

Neighbourhood Planning

Guidance Note 13

Statutory Consultees

April 2013 - Revised June 2019



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. 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 prefers 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 to make sure that the detail of your policies are accurate and conform 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:
 - Details of the proposals in your Neighbourhood Development Plan;
 - Details of where and when the proposals in your Neighbourhood Development Plan may be viewed;
 - Details of how to make comments;
 - 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 should 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 consultation 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 (Guidance Note 14.)

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 how 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/Town 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 can be obtained from the Neighbourhood Planning team by emailing jlatham@herefordshire.gov.uk 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 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 in the vicinity of Hereford, Ross on Wye, Ledbury or Leominster then you will need to consult the relevant Civic Society.

Please note you may not always receive a response from those bodies you have consulted.

Adjoining authorities and parish councils

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 the Neighbourhood Planning team at: jlatham@herefordshire.gov.uk

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

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
37. Broadband
38. Self-build and Custom Housebuilding Register