

# Neighbourhood Planning Guidance Note 13

# Statutory Consultees

April 2013 - Revised August 2015



Neighbourhood Development Plans are instigated and prepared by parish councils, with the support of Herefordshire Council. This guidance is to help highlight the stakeholders required to be consulted with, in order to support your parish to take your Neighbourhood Development Plan forward. This guidance will explain the principles from developing the plan to submitting a plan proposal.

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With the production of your Neighbourhood Development Plan comes a responsibility to undertake formal public consultations to ensure that every resident or organisation that may be affected by it has an opportunity to contribute to its content. Indeed doing this well will help to make sure your plan passes the examination and becomes adopted, so it is well worth spending time to get this part of the process right.

You will obviously need to make sure that everyone who lives, works, or carries out their business in your Neighbourhood Area gets the chance to comment on such an important document. However, in addition there are many organisations that you will have to consult to make sure your plan is robust and, most importantly, does not contain any development or policies that may conflict with their interests or responsibilities.

This guidance note outlines the required consultation process and how the statutory consultees fit into it, and also details who the statutory consultees are and why they need to be consulted.

## The Consultation Process

### The pre-consultation stage

During the initial stages of developing your plan you will be spending time identifying your vision and objectives. Numerous different options for achieving these objectives may emerge and the options that your community prefer will need to be developed into policies.

While this part of the process is going on it is a good idea to keep a list as they emerge of the likely organisations that you think may have some expertise or advice to offer you on the subjects being discussed.

For example a policy on the provision or location of affordable housing will need to involve the following organisations: Environment Agency (for matters to do with drainage and runoff etc), the relevant Water Company (for matters to do with water supply and sewerage capacity), Natural England (especially if the allocation is to be on a greenfield site), the Council's Housing Department (for detail about the characteristics and allocations of affordable housing, etc), the Council's Highways and Transportation services

(for advice on access issues and public transport), local Housing Associations (for discussion about existing and future affordable and market housing provision), the Homes and Communities Agency (to give them a chance to comment on the suitability of your aspirations from a regional or national context).

### Preliminary dialogue – a two way process

Having decided on the policies that your plan requires it will be good practice to have some kind of discussion with the organisations that you have identified above to make sure that the detail of that policy is accurate and conforms to as many of these organisation's requirements as possible.

It is also the case that many of these organisations will be really interested to learn about your area's own aspirations as they develop so that they can then keep them in mind when they develop their own plans and documents.

Whilst this part of the process may take a long time, having done it there is a much greater chance that the policies and other content that you eventually include in the first draft of your Neighbourhood Development Plan will meet with all the consulted organisations expectations. This can save considerable time later on in the process.

### Consulting on your first draft

With all the information that you have gleaned from the preliminary dialogue you will be able to produce a draft version of your plan. Regulation 14 then stipulates that you should:

- Publicise your Neighbourhood Development Plan in an appropriate manner, to bring it to the attention of people who live, work or carry out business in the Neighbourhood Area;

Your publicity should include:

- o Details of the proposals in your Neighbourhood Development Plan;
- o Details of where and when the proposals in your Neighbourhood Development Plan may be viewed;

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- o Details of how to make comments;
- o The date by which those comments must be received. This must be at least **6 weeks** from the date on which the draft proposal is first publicised. Consideration should be given to whether this period could be adjusted to a longer period if covering particular holidays such as summer holidays or Christmas.
- Consult any relevant statutory consultees who may be affected by the proposals in your Neighbourhood Development Plan. You may have already been in touch with some or even all of these statutory consultees in the process of developing the content of the plan in the first place. So this stage of the consultation process therefore presents an opportunity for you to demonstrate that you have taken on board their comments alongside all the other comments you received at the time and reassure them you have tried to respond to any concerns they expressed. If you have been able to do this then you may well not get too many adverse comments as a result of the consultation at this stage;
- A proforma has been developed by the Environment Agency and Welsh Water to assist the consultation process. These will be sent to the parish council at the appropriate time for completion. These should be sent along with your other consultation documentation to the Environment Agency and/or Welsh Water.
- In line with the Service Level Agreement, a copy of the draft plan should be sent to the Neighbourhood Planning team at Herefordshire Council.

### Final submission of your completed plan

Having collected all the comments from every individual and statutory consultee that you have consulted throughout the process you will have to consider them and see how they can be incorporated into the final version of your Neighbourhood Development Plan. These consultations responses will also need to be reflected within your Consultation Statement. With all the additions and amendments added to your plan's text it will be ready for final submission for examination.

## Consultation Statement

Final submission will need to include a Consultation Statement to highlight who was consulted on your draft plan and how they were consulted. You will also need to reflect the issues which were raised and how these have been addressed in the development of your plan. Separate guidance is available to explain how to produce a Consultation Statement to meet the regulations.

Regulation 16 of the Neighbourhood Planning Regulations then places a requirement upon Herefordshire Council to publicise the submission of the proposed plan. All the bodies and statutory consultees mentioned in the Consultation Statement will therefore be notified that it has been submitted, along with details of where to view the final version and how to make their final representations prior to examination taking place.

If any representations are made at this stage they would typically be presented to the Examiner alongside the final draft of the Plan. However if the representations are considered particularly significant for any reason then they may be handed back to the Parish/Toen Council for them to incorporate into a revised final version of the plan.

## Who are the Statutory Consultees?

### Herefordshire Council's Statement of Community Involvement (SCI)

Herefordshire Council has produced a Statement of Community Involvement (SCI) which includes a list of the bodies and organisations Herefordshire Council consults during the preparation of their Development Plan Documents. You may find this a useful reference document. The Neighbourhood Planning team will also be able to recommend which statutory consultees are appropriate for your plan.

This will be important as the independent examiner will be looking at your consultation statement and the engagement you have had with these statutory consultees and how you have addressed any concerns which they have.

A list of the possible consultation bodies that you may need to consult are detailed in appendix 1, however, it is unlikely that you will be required to

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consult all of these bodies. Examples of who to consult are as follows:

- You are normally required to consult with the Environment Agency, Natural England and Historic England regardless of the location of your area; this is because any proposals are likely to affect water courses or the land in some way.
- If you have an active or disused railway line or station within your parish or Neighbourhood Area then you will need to consult with Arriva Trains Wales, Great Western Trains or Network Rail.
- Dependant upon who your water infrastructure supplier is, will depend on whether you will need to consult with Welsh Water or Severn Trent.
- If you are not in the vicinity of Hereford, Ross on Wye, Ledbury or Leominster then you will not need to consult the Civic Society. If your parish/Neighbourhood Area does cover one of their districts then you will only need to consult with the relevant trust/society.
- Please note you may not always receive a response from those bodies you have consulted.

The Neighbourhood Planning team will be able to assist you with contact details for any statutory consultees, adjoining Parish Councils and Local Authorities.

## Adjoining authorities

In addition you have a statutory responsibility to consult with any adjoining Parish Council or Local Authority, if any part of their area is in or adjoins the boundary area of your Neighbourhood Development Plan. If you are in any doubt about who to consult please contact a member of the Neighbourhood Planning team.

The adjoining local authorities could include:

- Forest of Dean District Council
- Gloucestershire County Council
- Malvern Hills District Council
- Monmouthshire County Council
- Powys County Council
- Shropshire County Council
- Worcestershire County Council
- Brecon Beacons National Park Authority

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## Appendix 1

Relevant key stakeholders that may need to be consulted include:

**The Coal Authority:** Should be consulted to make sure any plans you have would not effect or be effected by existing or previous coal mining activity in Herefordshire. **Contact details:** [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

**Homes and Communities Agency:** The Government's housing, land and regeneration agency and regulator of social housing providers in England. They are interested in increasing the numbers of new and affordable homes being built and or made available, and the amount of land being made available for development. **Contact details:** [mail@homesandcommunities.co.uk](mailto:mail@homesandcommunities.co.uk)

**Natural England:** The Government's adviser on the natural environment, providing practical scientific advice on how to look after England's landscapes and wildlife. They will have a view on all Neighbourhood Development Plans. **Contact details:** [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

**The Environment Agency:** Established to protect and improve the environment and have a statutory duty to support sustainable development. They are responsible for regulating industry and waste, treating contaminated land, water quality and resources, fisheries, inland river navigation and conservation and ecology. Consequently they will have a view on all Neighbourhood Development Plans. **Contact details:** [graeme.irwin@environment-agency.gov.uk](mailto:graeme.irwin@environment-agency.gov.uk)

**Natural Resources Wales:** Performing a similar role in Wales that Natural England does over the border. Will need to be consulted if your Neighbourhood Area adjoins the Welsh border. **Contact details:** [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk)

**Historic England:** The public body that looks after England's historic environment. They are responsible for listing buildings and monuments and provide advice to Government and Local Authorities. They will have a view on all Neighbourhood Development Plans that contain listed buildings or Scheduled Ancient Monuments. **Contact details:** [west.midlands@HistoricEngland.org.uk](mailto:west.midlands@HistoricEngland.org.uk)

**English Heritage:** A charity that is responsible for looking after over 400 historic buildings, monuments and sites. They should be consulted if your Neighbourhood Area has one of their properties within it. **Contact Details:** [customers@english-heritage.org.uk](mailto:customers@english-heritage.org.uk)

**National Trust:** A charity that preserves and protects historic places and spaces across the UK. These include archeological remains, buildings, gardens, and natural habitats such as woodlands and meadows. **Contact details:** [mi.customerenquiries@nationaltrust.org.uk](mailto:mi.customerenquiries@nationaltrust.org.uk)

**Arriva Trains Wales:** Responsible for running trains through the county on the line between Ludlow and Abergavenny. Should be consulted if your area includes, or is adjacent to any part of this route or if your plan has an interest in transport connections that include this line. **Contact details:** [michael.vaughan@arrivatw.co.uk](mailto:michael.vaughan@arrivatw.co.uk)

**Great Western Trains Co. Limited:** Responsible for running trains through the County on the line between Worcester and Hereford. Should be consulted if your area includes, or is adjacent to any part of this route or if your plan has an interest in transport connections that include this line. **Contact details:** <https://www.firstgreatwestern.co.uk/About-Us/Customer-services/Contact-us>

**Network Rail (West):** The company that owns and manages the rail infrastructure throughout the County that the two train operators run their trains on. Their interests include the railway itself and the land on which it is built, the stations and network buildings and structures (signal boxes, foot-bridges etc), and include bridges, level crossings, and current redundant lines or railway land. Should be consulted if your area includes, or is adjacent to any part of this route or if your plan has an interest in transport connections that include this line. **Contact details:** [barbara.morgan@networkrail.co.uk](mailto:barbara.morgan@networkrail.co.uk)

**Highways England:** They operate, maintain and improve the strategic road network in England. They are an executive agency funded by the Department for Transport. In Herefordshire their responsibility therefore applies to the A49, A40 and the M50. However they will have a view on all Neighbourhood Development Plans irrespective of whether your area includes these major roads. **Contact details:** [info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk)

**Wye Valley NHS Trust:** A provider of health services in Herefordshire. They provide community services and hospital care (acute and community) across the County as well as urgent and elective care to more than 40,000 people in mid-Powys. **Contact details:** [john.burnett@wvt.nhs.uk](mailto:john.burnett@wvt.nhs.uk)

**AMEC Environment and Infrastructure UK Ltd:** Private company providing environmental, engineering and related consultancy services to the public sector, including in Herefordshire. **Contact details:** <http://www.amec-ukenvironment.com/index.html>

**RWE Npower Renewables Limited:** A private company dealing with the generation, supply and distribution of electricity and gas to the Herefordshire population. **Contact details:** [jeremy.smith@rwe.com](mailto:jeremy.smith@rwe.com)

**Dwr Cymru Welsh Water:** Provide all the water supply infrastructure across large parts of the County, from collection, storing, purifying, distribution through the mains network, and disposal through the sewerage system. Dwr Cymru Welsh Water will have a view on all Neighbourhood Development Plans so will need to be one of your statutory consultees. **Contact details:** [forward.plans@dwrcymru.com](mailto:forward.plans@dwrcymru.com)

**Severn Trent Water:** Provide all the water supply infrastructure across large parts of the County, from collection, storing, purifying, distribution through the mains network, and disposal through the sewerage system. Severn Trent Water will have a view on all Neighbourhood Development Plans so will need to be one of your statutory consultees. **Contact details:** [dawn.williams@severntrent.co.uk](mailto:dawn.williams@severntrent.co.uk)

**Campaign to Protect Rural England:** Campaign organisation lobbying on behalf of “a beautiful and living countryside”. Would be interested to be consulted on your Neighbourhood Development Plan. **Contact details:** <http://www.cpreherefordshire.org.uk/contact-us.aspx>

**Hereford and Worcester Chamber of Commerce:** A not for profit organisation that supports the local business community and has a network of 1400 member businesses. They lobby to make sure the interests of local businesses are heard. **contact details:** [goodbusiness@hwchamber.co.uk](mailto:goodbusiness@hwchamber.co.uk)

**Woodland Trust:** A national charity that works to influence others who are in a position to improve the future of native woodlands. They own over 1000 woods across the UK. Would be particularly interested to be consulted on any matters related to these sites or woodlands as a whole within your Neighbourhood Development Plan. **Contact details:** [england@woodlandtrust.org.uk](mailto:england@woodlandtrust.org.uk)

**Hereford Civic Society:** Is an independent charity that promotes high standards of architecture and town planning in the city; stimulates public interest and debate in the subject; and encourages the preservation and improvement of features that are of public amenity or historic interest. Would only be interested in being a consultee if your Neighbourhood Area is within Hereford City or the surrounding area. **Contact details:** [herefordcivicsociety@hotmail.co.uk](mailto:herefordcivicsociety@hotmail.co.uk)

**Herefordshire Nature Trust:** The largest membership-based wildlife organisation in the County. It is dedicated to inspiring people about wildlife, being a champion on its behalf and creating or protecting wildlife havens. **Contact details:** [enquiries:herefordshirewt.co.uk](mailto:enquiries:herefordshirewt.co.uk)

**Ledbury and District Civic Trust:** See details for Hereford Civic Society. Would only be interested in being a consultee if your Neighbourhood Area is within Ledbury or the surrounding area. **Contact details:** [chairman@ledburycivicsociety.org](mailto:chairman@ledburycivicsociety.org)

**Ross-on-Wye and District Civic Trust:** See details for Hereford Civic Society. Would only be interested in being a consultee if your Neighbourhood Area is within Ross-on-Wye or the surrounding area. **Contact details:** [secretary@rosscivic.org.uk](mailto:secretary@rosscivic.org.uk)

**Leominster Civic Trust:** See details for Hereford Civic Society. Would only be interested in being a consultee if your Neighbourhood Area is within Leominster or the surrounding area. **Contact details:** c/o Leominster Community Centre, Leominster, HR6 9HA

**Madley Communications Centre:** A British Telecom Earth satellite tracking station which is used for international telephone, fax and television transmission and reception. **Contact details:** Madley Earth Satellite Station, Madley, Herefordshire, HR2 9NH



## **Neighbourhood Planning guidance notes available:**

### **Deciding to produce a Neighbourhood Development Plan**

1. Which is the right tool for your parish
2. What is a Neighbourhood Development Plan
3. Getting started
4. A guide to procedures
5. Funding

### **Plan Production**

6. Developing a Vision and Objectives
7. Generating options
8. Writing planning policies
9. Environmental Assessment
10. Evidence base and information requirements
11. Implementation and Monitoring
12. Best practice community engagement techniques
13. Statutory consultees
14. Writing a consultation statement
15. Planning and other legislation
16. Web enabling your plan
17. Using OS based mapping
18. Glossary of planning terms

### **Topics**

19. Sustainable Water Management in Herefordshire
20. Guide to settlement boundaries
21. Guide to site assessment and choosing allocation sites
22. Meeting your housing requirements
23. Conservation issues
24. Recreational areas
25. Renewable energy
26. Transport issues
27. Community Infrastructure Levy

### **Additional Guidance**

28. Setting up a steering group
29. Creating a questionnaire
30. Community facilities
31. Conformity with the Local Plan (Core Strategy)
32. Examinations of Neighbourhood Development Plans
33. Guide to Neighbourhood Development Plan Referendums
34. Tourism
35. Basic Conditions
36. Your plan - Contributing to sustainable development