



Cornwall Statement of Community Involvement

Planning and Compulsory Purchase Act 2004

Representation Form

Please return your completed form

by email: localplan@cornwall.gov.uk OR

by post: Cornwall Council, Local Plans Team, Pydar House, Pydar Street, Truro
TR1 1XU OR

by hand: New County Hall reception (Truro) or any Cornwall Council One Stop Shop
before 5pm on Monday 22nd January 2018

Fair Processing Notice

The feedback provided will enable Cornwall Council to finalise the Statement of Community Involvement and will be retained for the life of the plan. Full names and comments provided will be published online and in hard copy.

By completing the Representation Form and submitting it to the Council you are giving your consent to the processing of your personal data by Cornwall Council and that any information received by the Council, including personal data (but excluding personal contact details and any signatures), may be put into the public domain, including on the Council's website. Publication will not include any information which you provide on the accompanying Equality Monitoring Form which will be retained for up to three months from the close of the consultation.

Part 1

Your contact details

You must complete this page for your representation to be accepted. The Council cannot accept anonymous representations.

Name: **Stephen Reynolds**

Organisation (if applicable): **SHED (Save Heamoor from Excess Development)**

Address: [Redacted]

Postcode: [Redacted]

Email Address: [Redacted]

Telephone number: [Redacted]

If an agent, the individual or organisation you are representing:

.....

Please let us know whether you wish to be notified via the address/email address you have provided (or other specified address/email address) of the following for the Statement of Community Involvement:

- (i) The adoption of the Cornwall Statement of Community Involvement. **Yes / ~~No~~**

Part 2

Your comments

You may append additional sheets if you need more space to respond to any of the questions.

1. Please set out below any concern(s) you have with the Cornwall Statement of Community Involvement including any change(s) you consider necessary to address this concern(s).

You will need to say how the change(s) will address your concern(s) and it would be helpful if you could put forward your suggested revised wording to the text. Please also state which paragraph (s) your concern(s) and change(s) refers to.

Paragraph	Concerns, changes and reasons/evidence
	<p><u>Reasons/evidence</u></p> <p>Our representation on the Statement of Community Involvement is prompted by our experience of the Council's lamentable track record in this area. There was a total failure by the Council to engage with the residents of Heamoor village about the housing development proposals in the emerging Allocations DPD.</p> <p>Those proposals call for a total of 719 new housing units, increasing the population of the village by over 50% and virtually doubling the built area. Notification of the Regulation 18 consultation was wholly inadequate. Residents whose properties adjoin the proposed development sites were not notified. A leaflet drop was organised at Heamoor Primary School but did not take place until 3.45pm on the final day of the consultation period. When it came to the Regulation 19 consultation, it was largely through the efforts of volunteers from the SHED campaign that local residents were made aware of the proposals and encouraged to make representations.</p> <p>The first face-to-face engagement with Council representatives did not take place until four weeks into the Regulation 19 consultation period, at a meeting requested and organised by our campaign group (and paid for by donations from local residents).</p> <p>Even then, the Council promised – but failed – to send officers with responsibility for traffic and flooding, two of the key concerns of local residents. A face-to-face meeting with those officers did not take place until three days before the end of the consultation period, and only nine local residents were permitted to attend that meeting.</p> <p>The failure to engage with local residents has left our community feeling disenfranchised, and denied us the opportunity to influence the proposals before they reached a near final stage, contrary to the requirement in paragraph 155 of the National Planning Policy Framework for "<i>early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses</i>".</p>

At the same time, the Council missed out on the opportunity to learn at an early stage and at first hand from people with detailed local knowledge about the problems that make the Heamoor sites unsuitable for large-scale residential development.

As a consequence, the Council and our campaign group are now having to expend significant resources (on a purely voluntary basis in our case) preparing for and attending two days of examinations in public, addressing fundamental issues that should have been raised years ago.

Our proposed changes to the draft Statement of Community Involvement are intended to help ensure that no other community in Cornwall ever has to go through the experience that Heamoor has suffered during the last twelve months.

We have also become aware through our campaign that many people are excluded from any engagement with the planning process because they do not have internet access.

Of our hundreds of supporters, around 20% are not connected to the internet, usually because they are from an older demographic.

These people are effectively excluded from decisions about Council policy, even though they often have a lifetime's knowledge of their local community and neighbourhood. We have responded by using alternative means of communication, such as letter drops and door-to-door visits, to inform these people and encourage them to express their views.

The Council should reach out to such people, not exclude them. This would be consistent with the commitment contained in the Council's previous Statement of Community Involvement (2011) to engage "hard to reach groups", which does not appear in the 2017 draft version.

We believe that our proposed changes to the Draft Statement of Community Involvement go some way towards addressing this engagement deficit.

Unless these changes are made, the 2017 Draft Statement of Community Involvement would fail to meet the criteria laid down in the statement of principle in paragraph 155 of the 2012 National Planning Policy Framework, as cited on page 3 of the 2017 draft:

"The planning system should be easier to understand, more accessible and with a commitment to involving all who are interested in planning... Early and meaningful engagement and collaboration with neighbourhoods, local organisations and community is essential. A wide section of the community should be proactively engaged, so that local plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of an area, including those contained in any neighbourhood plans that may have been made."

Our proposed changes are described in detail below, but the main points can be summarised as follows:

1. Require direct individual notification of residents at the vital engagement and consultation stage, not just at the planning application stage.
2. Include a summary of current planning policy matters with the annual council tax notification sent to all households.
3. Require publication of all planning notices in a local newspaper and on designated community noticeboards.

We have also proposed a number of other changes to clarify text which is potentially misleading or insufficiently clear. These are also described in detail below.

Finally, we propose that in the interests of community and resident engagement, neighbour notification and consultation with the local council should be extended to all types of planning application without exception.

Paragraph

DETAILS OF PROPOSED CHANGES

2.1

Engagement – General

Concerns: The Council’s track record on this is poor (see Reasons/ Evidence above).

As a general principle, the Council should make the effort to inform all residents of the current status of planning policy. This could be achieved by including a plain English planning policy summary with the annual council tax notification sent to all households, which would provide information about:

- any local plans or development plans in preparation, with details of how to get involved in engagement or consultation processes and the expected timescales;
- any neighbourhood plan affecting the local area, the current status of that plan, and how to get involved in shaping it;
- how to find out about planning applications in your area;
- a simple form to request notifications about planning matters (engagement, consultation and planning applications), either by e-mail or post.

	<p><u>Proposed change:</u></p> <p>Insert the following paragraph at the end of Paragraph 2.1:</p> <p>"We will also distribute to all residents an annual planning summary giving details of engagement, consultations and neighbourhood plans affecting their area, including information about how to get involved and a form to request notifications about planning matters."¹</p>
<p>2.3.1</p>	<p><u>Engagement – Residents in affected communities</u></p> <p><u>Concerns:</u> The Council's track record on this is poor (see Reasons/Evidence above)</p> <p>In Paragraph 2.2 the Council says: <i>"... we consider that there should be significant effort to engage people at the early stages of preparing planning documents, where there is greatest opportunity to influence policies and strategies"</i>.</p> <p>Paragraph 2.2 continues <i>"Figures 2 to 4 set out ... how we will engage residents and interested parties"</i>.</p> <p>In fact, figures 2 to 4 do not mention residents and how they will be engaged at a sufficiently early stage to have a meaningful say on emerging planning documents. They merely refer to <i>"early engagement with interested parties through meetings, focus groups and involvement in evidence gathering"</i>. There is no indication as to how or when residents will be notified of any planned engagement, particularly residents who might be materially affected by emerging development plan documents.</p> <p><u>Proposed change</u></p> <p>We propose that Paragraph 2.3.1 be amended to include an <u>obligation</u> for the Council to engage directly and early with residents affected by proposals in an emerging development plan document. This should take the form of written notification to all residents of properties in communities or settlements where one or more potential development sites are being considered for inclusion in a development plan document.</p> <p>The Council has a duty to involve local residents as early as possible, and this cannot be done unless they are actually notified. Such an approach is consistent with the spirit and letter of paragraph 155 of the NPPF.</p> <p>SHED regards this as crucially important in light of Policy 1 of the Local Plan Strategic Policies, which states that <i>"planning applications that accord with the policies in this Local Plan and supporting Development Plan (including, where relevant, with policies in Neighbourhood Plans) will be regarded as sustainable development and be approved, unless material considerations indicate otherwise"</i>.</p> <p>Because of this presumption that policies in a development plan are "sustainable", affected residents who are not notified of a proposal contained in a development plan until they receive neighbour notifications at planning application stage are denied the opportunity to challenge that proposal on "sustainability" grounds.</p>

¹ NB All suggested amendments are in **bold**, deletions in ~~strikethrough~~

	<p>We therefore propose adding the following text at the end of Paragraph 2.3.1:</p> <p>“All residents in a community or settlement where one or more potential development sites are being considered for inclusion in a development plan document will be individually notified of the fact in writing and informed about all relevant community engagement measures.”</p>
<p>2.3.3</p>	<p><u>Consultation notification – Residents in affected communities</u></p> <p><u>Concerns:</u> The Council’s track record on this is poor (see Reasons/Evidence above)</p> <p>In order to ensure proper consultation of residents affected by development proposals, we propose a similar change to the wording of Paragraph 2.3.3. Currently, this paragraph sets a minimum requirement of notifying statutory and general consultee bodies and “<i>anyone who has asked to be notified</i>”.</p> <p>This sets the bar too low for the Council. As things stand, unless residents have specifically asked to be notified, they may not be aware that a consultation is taking place and hence may not participate even if they are directly affected by the development proposals.</p> <p>Consultation is meaningless unless people are properly notified that it is taking place.</p> <p><u>Proposed change</u></p> <p>We therefore propose that the end of the first sentence of Paragraph 2.3.3 be amended as follows:</p> <p>“...along with anyone who has asked to be notified of the consultations and all residents of communities or settlements where there is a proposed site allocation.”</p>
<p>Figures 2 & 3</p>	<p>Similar changes should also be made to the wording of Figures 2 and 3 to incorporate the need to notify residents, both at the early engagement stage and at the consultation stage.</p> <p><u>Proposed changes to Figures 2 and 3:</u></p> <p>1. Amend Figure 2, “Community Involvement section”, as follows:</p> <p>Pre-production stage/evidence gathering “Early engagement with interested parties through resident notification, meetings, focus group and involvement in evidence gathering”</p> <p>Public participation in the scope of the DPD (minimum 6 week consultation)</p> <ul style="list-style-type: none"> • Send out notifications to consultee bodies, residents of the communities or settlements affected, and those who have asked to be notified of consultations <p>...</p>

	<p>Publication of DPD public consultation (minimum 6 week consultation)</p> <ul style="list-style-type: none"> • Send out notifications to consultee bodies, residents of the communities or settlements affected, and those who have asked to be notified of consultations <p>2. Amend Figure 3, "Community Involvement section", as follows:</p> <p>Pre-production stage/evidence gathering "Early engagement with interested parties through resident notification, meetings, focus group and involvement in evidence gathering"</p> <p>...</p> <p>Publication of the draft SPD public consultation (minimum 4 weeks consultation)</p> <ul style="list-style-type: none"> • Send out notifications to consultee bodies, residents of the communities or settlements affected, and those who have asked to be notified of consultations
<p>3.2</p>	<p><u>Seeking formal comments</u></p> <p><u>Concerns:</u> Ineffective and discriminatory consultation</p> <p>The various methods described in Paragraph 2.3.4 lead to social exclusion by discriminating against people without internet access.</p> <p>We believe that all residents should have an equal opportunity to be informed about, and comment on, proposals that affect them.</p> <p>Press releases are not sufficient because local media may choose not to publish a related article.</p> <p>Leaflets and posters in libraries are also ineffective: many libraries have closed, and older residents and those with impaired mobility (often the same people as have no internet access) may find it difficult to visit libraries, especially people who live in rural areas.</p> <p>The "value-for-money" objection to press notices in Paragraph 2.3.4 is ill-conceived. The Council should of course always seek to obtain value for money for Council taxpayers, but not at the expense of proper public engagement. In the interests of social inclusion and equal access the Council should advertise <u>all</u> consultation notices in the press.</p> <p><u>Proposed changes – Publication of notices</u></p> <p>Amend paragraph 2.3.4. to delete the "value-for-money" objection to press notices, and to require consultations to be publicised through (i) official notices placed in a local newspaper and (ii) notices placed on designated community noticeboards.</p> <p>The latter proposal could be achieved by liaising with local representatives (eg county/parish/town councillors) to identify a location (in most communities, this could be an existing location such as a church or shop noticeboard) for an officially designated community noticeboard.</p>

	<p>This would have the additional benefit of providing a community focus and talking point for matters affecting local residents, especially for those with no internet or social media presence.</p> <p>We therefore propose amending Paragraph 2.3.4 as follows:</p> <ul style="list-style-type: none"> • Press releases and notices – news releases for local media to raise awareness and interest, and publication of an official notice in a local newspaper before the start of the consultation period; • Statutory Notices – certain regulations require the use of statutory notices in the local press, setting out the consultation details. However, these are expensive and are not considered to provide value for money on every occasion. <p>...</p> <ul style="list-style-type: none"> • Leaflets and posters – will display information concerning a consultation in public and community buildings such as libraries, and on designated community noticeboards;
4.1	<p><u>Community involvement in Neighbourhood Planning</u></p> <p><u>Concerns:</u> Ineffective and discriminatory consultation</p> <p>The concerns expressed above regarding development plan documents also apply to notification/consultation about neighbourhood plans.</p> <p>Specifically, the section of Figure 5 relating to Regulation 14 consultations requires the community preparing the plan to “• <i>Publicise the plan within their parish</i>”. This falls short of the requirement contained in Regulation 14 itself that this should be done “<i>in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area.</i>” This Regulation 14 text should be added to Figure 5 in the interests of clarity.</p> <p>The text in Figure 5 on Regulation 16 and referendum consultations should also be amended to extend the requirement to publicise beyond the websites of Cornwall Council and the local council, to include the posting of notices on designated community noticeboards and (in the case of the referendum notice) in the local press.</p> <p><u>Proposed changes</u></p> <p>Figure 5, Regulation 14, amend text as follows:</p> <ul style="list-style-type: none"> • Publicise the plan within their parish in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area. <p>Figure 5, Regulation 16, amend text as follows:</p> <ul style="list-style-type: none"> • Put a notice in the local press and on designated community noticeboards and write to any consultation body who is are referred to in the consultation statement.

	<p>Figure 5, Referendum on Neighbourhood Plan, amend text as follows:</p> <ul style="list-style-type: none"> • Publish the notice of referendum on our website, ask the relevant local council to do the same, and place the notice in the local press and on designated community noticeboards.”
<p>4.1.1</p>	<p><u>Pre-application advice and consultation</u></p> <p><u>Concern:</u> Misleading information</p> <p>The pre-application procedure is optional, as is made clear in the Council’s Pre-Application Community Engagement FAQs:</p> <p><i>“If proposals are sensitive to the wider community do they have to be subject to the Forum process? No. Whilst developers will be encouraged to use this opportunity when appropriate to be able to demonstrate their engagement with the community, it is not mandatory and it will depend upon their co-operation and willingness to take part.”</i></p> <p>However, this is not made clear in Paragraph 4.1 of the draft Statement of Community Involvement, which does not explicitly state that this process is dependent on developer co-operation (and willingness to pay), and therefore might create a legitimate expectation on the part of residents that residents will be involved in pre-application engagement in all cases.</p> <p><u>Proposed change</u></p> <p>After the first sentence of paragraph 4.1, insert an additional sentence:</p> <p>“However, this process is not mandatory and will depend upon the developer’s co-operation and willingness to take part.”</p> <p>Alternatively (our preferred option), the Council should amend its policy such that a forum is mandatory for proposals that are “sensitive to the wider community”.</p>
<p>4.4</p>	<p><u>Pre-Application Community Engagement (PACE)</u></p> <p><u>Concern:</u> Inadequate notification</p> <p>Paragraph 4.1.1 states that a Forum will: <i>“• Inform Members and the public of a development proposal at an early stage in the pre-application process”</i>, and refers readers to the Pre-Application Community Engagement Guidance Note for further details.</p> <p>In answer to the question <i>“How will I know about a Forum?”</i> the Guidance Note reads:</p> <p><i>“Invitation letters will be sent to neighbours who would normally be consulted on a planning application advising them of the event at least 5 working days before the Forum, and additional information will be placed on the council website.”</i></p>

	<p>This is inadequate for three reasons:</p> <ol style="list-style-type: none"> 1. Neighbour notification is insufficient for major developments (like those proposed for Heamoor), whose impact extends beyond residents who are immediately adjacent to the site and affects the entire village, in terms of (for example) traffic flows and upstream/downstream flood risk. 2. Five working days is too short a notice period. 3. Publicity on the Council website alone discriminates against people without internet access. <p><u>Proposed change</u></p> <p>To the extent that the Guidance Note is incorporated in the Statement of Community Involvement by reference, it should be amended to incorporate the following requirements:</p> <ol style="list-style-type: none"> 1. In the case of a major development proposal that materially affects a community or settlement, all residents of that community or settlement should be notified of the Forum individually in writing. 2. Local residents should have 21 days' notice of a Forum, to give them sufficient time to arrange attendance, study the proposals and prepare questions. 3. Notices of the Forum should be placed in the local press and on designated community noticeboards.
<p>4.4 Table 2</p>	<p><u>Once a planning application is submitted</u></p> <p><u>Concern:</u> Inadequate advertisement</p> <p>Paragraph 4.4 (Press notice bullet point) states that "<i>in accordance with statutory requirements applications are advertised in the local press</i>".</p> <p>To those unfamiliar with the statutory requirements (which would include most members of the public), this gives the misleading impression that <u>all</u> applications are advertised in the local press.</p> <p>This is not the case. Within the Penwith area at least, the Council currently advertises in "The Cornishman" only those applications that it has a statutory duty to advertise: major developments; applications subject to an EIA; applications that do not accord with the development plan; and applications affecting a listed building, a public right of way or a conservation area.</p> <p>No other applications are advertised. Most local residents we have consulted are unaware that the list published in "The Cornishman" is incomplete.</p> <p>This contrasts with the policy applied by the former Penwith District Council, which advertised all planning applications in "The Cornishman".</p>

	<p>Although the current policy satisfies the minimum statutory requirement, it discriminates against people with no internet access because notices of most planning applications can now only be accessed online.</p> <p>To allow everyone equal opportunity to be informed of applications, the Council should go beyond the statutory minimum and should publish <u>all</u> planning applications in the local press, without exception.</p> <p>This is particularly important for smaller rural communities, where even a development that does not qualify as “major” may have a significant impact on local residents.</p> <p><u>Proposed change</u></p> <p>Amend Council policy to require all planning applications to be published in the local press, and amend the third bullet point accordingly:</p> <p>• Press notice – In accordance with statutory requirements All applications are advertised in the local press;</p> <p>If the Council refuses to make this policy change in spite of the prejudicial effect on residents with no internet access, then the above bullet point should be amended to make it clear that not all applications are advertised:</p> <p>“• Press notice – In accordance with statutory requirements, <u>some types of application, but not all,</u> are advertised in the local press;”</p>
<p>4.4 Table 2</p>	<p><u>Summary of Consultation Methods</u></p> <p><u>Concern:</u> Failure to consult local councils on certain matters</p> <p>Based on table 2, it would appear that consultation with the local council is no longer required for minor developments or householder developments.</p> <p>This represents a substantive removal of powers from town/parish councils that runs counter to the spirit of localism and community involvement in planning decisions.</p> <p>In many small rural communities even a “minor” development can have a substantial impact on local residents, and their local town or parish council (which has far more in-depth knowledge of local conditions and constraints than Cornwall Council) should retain its status as consultee on such matters.</p> <p><u>Proposed change</u></p> <p>Amend table 2 to place tick-marks under “Consultation with local council” for the “Minor Development” and “Householder Development” types of application.</p>

<p>4.4 Table 2</p>	<p><u>Summary of Consultation Methods</u></p> <p><u>Concern:</u> No neighbourhood notification on certain matters</p> <p>Based on table 2, it would appear that neighbourhood notification is not required for (i) Departure from the Development Plan, (ii) Development affecting a Public Right of Way and (iii) Waste Operations. Each of these has the potential to significantly affect residents of neighbouring properties, who should therefore be individually notified. Omitting neighbours from the process runs counter to the spirit and letter of paragraph 155 of the NPPF.</p> <p><u>Proposed change</u></p> <p>Amend table 2 to place tick-marks under "Neighbour notification" for the "Departure from the Development Plan" "Development affecting a Public Right of Way" and "Waste Operations" types of application.</p>
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