways England regarding any plans, proposals or programmes that may impact on the safety, reliability and/or operational efficiency of the SRN. Moreover, we consider that it is essential to the success of the current emerging and future local plans that appropriate cross-boundary working occurs, and recommends that this should be made more explicit for topics (such as transport) where the need is greatest.</p>	<p>Noted. Footnote 7 on page 21 also states that its is likely that activities relating to the Duty to Cooperate will continue.</p> <p>Table A of the SCI is intended to set out the various forms of engagement that will be carried out as part of the 'pre-production' stage of Local Plan development, including examples of potential activities and groups. Specific discussion in respect of intended Duty to Cooperate programs and partners is set out in the Council's 'Engagement Strategy'.</p>	<p>No changes required.</p>

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19	Highways England	Figure 1 (para 3.15) sets out the different types of local plan documents and the type of consultation which legislation requires to be undertaken for each. We will expect to be consulted on all documents listed under “statutory consultation”. Additionally, where the Infrastructure Delivery Plan (IDP) includes proposals which directly affect or about the SRN, we will also expect to be consulted with regard to those proposals as part of the IDP preparation process.	It is acknowledged that consultation on the Infrastructure Delivery Plan (IDP) will be required in respect of specific organisations where proposals within the IDP may impact upon areas of concern relevant to those organisations.	Within Figure 1, move IDP within the section headed 'Documents where public consultation is a Council requirement' while noting that this is only in respect of specific consultees where relevant, such as Highways England in cases where IDP proposals may impact upon the SGN.
20	Highways England	Figure 2 (para 3.17) lists Highways England as a “National Organization or Agency”. Whilst this is indeed a valid categorisation of Highways England’s role, it is noted that, due to the inherent “cross boundary” nature of strategic traffic movement, Highways England should also be recognized as a necessary collaborative body (category D).	Noted. However, named organisations are here given as examples and should not therefore be read as either exhaustive or comprehensive in terms of identifying organisations. In addition, the categories within Figure 2 are not necessarily mutually exclusive. For example, Highways England's inclusion within Category E as a "National Organisation or Agency" does not functionally exclude Highways England from being considered in its capacity as a collaborative body also. In any case, the consultee groups identified in Figure 2 would all be consulted as part of a statutory planning policy consultation, and therefore no group would be missed out.	Add footnote to clarify that organisations specifically named within Figure 2 are examples of organisations within the identified group categories.
21	Highways England	We should be consulted on any supplementary development plans or neighbourhood plans that could impact on the safety, reliability and/or operational efficiency of the SRN.	Noted. It is has already been identified that consultation on Neighbourhood Plans and SPDs are a statutory requirement, and that Highways England are identified as a statutory consultation body as set out in Figure 2.	No changes required.
22	Highways England	Section 4 of the SCI details the Council’s proposed approach and processes to be undertaken in respect of planning applications for sites within their area of control. Highways England is content that these are in accordance with established processes for formal consultation and will apply standard response procedures and formats accordingly. However, at the practical level, officers sometime miss the need to consult us on applications that lie immediately adjacent to the SRN. For example, even a side extension in proximity to an SRN embankment could have implications for us if the foundations mean changes to the embankment profile or it drainage. Or sporting venues per se, or other developments with floodlights, or car parking creating dazzle or distraction could create hazards needing assessment. Or structures such as telecom installations or advertising hoardings may need structural details to be agreed to manage any risk of structural failure impacting on the SRN.	Noted. This issue will be communicated with the Development Management Team. Paragraph 4.2 of the Development Management section, clarifies that the consultation, is carried out in accordance with the statutory requirements set out in the Town & Country Planning (General Development Procedure) (England) Order 2015 (as amended). Any consultation in addition to statutory requirements would be determined on a case by case basis.	Under paragraph 4.2 add an additional paragraph to state: "When undertaking consultations on planning applications, the Council will identify the relevant consultee groups on a case by case basis, which in addition to statutory consultees may also include the types of organisations set out in Figure 2."

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23	Highways England	RDC should ensure that relevant information provided by applicants at the pre-planning stage is shared with Highways England, either directly or via the appropriate Local Highway Authority.	The Council's pre-application service is a discretionary service. However, Paragraphs 4.6 - 4.7 under the heading 'Pre-application Stage' do identify that consultation may be carried out at this stage, and states that this may include discussion with the Highways Authority where relevant. Where this is not a statutory requirement, consultation will be carried out at the discretion of the case officer.	No changes required.
24	Etchingham PC	3.2 The DaSA must be compiled by involving local knowledge even when a Neighbourhood Plan does not exist or could be considered out of date.	Parish Councils and local groups will be consulted and engaged as part of the preparation of the New Local Plan.	No changes required.
25	Etchingham PC	3.2 Consideration should be given to 'mobile' exhibitions to reach rural areas poorly served by public transport and where internet connection is still unreliable and bandwidth is a constant issue.	Noted. This is included under the heading 'Exhibitions, Workshops and Presentations' within Figure 3.	No changes required.
26	Etchingham PC	Neighbourhood Plans are a huge task for a small community reliant again on volunteers sadly an aspiration rather a real possibility in many places.	Comments noted.	No changes required.
27	Etchingham PC	4.6 Pre-application advice is key to an efficient and smoothly run system. Get it right the first time.	Noted. While pre-application advice is not a statutory requirement, the Council does offer this as a discretionary service.	No changes required.
28	Etchingham PC	4.8 The definition of a major development should be appropriate to the locality, not a single one-size fits all algorithm.	Noted, however major development in Paragraph 4.8 is defined by the National Planning Policy Framework as set out in footnote 14.	No changes required.
29	Etchingham PC	When Parish Councils are consulted, quite rightly, on local planning applications allowance should be made for the meeting schedules, most seem to be monthly at best so calling an EGM regularly to cover this eventuality is not appropriate. Approximate Decision Dates should at least be beyond the deadline date for response by Parish Councils.	Noted, however durations for decision dates are set out by Article 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2015	No changes required.

Representation	Respondent	Summary of Issue	RDC Comments	RDC Proposed modifications
30	The British Horse Society	On behalf of the British Horse Society, I would like to say that we would wish to be involved as stakeholders in regard to issues relating to open space, public rights of way, permissive paths and any proposed cycle tracks as well as planning applications which are likely to impact in any way on the aforementioned areas.	<p>The British Horse Society are on the Council's mailing list in respect of planning policy so they will be notified in respect of relevant planning policy consultations.</p> <p>Paragraph 4.2 of the Development Management section, clarifies that the consultation, is carried out in accordance with the statutory requirements set out in the Town & Country Planning (General Development Procedure) (England) Order 2015 (as amended). Any consultation in addition to statutory requirements would be determined on a case by case basis.</p>	Under paragraph 4.2 add an additional paragraph to state: "When undertaking consultations on planning applications, the Council will identify the relevant consultee groups on a case by case basis, which in addition to statutory consultees may also include the types of organisations set out in Figure 2."