



# PLANNING FOR GROWTH



## STATEMENT OF COMMUNITY INVOLVEMENT

Adopted 14 October 2020



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# 1. Preface

- 1.1. Hertsmere's Statement of Community Involvement (SCI) sets out how we as the council will consult communities, businesses and statutory authorities during the preparation of planning documents (including its role in the development of Neighbourhood Plans) and when determining planning applications.
- 1.2. One of the aims of the planning system is to encourage effective and meaningful community involvement throughout all of the stages of the place making process. Effective community involvement will give people the opportunity to say what sort of place they want to live in and explains how their views can make a difference. We are committed to a continuous review and this update to the SCI seeks to ensure it continues to reflect current advice and best practice guidance.
- 1.3. Hertsmere's SCI was last updated in 2017. It is appropriate to continue to review how we engage with the public and to consider what works best. This new SCI also takes account of new work that the council is doing with the neighbouring authorities of Dacorum, St Albans, Three Rivers and Watford on a Joint Strategic Plan covering all five districts. It also contains a summary of the process for preparing Neighbourhood Plans and what the Council's role in this process will be.

## **Covid-19 Pandemic**

In circumstances such as the current Covid-19 pandemic, we will endeavour to carry out planning engagement as set out within this document. However, should the Government amend planning regulations or formally advise that certain forms of engagement should be suspended, then the Council will amend its approach to reflect the most up-to-date Government advice at that time.

On 13 May 2020 the Government issued temporary guidance as a result of the Covid-19 pandemic related to alternative methods of engagement. This can be found here...

<https://www.gov.uk/guidance/consultation-and-pre-decision-matters# covid19> (para. 035 – 052)

## 2. Glossary

### **Community Strategy**

A document prepared by our Local Strategic Partnership – Hertsmere Together - comprising various private and public sector organisations that promote strategies to improve the quality of life of people who live in, work in and visit the borough.

### **Development Plan**

The development plan guides the economic, social, environmental and physical development of the borough. The adopted development plan for Hertsmere is made up of the Core Strategy (2013), Elstree Way Corridor Area Action Plan (2015), and Site Allocations and Development Management (SADM) Policies Plan (2016), as well as the Policies Map. A review of the development plan is currently being undertaken (“Planning for Growth: Local Plan Hertsmere”). Any Neighbourhood Plans that are made in the borough will also form part of the development plan.

### **Joint Strategic Plan**

A shared plan between the five districts of Dacorum, Hertsmere, St Albans, Three Rivers and Watford that will provide the wider planning framework for the five districts.

### **Local Development Order**

The function of a Local Development Order (LDO) is to locally extend the scope of permitted development in response to local circumstances.

### **Local Development Scheme**

Our Local Development Scheme is the project plan and timetable setting out what steps we are taking to prepare documents, and by when.

### **Neighbourhood Plan**

A Neighbourhood Plan provides a tool for local people to plan for the types of development to meet their community’s needs and where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

**Planning Performance Agreements (PPAs)**

An agreement between a developer and a local authority (and potentially other key players, such as statutory consultees) for more complex planning applications, setting out who will do what and when, to an agreed timescale prior to the determination of that application.

**Representations**

The comments we receive from members of the public, groups or organisations in response to plans and documents made available through public consultation exercises, as well as in response to individual planning applications.

**Statement of Community Involvement**

Our Statement of Community Involvement (this document) sets out the procedures we will follow when consulting on future planning documents and applications.

**Secretary of State**

Proposals for Development Plan documents and submission Local Plan Documents are sent to the Secretary of State for Housing, Communities and Local Government, and in the case of submission “Planning for Growth: Local Plan Hertsmere” also to the Planning Inspectorate.

**Supplementary Planning Documents (SPDs)**

Supplementary Planning Documents or SPDs focus on specific issues that need more detailed guidance to support the main policies contained in the Local Plan.

**Sustainability Appraisal**

The main purpose of the Sustainability Appraisal is to review the social, environmental and economic effects of plan strategies and policies to make sure they are made in line with the aims of sustainable development.

## 3. Introduction

### What is the Statement of Community Involvement?

- 3.1 The Statement of Community Involvement (SCI) is a document which sets out our policy for involving the community, both in preparing and revising planning policy documents and in the consideration of individual planning applications. The requirements for preparing this SCI are set out by central Government<sup>1</sup>. We consider these regulations to be minimum standards and aim to do better than the minimum requirements set out within this SCI where possible.
- 3.2 Effective public involvement in planning matters will help ensure that all sections of the community, including people who do not normally get involved in the planning process, have the opportunity to contribute to all aspects of place-making. We aim to involve local residents, businesses, landowners, groups and organisations, along with other stakeholders such as national and regional organisations, in the process. We will place an emphasis on making information widely accessible in all formats, and make use of the internet, the local press and existing networks of communication.
- 3.3 The benefits of continuous community involvement are that we can:
- help people understand the planning process;
  - work with groups and individuals who would otherwise not get involved, including on individual planning applications;
  - identify issues of concern; and
  - provide an opportunity for negotiation on representations made on Local Plan and planning applications.

We hope to increase the opportunities for greater community involvement by consulting where we can and increasing the ways in which information is made available. We will prepare all future planning documents that manage the economic, environmental and physical growth of Hertsmere in line with the procedures established by this statement.

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<sup>1</sup> Planning and Compulsory Purchase Act 2004, the Planning Act 2008, the Localism Act 2011, and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended, Town and Country Planning (Development Management Procedure) (England) Order 2015) and Neighbourhood Planning Act 2017.

- 3.4 All the methods of consultation we use will be in line with the Equality Act 2010, the Human Rights Act 1998 and the Freedom of Information Act 2000.

**What planning processes does this SCI cover?**

- 3.5 This SCI covers three areas where the council is involved in planning. These are:
- a) the preparation of **planning policy documents** – comprising the Local Plan, supplementary planning documents and work the council will carry out with four other South West Hertfordshire authorities and the County Council in the preparation of a Joint Strategic Plan.
  - b) supporting the preparation of **Neighbourhood Plans**; and
  - c) determining planning applications through **Development Management processes**.



## **4. Involving the Community in Planning Policy documents**

- 4.1 We are required to give those with an interest in development in the area the opportunity to have their say when new planning policies are being developed.
- 4.2 We will take a flexible, proportionate and effective approach to consultation that will be tailored to the nature of the document being prepared.

### **(a) The Local Plan**

- 4.3 The Local Plan (also known as the 'development plan') for the borough currently comprises the Core Strategy (adopted January 2013), Elstree Way Corridor Area Action Plan (adopted July 2015), and Site Allocations and Development Management Policies Plan (adopted November 2016). All policy designations are illustrated on an accompanying policies map.
- 4.4 We are currently working on a new Local Plan that once formally adopted will replace these separate documents. As at June 2020 we are currently preparing the Publication (Pre-Submission Version) of the Local Plan prior to Regulation 19 publication in 2021.

### **Preparing a Local Plan**

- 4.5 The key stages involved with preparing a Local Plan are illustrated in Figure 1 below.

Figure 1: Key stages in preparing a Local Plan



\* The Town and Country Planning (Local Planning) (England) Regulations 2012

Figure 2: Key stages in the preparation of Development Plan Documents (e.g. Local Plan; Area Action Plan)

Preparation stage, including Issues and Options (Regulation 18) (undertaken)

4.6 This stage includes two main activities: survey and evidence gathering; and initial work on a sustainability appraisal. We must consult the main stakeholders who will help us identify what evidence is needed to prepare the Local Plan document and all consultees (statutory, general and interested parties) regarding what ought to be in the Local Plan document.

4.7 In respect of the new Local Plan process we have already run two rounds of

consultation to comply with this stage including an Issues and Options stage (2017) and on Potential Sites for Housing and Employment (2018). In addition, there has been some targeted consultation with specific groups. We have also started the sustainability process, as required in the regulations, during this stage of the plan preparation process.

4.8 Further information on this stage can be found here:

<https://www.hertsmere.gov.uk/Planning--Building-Control/Planning-Policy/Local-Plan/New-Local-Plan/New-Local-Plan-Planning-for-Growth.aspx>

#### Publication of Local Plan (Regulation 19) (where we are now)

4.9 We will prepare a final 'pre submission' Local Plan and a sustainability appraisal report, which will be presented to the full council for approval. We will then make the Local Plan available for public comment for at least six weeks, during which time anyone can make a formal representation supporting or objecting to the content of the document as to its 'soundness'. Following this, we intend to submit the plan, together with the representations received, to the Secretary of State along with a final sustainability appraisal report and a statement showing how it meets this SCI.

#### Submission stage (Regulation 22)

4.10 We will prepare a summary of the comments we received on the publication draft of the plan, before submitting the document along with all other relevant supporting information to the Secretary of State (via the Planning Inspectorate) and making it available to the public.

#### Independent examination

4.11 The examination will consider the soundness of the Local Plan document, which will include an assessment of whether we have considered the views of the community when preparing the document and complied with the Duty to Co-operate. If necessary, the inspector appointed by the Secretary of State will hold a pre-examination meeting at least two months before the examination. Statements can be made in written form or by an oral hearing at the examination. We will notify everyone who made comments at least six weeks before the date of the examination.

## Main and Minor Modifications

- 4.12 Main Modifications (MMs) are changes required to the plan by the Inspector in order to resolve problems that would otherwise make the plan unsound or not legally compliant. They may include changes which we have ourselves put forward and submitted to the Inspector alongside the submission plan, where the Inspector considers these to be necessary.
- 4.13 Where the Inspector identifies that MMs may be needed, the nature and likely extent of these will be discussed at the hearings. Following the hearings, the Inspector will ask us to produce a schedule of proposed MMs, and to carry out public consultation on these to ensure that any party whose interests might be affected by the modification is given a fair opportunity to comment on it. This consultation period will normally last for at least 6 weeks.
- 4.14 The Inspector will usually consider representations on the draft MMs in writing, however further hearing sessions may be scheduled if the Inspector feels they are needed. Minor or additional modifications are changes we may wish to make to the submitted plan which do not have a material effect on the content of the policies. They may include, for example, correcting grammatical or typographical errors, or updating factual information.
- 4.15 We will publish the minor modifications alongside the MMs, for completeness, making clear that responses to these are for us to consider and will not be before the Inspector.

## Adoption (Regulation 26)

- 4.16 After the examination, the Inspector will produce a report with recommendations which we must follow. Neither we nor those making representations, can challenge the inspector's recommendations, unless on a point of law by applying to the High Court. We will notify those that have asked us of the inspector's report. We will adopt the Local Plan as soon as is practical thereafter.

## **The Evidence Base**

- 4.17 In addition to reflecting national planning guidance, policies within the Local Plan must be based on robust local evidence. The 'evidence base' that underpins this policy development will be prepared internally by Officers, or

where there is the need for specialist advice, by external consultants. Where it is appropriate to look at a larger than single borough scale, this technical work may be carried out jointly with other Councils.

- 4.18 We do not usually consult on individual documents that make up the evidence base, as they constitute specialist technical advice. However, all of the studies are available on our website and can be referenced when commenting on the Local Plan itself:  
<https://www.hertsmere.gov.uk/Planning--Building-Control/Planning-Policy/Local-Plan/New-Local-Plan/Supporting-Studies.aspx>

### How we will consult on a Local Plan

- 4.19 As set out above, there are two key stages of consultation during the preparation of a Local Plan. The approach we will take to each of these is summarised in Table 1 below.

Table 1: Local Plan preparation

SPD stage	Consultation duration	Consultation methods
<p><b>Issues and Options</b> <i>(Regulation 18)</i></p>	<p>This stage can comprise one or more public consultations. These can relate to broad issues and options, draft policies and/or potential sites.</p> <p>Consultations will run for a minimum 6 week period.</p> <p><i>Note: All representations must be received within the specific consultation period.</i></p>	<ul style="list-style-type: none"> <li>• Inviting representations through a notice on the council’s website and advertising through other methods such as social media, news releases and Council electronic alerts through News for You.</li> <li>• Written / email consultation with ‘specific consultation bodies’ (defined in Appendix 1) and appropriate ‘general consultation bodies’ and other relevant stakeholders (defined in Appendix 1).</li> <li>• Consultation document will be available to view on the council’s website and at specified deposit</li> </ul>

<p><b>Pre-submission publication (Regulation 19)</b></p>	<p>Consultations will run for a minimum 6 week period.</p> <p><i>Note: All representations must be received within the specific consultation period.</i></p>	<p>points (see Appendix 1 for a full list).</p> <ul style="list-style-type: none"> <li>• Public consultation events, if appropriate to the nature of the consultation.</li> </ul>
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### Who we will consult on a Local Plan

4.20 We are committed to involving as many individuals and groups as possible when developing our planning policies for the borough. These include those groups and organisations that have been previously hard to reach. Key target groups are:

- hard-to-reach' groups (including elderly and young people, disabled people, rural and travelling communities, religious and ethnic-minority groups);
- residents;
- businesses;
- developers, agents and landowners;
- local interest groups;
- local community and amenity groups;
- parish and town councils;
- members of the local strategic partnership;
- central, and local government departments; and
- national and county bodies and organisations

### Statutory and non-statutory consultation

4.21 By law, we must consult certain organisations throughout the Local Plan process. List one of Appendix1: 'Consultee list' comprises the current list of the statutory and non-statutory organisations that we will consult at various stages of the planning process.

4.22 We must consult organisations such as neighbouring planning authorities, the Environment Agency, utility companies (gas, water and electricity), Government departments and Hertfordshire County Council. The non-statutory organisations

are defined in the regulations as voluntary organisations or groups whose activities benefit any part of the borough, and other organisations representing the interests of different racial, ethnic, national, religious, business and disabled people's groups. The list of non-statutory organisations may change over time, and we will update it as the planning process progresses. A summary of the non-statutory organisations we will consult is contained in list two of Appendix 1: 'Consultee list'.

- 4.23 Where a site allocation is proposed close to existing residential properties, we will endeavor to notify residents who share a boundary with the site, and any other additional properties which, in the opinion of Officers should reasonably be notified. Where sites are on the boundary of our area, we will also write to the elected Members who represent the relevant ward(s) within the neighbouring authority, as well as the local MP for that area. All of the organisations and individuals in these lists are held in the local plan database and can be easily updated. The database entries record the categories of consultee identified at Appendix 1: 'Consultee list'. Any individual or group can ask us to add their contact details to the database, which will result in them being consulted on future planning documents.
- 4.24 We hope that by consulting voluntary organisations and groups, information will be passed down to a wider area of the community.

#### The 'Duty to Cooperate'

- 4.25 When preparing its Local Plan, we also work closely with neighbouring local authorities and other organisations. The Localism Act (2011) places a 'duty to cooperate' on all local authorities and a number of other public bodies which requires on-going, constructive and effective engagement to development strategic policies and consider joint approaches to plan making. This could result in continued work on joint evidence base documents with adjoining local authorities for example.
- 4.26 The duty to cooperate in Hertsmere applies to the following public bodies outlined below:
- Neighbouring local authorities in London and Hertfordshire;
  - The Environment Agency;
  - Historic England;
  - Natural England;
  - The Mayor of London;
  - The Civil Aviation Authority;

- The Homes and Communities Agency;
- Local clinical commissioning groups and the National Health Service Commissioning Board;
- The Office of Road and Rail Regulation;
- Transport for London;
- Each Integrated Transport Authority;
- The Highway Authority (Hertfordshire County Council) and Highways England for roads where the Secretary of State for Transport is the highway authority (M1, M25, A1);
- The Marine Management Organisation

4.27 The 2018 National Planning Policy Framework reminds councils to cooperate with one another on strategic matters that cross administrative boundaries.

These matters can include:

- the homes and jobs needed in the area;
- the provision of retail, leisure and other commercial development;
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

4.28 The duty to cooperate is in addition to continuing to consult a number of statutory groups such as neighbouring authorities or local and national agencies. These are all contained in list one of Appendix 1: 'Consultee list'. We will also consult individuals, organisations and groups where it is considered that they will be affected by a document. A summary of these types of groups is contained in list two of Appendix 1: 'Consultee list'. Councils must maintain statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.

#### Member Planning Panel

4.29 The Planning Panel is an all-party forum, which has been established to inform the production and development of the Local Plan. It is not a decision making



group. Its recommendations will be reported to the Council’s Executive for decision. Chaired by the Portfolio Holder with responsibility for planning matters, the Panel typically meets every two months, or more frequently if required, and provides an opportunity for Councillors to discuss and advise on the preparation of planning policy and related documents. The agenda for the meetings is published around one week before each meeting. Where confidential or commercially sensitive information is being discussed, all or part of these meetings may be held in private. The published agenda will make clear which parts of each meeting the public can attend.

**(b) Supplementary Planning Documents**

4.30 In addition to its Local Plan, we also prepare what are known as Supplementary Planning Documents (SPDs). These focus on specific topics in greater detail, providing policy guidance to support the Local Plan policies. They do not contain any new policies and cannot be used to amend any existing planning policies. SPDs can relate to a specific location or site, or they can be topic based, covering issues such as affordable housing or design.

**Preparing Supplementary Planning documents**

4.31 The process for preparing an SPD is different – and much simpler – than for Local Plan preparation and usually involves a single stage of consultation. The requirements for this consultation is set by central Government and will be carried out in accordance with Table 2 below.

4.32 Prior to this consultation the Council will engage with relevant stakeholders and gather information and evidence.

Table 2: Supplementary Planning Document (SPD) preparation

<b>SPD stage</b>	<b>Consultation duration</b>	<b>Consultation methods</b>
<b>Public consultation on the draft SPD (Regulation 12 and 13)</b>	Minimum of 4 weeks	<ul style="list-style-type: none"> <li>Inviting comments ('representations') through a notice on the council’s website and advertising through other methods, such as social media, news releases, Council electronic alerts through News for You or press adverts.</li> </ul>

		<ul style="list-style-type: none"> <li>• Written / email communications with specific and general consultation bodies (as set out in Appendix 1) and other relevant stakeholders.</li> <li>• Consultation documents available to view on the council's website and at document inspection points (see Appendix 2).</li> </ul>
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4.33 Following the close of the consultation we will consider all valid comments that are made and make any changes it considers are appropriate to the SPD before it is adopted. Upon adoption, the SPD will be published, alongside an adoption statement, on our website, and made available to view at document inspection points. A copy of the adoption statement will be sent to anyone who requested to be notified.

**Who we will consult on Supplementary Planning documents**

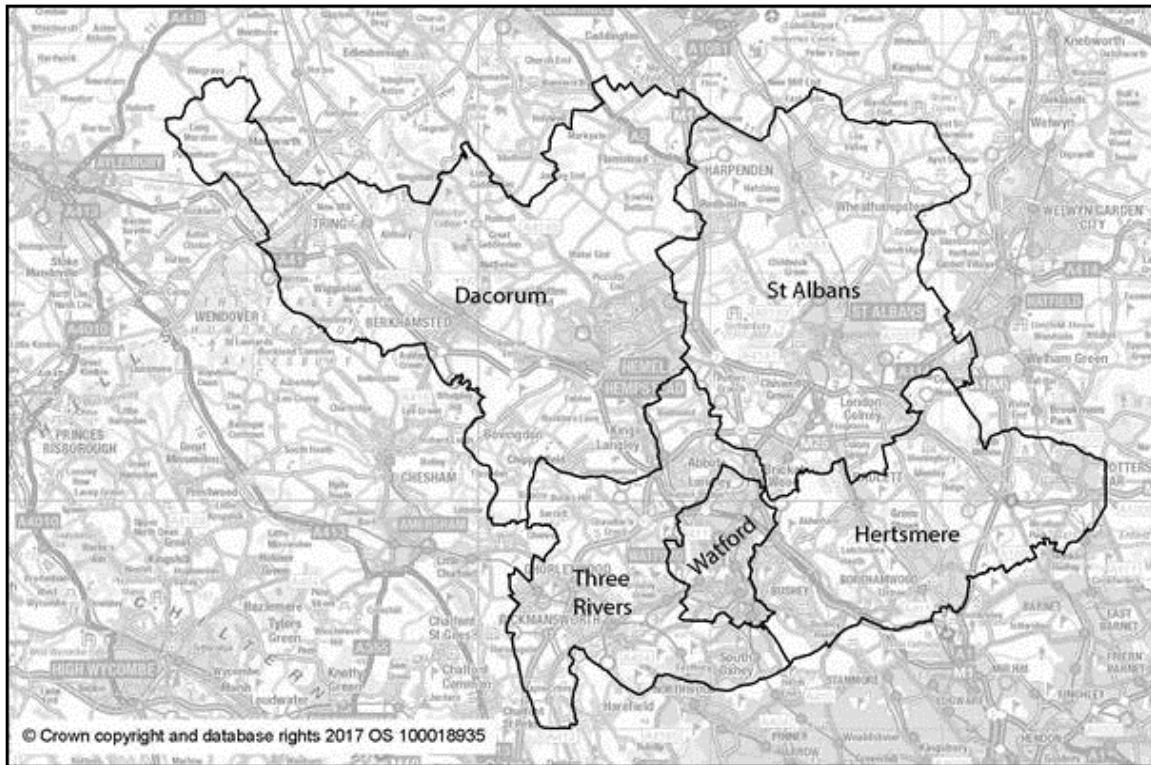
4.34 Precise arrangements regarding who is consulted will depend on the nature and scope of the document upon which feedback is sought.

**(c) South West Hertfordshire Joint Strategic Plan (JSP)**

4.35 In Spring 2018, Dacorum, Hertsmere, St Albans, Three Rivers, and Watford Councils gave formal endorsement to begin work on a Joint Strategic Plan (JSP) for South-West Hertfordshire (see Figure 2 below). This work is also supported by Hertfordshire County Council.

4.36 The JSP will contain strategic allocations and policies, including an overall spatial strategy and amount of housing, employment and supporting infrastructure to be provided. It will cover the period up to 2050.

Figure 2: Extent of South-West Hertfordshire Joint Strategic Plan Area



4.37 Each council will continue to be responsible for preparing its own Local Plan, but the JSP will also provide the platform to consider how the challenges of growth in the wider South-West Hertfordshire area can be addressed longer term (i.e. to 2050). Figure 4 below illustrates how these two key planning documents will fit together.

Figure 3: Relationship between the South West Herts JSP and Local Plans



4.38 By working together, the South-West Hertfordshire local authorities will be in a stronger position to deliver and better fund essential local transport links, health services and educational facilities that local people want to see alongside new homes and jobs. Once adopted the South-West Herts JSP will be part of the councils' statutory development plan and provide the overarching strategic planning framework for the five Local Planning Authority areas.

### **Preparing the SW Herts Joint Strategic Plan**

4.39 The key stages to be undertaken in preparing the South-West Herts JSP are the same as our Local Plan (see Figure 1). Consultation is required at various stages during JSP preparation, including "Publication" stage, after which it will be submitted to Government. An independent Planning Inspector then carries out an Examination into the document, considering the views of interested people. The final decision on the soundness of the Plan will be made by that Inspector, after which the plan will be adopted by the five councils.

### **How we will consult on the Joint Strategic Plan**

4.40 Consultation on the JSP will be carried out in the same way as for Hertsmere's Local Plan (see Table 1: Local Plan preparation), as it is subject to the same central Government requirements.

### **Who we will consult on the Joint Strategic Plan**

4.41 By law, we must consult certain organisations throughout the JSP preparation process. List one of Appendix1: 'Consultee list' comprises a list of the statutory and non-statutory organisations that we will consult at various stages of the JSP preparation. The other SW Herts authorities will have their own equivalent consultation lists.

## **5. Involving the Community in Neighbourhood Planning**

- 5.1. The ability to prepare planning documents at the neighbourhood level was introduced by the Localism Act 2011. There are two main mechanisms for neighbourhood planning – Neighbourhood Plans and Neighbourhood Development Orders.
- 5.2. A Neighbourhood Plan is a way of helping local communities to influence the planning of the area they live and work in. If a plan is prepared and agreed by the community in a referendum it will become part of the development plan for the area and be used in the determination of planning applications.
- 5.3. A Neighbourhood Development Order can grant planning permission for certain types of development without the need to submit a planning application to the Council.

### **Preparing a Neighbourhood Plan**

- 5.4 It is the responsibility of the relevant body (a parish/town council or designated neighbourhood forum) to prepare the neighbourhood plan and to undertake inclusive consultation. Conducting a wide-reaching consultation is in the interests of the body preparing the Neighbourhood Plan or Neighbourhood Development Order given the central role of the local referendum process. This is unique within the planning process. A successful referendum process requires over half of those voters who take part to support the plan or order.
- 5.5 There are currently two neighbourhood plans being prepared covering Radlett and Shenley. The Borough Council will support other parishes and groups wishing to prepare Neighbourhood Plans or Neighbourhood Development Orders. This support will extend to providing mapping information, statistical data. The specific details are set out below. Appendix 3 provides a list of helpful information to support those preparing Neighbourhood Plans.

### **Assistance to neighbourhood planning groups**

- 5.6 The Planning Acts and the Regulations require us, as a borough council to assist bodies and organisations preparing a neighbourhood plan. This requirement is clarified further in Planning Practice Guidance. In particular the Borough Council is required to:

- be proactive in providing information to communities about neighbourhood planning;
- fulfil its duties and take decisions as soon as possible and within prescribed time periods where these apply;
- set out a clear and transparent decision making timetable; and
- constructively engage with the community throughout the process including when considering the recommendations of the appointed independent examiner.

5.7 We will make decisions in a timely fashion and no later than the timescales set out for the various stages of the process. In particular we will respond promptly to the report of the independent examiner in preparing its decision statement.

5.8 The guidance on providing information and engaging constructively with neighbourhood planning groups is less prescriptive. The Borough Council will approach these requirements in the following ways:

### **The relationship between the emerging local plan and emerging neighbourhood plans**

5.9 Neighbourhood plans can be prepared at any time. However they are examined against the strategic policies of the development plan in force at that time. The more the emerging Local Plan progresses through its various stages the more appropriate it would be for a neighbourhood plan to be delayed until clarity exists and or the Local Plan is adopted.

5.10 In this context the Borough Council will:

- provide information to neighbourhood planning groups on progress on the emerging Local Plan and its future timetable; and
- provide up to date evidence and research about the neighbourhood area assembled as part of the Local Plan process to the neighbourhood planning group

### **Identifying access to financial assistance**

5.11 Many neighbourhood plans have been developed entirely within the capacity and the resources of the local community. Others may require professional support and/or direct financial assistance.

- 5.12 The Regulations do not require the Borough Council to provide direct financial assistance. However within the wider supporting context in this document the Council will:
- provide information to neighbourhood planning groups on the availability of external sources of funding in general, and from Locality in particular; and
  - provide advice on appointing any consultants to assist in the preparation of a Plan<sup>2</sup>.

### **Identifying topical issues and access to best practice**

5.13 There is no standard template for the production of a neighbourhood plan. Each neighbourhood area can identify bespoke issues where it considers will add value to the more general policies in the development plan. In addition the capacity and the knowledge of each neighbourhood planning group will inevitably vary.

- 5.14 Nevertheless based on individual circumstances we will:
- provide information on the issues where any neighbourhood plan could add value to the development plan;
  - provide contact details about other statutory bodies which may be able to provide information to assist in the plan-making process;
  - provide information about other neighbourhood plans in general, and best practice in general; and
  - provide general information about policy writing techniques.

### **Ensuring a proper relationship between plan-making, monitoring and review**

5.15 The Borough Council acknowledges that preparing a neighbourhood plan can be a demanding process. It also recognises that the planning process is dynamic and that all plans need to be kept up to date and topical.

- 5.16 In these circumstances we will:
- provide advice to neighbourhood planning groups where the examination process and the decision statement have been completed and where the referendum is delayed until May 2021 due to the implications of Covid: 19;
  - to neighbourhood planning groups about the way any 'made' plans are no longer consistent with national and local policies;
  - provide advice on how a made Plan can be monitored effectively; and

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<sup>2</sup> Note: The Council will not recommend individual Examiners.

- provide advice on the different ways in which a neighbourhood plan can be reviewed.

5.17 If those preparing neighbourhood plans require additional support from Officers above than that outlined above, this may be possible subject to Officer capacity, but will be chargeable. The level of this charge will be agreed on a plan-by-plan basis.

### How we will consult on Neighbourhood Plans

5.18 Where the Borough Council has a duty to publicise a neighbourhood plan or referendum we will do so in line with central Government requirements<sup>3</sup> as summarised in Table 3 below.

Table 3: Neighbourhood Plan preparation

Neighbourhood Plan stage	Consultation duration	Consultation methods
<p><b>Neighbourhood Area Designation</b></p> <p><i>(Regulations 5, 6 and 7)</i></p> <p>(Note: the qualifying body applies to the local planning authority for an area to be designated)</p>	<p>No consultation required were the area proposed is the whole of a parish.</p> <p>A minimum period of 6 weeks for all other proposed neighbourhood areas.</p>	<ul style="list-style-type: none"> <li>• Inviting representations through a notice on the councils' website, and advertising through other methods such as social media, news releases, Council electronic alerts through News for You, and/or press adverts;</li> <li>• Notify by email the specific and appropriate general consultation bodies and other relevant stakeholders;</li> <li>• The relevant qualifying body will be asked to assist the LPA in publicising the consultation by: <ul style="list-style-type: none"> <li>• Placing information about it in any local newsletters or on their website, and</li> <li>• Placing around their local area at key locations the</li> </ul> </li> </ul>

<sup>3</sup> Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended)



		<p>consultation poster prepared by the council.</p> <p>If requested by the relevant qualifying body the LPA will also notify local contacts in the proposed neighbourhood area. The contact details of these local groups to be provided by the qualifying body;</p> <ul style="list-style-type: none"> <li>• Consultation documents available to view on the councils' websites and at council offices during normal working hours; and additionally, at the relevant qualifying body's office or other appropriate publicly accessible venue within the neighbourhood area. The qualifying body may consider having the document available to view on their community website if one exists.</li> </ul>
<p><b>Designation of a neighbourhood forum</b></p> <p><i>(Regulation 9, 10 and 11)</i></p>	<p>Not less than 6 weeks from the date on which the application is first publicised</p>	<ul style="list-style-type: none"> <li>• Inviting representation through a notice on the councils' website, and advertising through other methods such as social media, news releases, Council electronic alerts through News for You, and/or press adverts;</li> <li>• Notify by email the specific and appropriate general consultation bodies and other relevant stakeholders:</li> <li>• The relevant qualifying body will be asked to assist the council in publicising the consultation by: <ul style="list-style-type: none"> <li>• Placing information about it in any local newsletters or on</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Placing around their local area at key locations the consultation poster prepared by the council</li> <li>• Consultation documents available to view on the councils' websites and at council offices during normal working hours; and additionally, at the relevant qualifying body's office or other appropriate publicly accessible venue within the neighbourhood area. The qualifying body may consider having the document available to view on their community website if one exists.</li> </ul>
<p><b>Where a draft neighbourhood plan is submitted to the local planning authority and the plan meets the requirements in the legislation, the local planning authority must publicise the neighbourhood plan</b></p> <p><b><i>(Regulation 15 and 16 Submission)</i></b></p>	<p>Minimum of 6 weeks</p>	<ul style="list-style-type: none"> <li>• Inviting representation through a notice on the councils' website, and advertising through other methods such as social media, news releases, Council electronic alerts through News for You, and/or press adverts;</li> <li>• Written / email consultations to notify any consultation body referred to in the consultation statement submitted alongside the draft neighbourhood plan. These bodies are referred to in Paragraph 1 of Schedule 1 in the regulations. The qualifying body will have considered which of these to notify depending on whose interests the qualifying body considers may be affected by proposals in the draft plan;</li> <li>• Emails to anyone that has 'opted-in' to be notified of consultation on the specific document being prepared;</li> </ul>

		<ul style="list-style-type: none"> <li>• Consultation documents available to view on the councils' websites and at council offices during normal working hours; and additionally, at the relevant qualifying body's office or other appropriate publicly accessible venue within the neighbourhood area. The qualifying body may consider having the document available to view on the community website if one exists.</li> </ul>
<p><b>Independent Examination</b>  <b>Post receipt of the Examiners Report the local planning authority may decide to make a decision which differs from the recommended by the examiner. If this is the case the local planning authority must carry out a targeted consultation inviting representations.</b></p> <p><i>(Regulation 18)</i></p>	<p>Within 6 weeks of the local authority first inviting representations</p>	<ul style="list-style-type: none"> <li>• Emails sent by the LPA inviting representations from; <ul style="list-style-type: none"> <li>I. The qualifying body;</li> <li>II. Anyone whose representation was submitted to the examiner: and</li> <li>III. Any consultation body that was previously consulted.</li> </ul> </li> </ul>

### Who we will consult on a Neighbourhood Plan

5.19 We will consult the same range of groups and organisations as we do for our Local Plan (see Appendix 1), where these are appropriate to the area that the plan covers.

## 6. Involving the community in Development Management processes

### How do I get involved if I want to comment on development proposals or planning applications?

- 6.1 This section sets out how we as the Local Planning Authority will involve the community in the various stages of the development management process with particular regard to its responsibility to determine planning applications. Other than the assessment of planning applications, Hertsmere's Development Management Team also provide advice on development proposals as well as provide advice to elected members whom sit on the Planning Committee.
- 6.2 There are several key stages to the planning application process:
- (a) **Pre-application** – a developer prepares the development proposal. Early engagement with the LPA, relevant stakeholders and the community is encouraged. Our duty officer can also be approached for general planning advice.
  - (b) **Planning application submission** – an application is submitted to the LPA who will carry out a statutory public consultation on the planning application.
  - (c) **Decision making** – a decision is made by either a planning committee or by a planning officer under delegated authority.
  - (d) **Planning Appeals** – the applicant has a right to appeal where they disagree with the decision of the LPA to refuse permission, impose unreasonable conditions, or where a decision has not been made within the statutory timeframe.

#### (a) Pre-application

- 6.3 Pre-application discussions with the council help in 'testing the waters' by providing early indications of the council's view of a scheme. We welcome pre-application discussions between officers, applicants and interested groups including, wherever possible, the local community. This may be in the form of a single pre-application request or through a series meetings under a Planning Performance Agreement.
- 6.4 Any views or opinions given during pre-application discussions are informal and are not binding on any future decision we make. If appropriate, officers will advise that discussions are held with advisory bodies such as the Environment Agency prior to the submission of planning applications.

- 6.5 Pre-applications discussions are useful because they:
- provide an understanding how the council's policies will be applied to a proposal;
  - identify and seek to address potential issues and public concerns at an early stage;
  - encourage openness when we decide on planning applications, and allow us to process applications in a more timely way; and
  - ensure that proposals are in line with planning policies, and to secure high-quality sustainable development.
- 6.6 We encourage developers to enter into early discussions with us through our formal, chargeable, pre-application process. At this stage, planning officers can advise developers whether an application is likely to be 'sensitive', such as one that is likely to attract a large amount of public interest, and whether they need to carry out further consultation with the community. In any case, we will strongly urge developers to undertake early engagement with the local community in developments that are likely to have a significant effect on the local area.

### **Planning Performance Agreements (PPA)**

- 6.7 A PPA is a mechanism which can be entered into in advance of a planning application being submitted. They are run as a project management framework in which applicants can meet with the planning service and other interested parties to agree how a scheme will be progressed through the planning process once submitted. PPAs offer a real opportunity to deliver benefits for developers, the council and communities in terms of a more efficient use of resources, better and more transparent engagement and improved outcomes through early and effective dialogue.

### **The role of the applicant, the council and councillors in pre-application discussions**

- 6.8 For those proposals that have a wider public interest and/or are major applications, prior to their formal submission, we will encourage the applicant to consult the community through area forums or public exhibitions with developers, council representatives (where appropriate) and interested groups or members of the local community. Where this involves sites which have been allocated in a Neighbourhood Plan, this should specifically involve the relevant

Parish or Town Council. It is important that as many people as possible have the opportunity to discuss the scheme with the developers.

- 6.9 These events must be organised by the applicant and should be held in a suitable place near to the development site or in a neutral area. The applicant must pay all costs associated with any pre-application events undertaken and we will ask applicants to provide a summary of any pre-application consultation they have undertaken, when they submit their planning application. Although we will encourage these sorts of events, developers and applicants are not obliged to carry out pre-application discussions with the community and the Council does not itself (nor is it statutorily required to) undertake consultation on pre-application proposals. However, developers and applicants are strongly encouraged to notify local Councillors when holding a local consultation events, as well as making the planning department aware that an event is taking place, along with parish and town councils.
- 6.10 We will encourage developers to hold the consultations at an early stage in the design and development of the scheme. The results of these discussions should be presented with the planning application as a supporting consultation statement. The supporting statement should identify where possible, how problems and public objections have been dealt with in the proposed development scheme, and how the applicant has involved the community in line with the SCI.
- 6.11 We will have a 'without prejudice' position in all pre-application discussions, and will only play a watching brief-role. This is to prevent the informal opinions of individual officers being taken as a definite decision on a scheme and the information submitted as part of the pre-application process is not routinely open to public inspection due to its confidential and potentially commercially sensitive nature. However, Ward Councillors will (subject to the agreement of the applicant) be consulted on pre-application proposals and may attend pre-application meetings. Councillors involved in pre-application discussions need to be aware of their activities and opinions at this stage, particularly where their opinions may prevent them becoming involved in making a decision on the application at planning committee. Our code of conduct for officers and Councillors dealing with planning matters provides detailed advice.

### **Duty planning officer advice**

- 6.12 The planning department runs a duty officer system via pre-booked 15 minute

appointments on Mondays and Fridays between 9am and 1pm. Appointments will be available over a rolling 2 week period. We will continue this service where resources allow us to do so although our website contains an increasing amount of useful advice, as well as information about the status of current and historic planning applications. The duty officer is usually a planner who will aim to answer all general planning enquiries. However, the duty planner will not be able to advise about specific proposals as these should be discussed as part of the pre-application process. The duty officer will also be able to provide updates on the progress of applications or take a message for the case officer if people want to know more about a particular planning application.

## **(b) Planning Application Submission**

- 6.13 The Town and Country Planning (Development Management Procedure) Order 2015 (as amended) requires that at any time before a decision is made on a planning application, stakeholders and the local community should have the opportunity to comment on any aspect of the proposal. The level and extent of consultation will vary depending on the size, scale, location and nature of the proposed development. Planning applications, supporting information and key dates are available for public inspection online.
- 6.14 The comments that are received during the consultation period will be considered in decisions made by and on behalf of the council. Representations must be in writing and can only be taken into account if they relate to material planning considerations<sup>4</sup>. It is current practice to take into account late representations received up to the point of determination of the application. Nevertheless, it is strongly recommended that representations are received by the LPA during the time period indicated in the LPAs publicity.
- 6.15 When a planning application is registered by the LPA, there is a statutory period during which anyone can comment on the proposal, as set out within the table on the method of publicity shown below. It is the LPAs responsibility to publicise planning applications. The approach to notification of planning applications will be to:
- Publish details of planning applications online (Public Access), including which applications have been registered, digital copies of the submitted plans and supporting documents. Our online planning software system contains a range of enhanced online search facilities including the ability to search for proposals by area and by development size. Search criteria can

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<sup>4</sup> [https://www.planningportal.co.uk/faqs/faq/4/what\\_are\\_material\\_considerations](https://www.planningportal.co.uk/faqs/faq/4/what_are_material_considerations)

be saved enabling quick searches to be undertaken on a regular basis. The online software also enables neighbours and other interested parties to make comments online and to track the progress of the application. We also publish a weekly list of planning applications received which is circulated to local organisations and other interested parties, and advertised on social media. Residents with an interest in development in their local area are urged to engage with local residents' associations, amenity societies and Parish/Town Councils. Our online 'News for You' service allows people to enter their email address to sign up to receive a link to the weekly list by email, as well as registering to find out about other council news and services. The letter or email which notifies neighbours and other parties will also contain details of the case officer, when they can be contacted and a deadline for returning any comments on the application. Other neighbours who do not live directly next to the site but who have shown an interest in the application and then contact us will be invited to comment on planning applications too.

- Undertake appropriate notification as shown in the table (method of publicity) below. In some instances, the LPA can go beyond the minimum statutory requirements where the development would potentially have a wider impact and may make use of additional methods of publicity such as social media platforms, News for You and our website's News page. Such wider consultation is carried out at the discretion of the planning officer.
- Parish/Town Councils and residents groups are consulted on all appropriate planning applications as statutory consultees.
- Consult with both statutory and non-statutory consultees. All consultees have 21 days (30 days for applications accompanied by an Environmental Statement) from the issue of the consultation notice to make representations (extended as appropriate where the period extends over public or bank holidays). It is highly recommended that representations are submitted prior to the published consultation deadline. There is no statutory requirement to re-consult on those applications that are amended during the assessment period. However notwithstanding this the LPA may find it prudent to re-consult and afford the opportunity for further representations to be made. Should this be the case, statutory consultees will be given a further 21 days from the issue of the re-consultation notice whilst non-statutory consultees inclusive of neighbours will have a timeframe of 14 days.



6.16 Where neighbour notification letters/emails are sent out, this will usually be only to those properties immediately adjoining the planning application site. The planning officer may sometimes determine that neighbour notification letters/emails should be sent beyond this where a development could potentially have an impact on a wider area. This may include properties facing the application site where a proposal is to the front of a property.

Table 4 – Minimum Method of Publicity

Type of application	Minimum method of publicity				
	Site notice	Site notice and/or neighbour notification letter	Press notice in local newspaper (inclusive of online newspapers)	Website	Parish / Town Council and/or Residents Associations
Major Development		✓	✓	✓	✓
Minor Development		✓		✓	✓
Householder applications		✓		✓	✓
Applications subject to Environmental Impact Assessment and accompanied by an Environmental Statement*	✓		✓	✓	✓
Applications which do not accord with the development plan*	✓		✓	✓	✓
Applications affecting a Public Right of Way*	✓		✓	✓	✓
Listed Building applications and for proposals affecting the setting of a Listed Building	✓		✓	✓	✓

<b>Applications relating to an advertisement</b>		✓		✓	✓
<b>Hazardous Substances Consent</b>		✓	✓	✓	✓
<b>We will also display a site notice in all of the following cases:</b>					
<ul style="list-style-type: none"> <li>• Where neighbours on at least one boundary cannot be identified;</li> <li>• For development proposals on sites within Conservation Areas.</li> </ul>					
<b>We will also advertise in the local newspaper in the following situations:</b>					
<ul style="list-style-type: none"> <li>• For planning applications where the immediately adjoining neighbours are not known;</li> <li>• For planning applications that in the opinion of the Local Planning Authority, would impact upon the special character or appearance of a Conservation Area;</li> </ul>					
<b>We will not normally consult on the following types of application as there is no statutory requirement to do so:</b>					
<ul style="list-style-type: none"> <li>• Certificates of Lawfulness for proposed use or development;</li> <li>• Certificates of Lawfulness for existing use or development;</li> <li>• Discharge of condition applications;</li> <li>• Non-material amendments.</li> </ul>					
<b>Prior Notification applications will be publicised in accordance with the regulations set down within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</b>					
<b>*30 days public notice in local newspaper</b>					
<b>✓ indicates the minimum method of publicity that will be appropriate</b>					

### (c) Decision Making Process

6.17 Most planning applications are decided by planning officers under ‘delegated powers’ as set out within the Council’s Scheme of Delegation which can be obtained on our website. Where applications have a wider public interest, both officers and councillors can decide whether an application should be discussed at a planning committee.

6.18 Councillors have the ability to ‘call in’ applications (within their wards or those immediately adjacent) to the Planning Committee within 4 weeks of a valid application being received, where they consider this to be necessary (for example where a local resident has referred the matter to them). These are often applications that are considered to raise major issues of public interest. Any proposed call-in must be agreed by the Chair of Planning Committee.

6.19 The timetable for committee meetings is available on our website ([www.hertsmere.gov.uk](http://www.hertsmere.gov.uk)) or by contacting Democratic Services. When an

application is being presented to the Planning Committee, we will inform people who have commented on the proposal using the address or email supplied by the contributor telling them the time and place of the meeting.

- 6.20 The committee meetings are held in public (whether held in person or online) so that members of the public can hear the discussions on planning applications. One person can also register to speak for or against each application, normally for three minutes, in addition to a local ward councillor (who does not sit on the planning committee) who can speak as a community 'advocate'. We will send information about this to all interested groups. If you wish to know more about the Council structure or individual councillors, please contact the Democratic Services Department.

#### **(d) Planning Appeals**

- 6.21 An applicant may appeal to the Planning Inspectorate against a refusal or contest any of the conditions imposed to the granting of permissions or the non-determination of an application. Only the applicant has the right to appeal. We will support the appeals process by adding appeal documentation to the online planning file. We will inform all parties that were originally consulted on the application or made representations on the proposal of the appeal. A planning appeal will then be considered by the Planning Inspectorate, who will make the final decision on the proposal. We have no statutory requirement to notify neighbours or interested parties of the appeal decision. This will be made available on the Planning Inspectorate website.

- 6.22 There are three procedures that an appeal can follow, written representations which usually relate to householder applications, advertisement consent and minor commercial (shop front) applications as well as a public hearing or a public inquiry. The procedure for these is set out in the Planning Appeals: procedural guide, available here:  
<https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

## APPENDICES

## **Appendix 1: Consultee list**

### **Consultation groups**

#### **List One**

#### **Specific statutory consultation organisations (in line with the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012**

- Natural England
- The Environment Agency
- Highways England
- The Historic Buildings and Monument Commission for England (Historic England) Natural England – Essex, Hertfordshire and London Team
- Local clinical commissioning groups (Herts Valleys CCG) and the National Health Service Commissioning Board
- Network Rail Infrastructure Limited
- Homes and Communities Agency
- Relevant Electricity Undertakers
- Relevant Gas Companies
- Relevant Sewerage Undertakers
- Relevant Telecommunications Companies
- Relevant Water Undertakers
- British Waterways Board
- The Coal Authority
- The Marine Management Organisation
- Transport for London

#### **Government Departments**

- Department for Communities and Local Government
- Department for Environment, Food and Rural Affairs
- Department for Transport
- Department of Health (through relevant Regional Public Health Group)
- Department of Trade and Industry
- Ministry of Defence
- Department of Work and Pensions
- Department for Culture, Media and Sport

#### **Neighbouring and other local authorities Dacorum Borough Council**

- Three Rivers District Council

- Watford Borough Council
- Welwyn Hatfield Borough Council
- St Albans City and District Council
- London Borough of Barnet
- London Borough of Enfield
- London Borough of Harrow
- Hertfordshire County Council
- Broxbourne Borough Council
- East Hertfordshire District Council
- North Hertfordshire District Council
- Stevenage Borough Council
- Adjoining Parish Councils
- Mayor of London (GLA)

#### **Parish and town councils of Hertsmere**

- Aldenham Parish Council
- Elstree and Borehamwood Town Council
- Shenley Parish Council
- South Mimms Parish Council
- Ridge Parish Council

#### **List Two**

##### **General consultation organisations**

- Hertsmere Together: Local Strategic Partnership
- Hertfordshire Police and Crime Commissioner
- Voluntary organisations, some or all of whose activities benefit any part of the authority's area
- Organisations which represent the interests of different racial, ethnic or national groups in the authority's area
- Organisations which represent the interests of different religious or humanist groups in the authority's area
- Organisations which represent the interests of disabled people in the authority's area
- Organisations which represent the interests of businesses, housing associations, landowners and developers in the authority's area
- Local amenity groups and organisations in the authority's area (including residents associations and the Hertfordshire Garden Trust).

## Appendix 2: Document inspection points

### Hertsmere Borough Council

Civic Offices, Elstree Way, Borehamwood, Hertfordshire, WD6 1WA

### Parish council offices

#### Aldenham Parish Council

Radlett Centre  
1 Alden ham Avenue  
Radlett  
Herts  
WD7 8HL

#### Elstree and Borehamwood Town Council

Fairway Hall Brook Close  
Borehamwood  
Herts  
WD6 5BT

### Local libraries

#### Borehamwood Library

96 Shenley Road  
Borehamwood  
Herts  
WD6 1EB

#### Bushey Library

Sparrows Herne  
Bushey  
Herts  
WD23 1FA

#### Potters Bar Library (Oakmere)

The Elms  
High Street  
Potters Bar  
Herts  
EN6 5BZ

#### Radlett Library

Radlett Centre  
1 Aldenham Avenue  
Radlett  
Herts  
WD7 8HL

### Neighbourhood information centres

#### Bushey Information Office

Bushey Centre  
High Street  
Bushey  
Herts  
WD23 1TT

#### Radlett Centre

1 Aldenham Avenue  
Radlett  
Herts  
WD7 8HL

#### Potters Bar Information Office

Wyllyots Centre  
Darkes Lane  
Potters Bar EN6 2HN

## **Appendix 3: Sources of information for Neighbourhood Planning**

### **GOVERNMENT GUIDANCE**

National Planning Policy Framework (NPPF)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Neighbourhood Planning advice

<https://www.gov.uk/guidance/neighbourhood-planning--2>

Planning practice guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

### **Planning Advisory Service (PAS)**

<https://www.local.gov.uk/pas/planning-policy/neighbourhood-plans>

### **LOCALITY**

Toolkits and guidance:

<https://neighbourhoodplanning.org/toolkits-and-guidance/>

Information of grant funding opportunities

<https://neighbourhoodplanning.org/about/grant-funding/>