Uttlesford District community involvement protocol

For significant
development
Proposals
July 2020

For any queries relating to this document

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Community involvement protocol

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1 What is the Protocol?

This protocol sets out a series of commitments for Developers, Uttlesford District Council and Parish and Town Councils within Uttlesford District.

These commitments aim to ensure that Parish and Town Councils in the district, are provided with genuine opportunities to shape development proposals that may affect their community before any planning applications are submitted.

The Protocol is aimed at those proposals in the District that could be determined significant to the local community and other stakeholders. This reflects the fact that what feels like a major proposal to a smaller village may not feel so major to a larger community.

The Protocol is supplementary to the Council's Statement of Community Involvement (SCI), which sets out how the Council would expect any developers with major planning proposals or those deemed significant to the local community and other stakeholders, to involve communities in shaping those proposals at an early stage.

The SCI provides the Council's definition of 'major development' but the following three tier framework shall be used to determine whether a development proposal is 'significant', for the purposes of this protocol:

Tier	Description	Example
1	Applications where there are considerable issues of scale and controversy or which are contrary to Development Plan policy.	Proposal to develop an unallocated greenfield site for houses, at variance with policies in the Development Plan.
2	Applications broadly in accordance with the Development Plan BUT raising controversial detail and other departures from the Development Plan.	A proposal that is likely to have an effect on the environment due to its nature, size and location.
3	Applications of a scale or development area for which the Council requires wider community involvement; applications that fall within sites that are sensitive to development pressures.	A proposal that involves the Council in seeking the provision of affordable housing.

2 Why have we produced this Protocol?

In addition to producing planning policies to guide future development in the District, Uttlesford District Council is keen to ensure that Town and Parish Councils have genuine opportunities to get involved in shaping any proposals for significant development in their communities. One method of achieving this is to produce a Community Involvement Protocol that sets out a joint working between the Developer, the Council and Town and Parish Councils to meeting the principles for effective community involvement.

Uttlesford District Council will also continue to engage with communities in the district in order to produce Neighbourhood Plans or Design Guides for determining where particular types of growth could or should be located.

The team at Uttlesford envisage working closely with developers, Town and Parish Councils and Ward Members setting out a timetable which includes full community engagement. Working together to ensure that any proposal being submitted as an application has been considered locally.

There will be occasions when not every detail can be agreed, therefore, there will also be an element of 'what we have not agreed' to be shared as well.

3 What is Community Involvement?

Community involvement is more than just consultation, whereby communities and other stakeholders are presented with a set of options and asked to comment on them.

The process of community involvement, in this context, is one in which communities and other stakeholders are actively encouraged, from an early stage, to contribute their views in shaping development proposals that may affect their area.

In the context of this Protocol, the term 'community' can be defined as any member of the public living or working within Uttlesford district, as well as any other individual or organisation with an interest in the future development of the area (these may also be known as 'other stakeholders').

This definition therefore includes potential future residents of the district and one of the aims of this Protocol should be to involve representatives of this group, along with existing communities and stakeholders in shaping any development proposals. Not sure about this part because how can we make it happen?

4 Principles for Effective Community Involvement

Uttlesford District Council's Statement of Community Involvement, mentioned earlier, sets out a series of principles for effective community involvement that are based on the priorities of communities and stakeholders that were identified through discussions at the time the document was produced. These can be summarised as follows:

We obviously need to talk to developers and Town/Parish Councils and other stakeholders to find out what they want.

These principles should similarly form a basis for community involvement in shaping proposals for development. The various commitments within this Protocol aim to ensure that these principles are embedded in this activity.
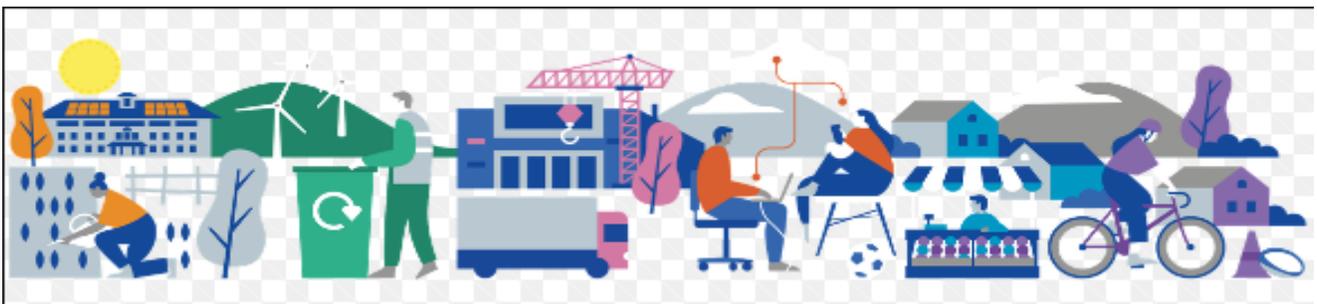
5 The Protocol—Developers

- *In signing up to this Protocol, developers with significant proposals affecting an Uttlesford community (or communities) agree to:*

- Undertake the following stages of community involvement in developing proposals (*Ref. Appendix 1)

1	Evidence gathering:	To identify the key issues to be addressed
2	Masterplanning:	To decide the layout and distribution of the
3	Pre-application publicity:	To show the public the draft proposals, and take on board any comments, before

- Produce and progress a Community Involvement Plan, to include:

  ♦ *Identification of the relevant stakeholders in the area (eg. Community groups/service providers/organisations working at a district/regional level).*

  ♦ *Details of a single point of contact within the company that any member of the public can contact for more information on the proposal.*

  ♦ *Guidance on how the outline proposals and community involvement opportunities relating to them will be publicized.*

  ♦ *Agreed timescales for each of the three community involvement states listed above.*

  ♦ *How the community and other stakeholders will be consulted/ involved during each of these stages.*

  ♦ *Clarification of how the community and other stakeholders will be able to influence benefits arising from the development (eg. Through Section 106 agreements where applicable).*

  ♦ *Process for reviewing and reporting on the community involvement process.*

- Let the community and other stakeholders know about any changes in the Community Involvement Plan in good time and provide reasons for those changes.

- Establish a clear point of contact at the company that will enable a two-way flow of information regarding the project by way of a Planning Performance Agreement.

The Protocol—The Council

In signing up to this Protocol, Uttlesford District Council agrees to:

- Support the production of developers' Community Involvement Plans by:

  ♦ *Establishing a clear point of contact at the Council that will enable a two-way flow of information regarding the project by way of a Planning Performance Agreement.*

  ♦ *Agreeing timescales for achieving key stages of the planning process and responding to information requests.*

  ♦ *Helping to identify key stakeholders within the community and further afield, and the methods appropriate for involving them.*

  ♦ *Contributing to discussions on the approach to securing benefits from the development.*

- Where requested, consider the presence of staff at developers' community involvement events, to answer any technical questions relating to their services.

- Where available, provide objective, reliable information on any disputed issues (eg. Water supply and disposal, health related issues), in order to help resolve those issues.

- Ensure elected members are up-to-date on development proposals affecting their particular ward(s).

- Provide a high quality flow of information within the authority on proposed development.

- Participate in confirming or checking any particular detail about the proposed development (s), as part of any reasonable request for information.

- Acknowledge and respect the rights of the Town and Parish Council to express their views.

- Help the Town and Parish Councils by making it clear that engagement in this process is in no way an indication of support for any application.

- Promote the Community Involvement Protocol in relevant discussions with appropriate Town and Parish Councils that are not already signatories to the document.

NB. By agreeing to the above commitments, Uttlesford District Council is not indicating its support for any particular planning proposals.

The Protocol—Town and Parish Councils

- *In signing up to this Protocol, Parish and Town Councils within Uttlesford district agree to:*

    - Be prepared to engage constructively with developers and Uttlesford District Council from an early stage, to consider the issues relating to particular development proposals and present any relevant evidence to support the Parish/Town Council's position.

    - Assist in identifying and engaging other interested groups / organisations operating within their community.

    - Help to provide information to the community by identifying local people, places and or means of communication that could be used by developers to publicise their proposals and related community involvement.

    - Seek to understand the full range of community interests the Parish / Town Council is representing with regard to particular development proposals.

    - Identify, clearly and at an early stage, the issues relating to the development proposal(s) that are a priority for the Parish / Town Council and the questions that need asking of the developer and Uttlesford District Council.

    - Help in identifying local opinion about potential benefits from development proposals (eg. Through Section 106 agreements).

    - Acknowledge and respect the rights of all stakeholders to express their views.

NB. By agreeing to the above commitments, Parish and Town Councils that sign up to the Protocol are not indicating their support for any particular planning proposals.

The Protocol—Ward Councillors

• *In signing up to this Protocol, Ward Councillors within Uttlesford district agree to:*

♦ Be prepared to engage constructively with developers, Uttlesford District Council and Town and Parish Councils from an early stage, to consider the issues relating to particular development proposals and present any relevant evidence to support the Ward Councillor's position.

♦ Assist in identifying and engaging other interested groups / organisations operating within their community.

♦ Help to provide information to the community by identifying local people, places and or means of communication that could be used by developers to publicise their proposals and related community involvement.

♦ Seek to understand the full range of community interests the Ward Councillors is representing with regard to particular development proposals.

♦ Identify, clearly and at an early stage, the issues relating to the development proposal(s) that are a priority for the Ward Councillors and the questions that need asking of the developer and Uttlesford District Council.

♦ Help in identifying local opinion about potential benefits from development proposals (eg. Through Section 106 agreements).

♦ Acknowledge and respect the rights of all stakeholders to express their views.

NB. By agreeing to the above commitments, Uttlesford District Council Ward Members are not indicating its support for any particular planning proposals.
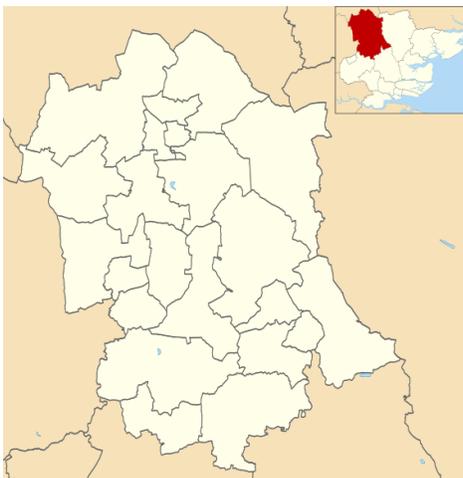
6 Making the Protocol work

This Protocol has been coordinated by Uttlesford District Council which will sign up to the Protocol to demonstrate its commitment to community involvement in planning for growth in the District.

Some of the commitments outlined within the Protocol could be adopted regardless of the position taken by other stakeholders within the area. However, certain other commitments can only be applied if developers with development interests in the district, and Uttlesford District Council, in particular, sign up to the Protocol.

The Council therefore believes it to be fundamental to the success of the Protocol for developers who have proposals affecting the district to become signatories to the Protocol. This 'sign-up' can take place at any time following the Council's adoption of the document. Therefore, the Council will encourage any developer that approaches the authority with a significant development proposal, at any future date, to sign up to the Protocol before undertaking any pre-application discussions.

However, in order for this Protocol to be truly effective, Uttlesford District Council is seeking a similar demonstration of commitment form Town and Parish Councils and Ward Members within the District. UDC will also be seeking a commitment from Developers.

7   Pre-application and Planning Performance Agreements (PPA)

Pre-application engagement by prospective applicants offers significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success. This can be achieved by:

- providing an understanding of the relevant planning policies and other material considerations associated with a proposed development
- working collaboratively and openly with interested parties at an early stage to identify, understand and seek to resolve issues associated with a proposed development, including, where relevant, the need to deliver improvements in infrastructure and affordable housing
- discussing the possible mitigation of the impact of a proposed development, including any planning conditions identifying the information required to accompany a formal planning application, thus reducing the likelihood of delays at the validation stage.
- putting in place a Planning Performance Agreement where this would help with managing the process and agreeing any dedicated resources for progressing the application

The approach to pre-application engagement needs to be tailored to the nature of the proposed development and the issues to be addressed and therefore with a proposal for significant development a Planning Performance Agreement will be required.

A planning performance agreement can be a useful tool to focus pre-application discussion on the issues that will need to be addressed throughout the course of preparing and determining a planning application, and the timescales and resources that are likely to be required.

PPA Continued

The PPA will set out the timetable for the progress of the planning application and will include key dates for community involvement for example:

Milestone	Proposed achieve-ment date	Responsible Team Member (s)
Pre-application submission / discussion—initial		
Pre-application discussion to include Town/Parish representative and Ward Member	Within 2 weeks of initial discussion	
Pre-application discussion—technical details		
Pre-application discussion—s106 to include Town/Parish representative and Ward Member (where a s106 is applicable)		
Community Engagement event		
Pre-application discussion following Community Engagement		
Design Panel		
Pre-application discussion to include Town/Parish representative and Ward Member taking into consideration the comments from the Design Panel.		
Submit application		
Application is valid (please allow at least five days between submission and validation)		
Consultation letters/emails sent		
Post-submission meeting—following the expiration of the consultation period or when all responses have been received.		
Post-submission meeting – to finalise Heads of Terms for S106 Agreement		
Planning Committee date – consideration and resolution		
Agree and sign S106 Agreement within two weeks of res-		

Please note this is an example—a PPA is bespoke to each type of application and may not follow the same timetable.

Appendix 1

Methods of Community Involvement

The following table will hopefully provide developers with some useful guidance on the different types of community involvement techniques that could be used during each of the three stages outlined within their Community Involvement Plan—evidence gathering, masterplanning and pre-application publicity.

Stage	Method	Description
1. Evidence gathering	Questionnaires	Questionnaires can cover a wide range of issues and topics in a structured way, thereby making results easier to analyse. Responses can be incentivised by providing freepost envelopes or raffle prizes. They can be issued in hard copy and/or available electronically via a website.
	Focus groups/workshops	A small group discussion guided by a facilitator, designed to examine specific issues in more detail and can be held virtually.
	Stakeholder liaison group	This may be a stakeholder or community forum that already exits in the locality and can be held virtually
	Public meeting	An open event where proposals are presented and views obtained. This can be held virtually.
	Private meetings	As part of the process of constructive engagement between all stakeholders, it will be necessary for private discussions to take place between developers, the local authority and other stakeholders from time to time.
	Exhibitions	These can be held in the local village hall or can be held virtually.
	Direct leafleting / newsletters	Leaflets provide a basic level of detail regarding a project proposal but offer a good way of sending a clear message to a large number of residents and businesses at the same time.

appendix 2

Glossary of Terms

Community Involvement Protocol

A joint agreement between developers, Uttlesford District Council and Parish and Town Councils within Uttlesford to ensure that communities and other stakeholders have genuine opportunities to influence any significant development proposals before planning applications are submitted.

Section 106 Agreements

A legal agreement under section 106 of the 1990 Town and Country Planning Act. Section 106 agreements are legal agreements between a planning authority and a developer, or undertakings offered unilaterally by a developer, that ensure that certain extra works related to a development are undertaken.

Stakeholders

(As used in this context) Any individual or organization that has an interest in the future development of Uttlesford. At an organizational level, this might include local bodies such as Town Or Parish Council, or organisations working at a wider level, such as Essex County Council. At an individual level, this might include existing residents within a community or potential future residents.

Statement of Community Involvement

A statutory document produced by Uttlesford District Council that sets out how the authority will involve local communitites and other stakeholders in the development of the various planning policy documents. The SCI also sets out how the authority expects developers with any major proposals to involve local communities and other stakeholders in shaping those proposals at an early stage, before a planning application is submitted.