

# Supplementary Planning Guidance (SPD) Protocol

Adopted 20<sup>th</sup> March 2018

Stage of production and associated tasks	Process matters and the role of the Planning Policy team at the Council
<p><b>Stage 1</b> Identify the need for an SPD and evidence gathering</p>	
<ul style="list-style-type: none"> <li>• Identification of the issues and collection of the information needed to prepare the SPD</li> </ul>	<p>At this opening stage of work officers will:</p> <ul style="list-style-type: none"> <li>• Formulate initial aims of the SPD and identify issues to be addressed.</li> <li>• Consider any alternative options to address the issues. This work will also inform the initial stage of the screening/scoping reports required at Stage 2 and does not need to be formally recorded in a report unless it is likely that a full assessment will be required. A record for internal/audit purposes should be kept by the Officer producing the guidance.</li> <li>• Assess the evidence available and produce or commission more if necessary.</li> </ul> <p>It is good practice to list the SPD in the Local Development Scheme (LDS). This is one reason for regular updates to the LDS.</p>
<ul style="list-style-type: none"> <li>• Decide on content and level of detail of the SPD</li> </ul>	<p>In order to establish potential content of the SPD officers will:</p> <ul style="list-style-type: none"> <li>• Consult relevant internal colleagues and other relevant stakeholders to agree the scope of the SPD.</li> <li>• Obtain Committee authority if required (usually from the Strategic Planning Committee) to proceed with SPD production, especially if an SPD is not in the LDS.</li> </ul>
<p><b>Stage 2</b> Preparing the first draft of the SPD</p>	
<ul style="list-style-type: none"> <li>• Drafting the SPD</li> </ul>	<p>To start actual SPD writing officers will:</p> <ul style="list-style-type: none"> <li>• Produce an initial draft of the SPD based on the information and evidence available.</li> <li>• Consult internally and informally with relevant stakeholders. This could include Officers of the Council, relevant Members/Portfolio holders/Member champions, and statutory consultees (e.g. Environment Agency, Historic England, Natural England). Where external interested parties are consulted there should be a clear brief and justification for their involvement at this stage to avoid any perception of pre-determination.</li> </ul> <p>This stage of work is concerned with the drawing up of draft proposals, policies and content of the SPD. This is expected to be an ongoing process to include such matters as:</p> <ul style="list-style-type: none"> <li>- collecting evidence;</li> </ul>

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	<ul style="list-style-type: none"> <li>- defining key issues;</li> <li>- considering alternative approaches;</li> <li>- establishing strategies;</li> <li>- defining and refining choices and specific wording of policies; and</li> <li>- undertaking consultation.</li> </ul>
<ul style="list-style-type: none"> <li>• Habitats Regulations Assessment</li> <li>• Strategic Environmental Assessment</li> <li>• Equalities Impact Assessment</li> </ul>	<p>These three assessment processes require the Council to screen the emerging SPD for potential impacts. Templates will be produced to assist the assessor (typically an officer of the Council though external bodies or consultants may be involved) in screening the SPD (this stage may also be referred to as 'scoping'). For each subject the screening assessment may conclude that either:</p> <ul style="list-style-type: none"> <li>a) there will be no likely significant negative effects and a full assessment is not required, in which case the SEA/HR screening report should be referred to Natural England, Historic England and the Environment Agency for a period of at least 4 weeks (6 weeks is good practice). They may agree with the conclusion of the screening report or may recommend that a full assessment is required);</li> </ul> <p style="text-align: center;"><b><u>Or</u></b></p> <ul style="list-style-type: none"> <li>b) there may or will be significant negative effects and a full assessment is required as part of the SPD work (in which case a full assessment must be carried out and the effects noted/addressed and/or mitigated).</li> </ul> <p>The screening and any subsequent full assessments should then be consulted upon in the same way as, and preferably alongside, the SPD (see Stages 4 and 6 of this protocol).</p>
<p><b>Stage 3</b> Initial formal Member consideration</p>	
<ul style="list-style-type: none"> <li>• Seeking Approval of Strategic Planning Committee for consultation</li> </ul>	<p>Prior to the start of consultation paperwork will need to go to Strategic Planning Committee for approval. Committee will typically receive;</p> <ul style="list-style-type: none"> <li>• a covering report explaining the purpose of the draft SPD and summarising content; and</li> <li>• A copy of the draft SPD as well.</li> </ul> <p>The Committee report will contain links to any relevant background documents such as evidence reports or the SEA that have informed or sit alongside SPD consultation. These documents will sit on a dedicated web page for the SPD.</p>
<p><b>Stage 4</b> The first stage of public participation on the draft SPD (Regulation 12 and 13 of Town and Country Planning (Local Planning) (England) Regulations 2012)</p>	
<ul style="list-style-type: none"> <li>• Consultation with stakeholders and members of the public</li> <li>• Minimum of 4 weeks consultation</li> </ul>	<p>This stage of work addresses the first of at least two stages of public consultation on the SPD. For this consultation the Council will publicise the details of the SPD and make it available for public comment for at least a four week period, though usual practice is to consult for 6 weeks. Consultation will normally include:</p> <ul style="list-style-type: none"> <li>- publicising it on our website and in the Knowledge (or other EDDC newsletter);</li> </ul>

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<ul style="list-style-type: none"> <li>• Consultation should be carried out on: <ul style="list-style-type: none"> <li>○ SPD</li> <li>○ SEA/HRA (screening reports and any subsequent full assessments)</li> <li>○ EqlA (screening reports and any subsequent full assessments)</li> <li>○ Draft Consultation Statement</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- notifying any party on the Local Plan database or other lists who has expressed an interest in the subject.</li> <li>- issuing a press release;</li> <li>- notifying those 'consultation bodies' referred to in the Statement of Community Involvement;</li> <li>- presenting to the Agents Forum, if appropriate;</li> <li>- notifying any specific interest groups/organisations;</li> <li>- advising adjoining authorities, which could include County Councils, other District and Parish Councils (PCs);</li> <li>- notifying Members and Parish Councils; and</li> <li>- making the SPD available at EDDC reception and in local libraries.</li> </ul> <p>The notification will give:</p> <ul style="list-style-type: none"> <li>- details about the SPD proposal;</li> <li>- details of where and when the SPD may be inspected;</li> <li>- details of how to make representations;</li> <li>- details setting out that those making representations may request notification of our decision; and</li> <li>- the date by which representations should be received (being no less than 4 weeks) .</li> </ul> <p>Our usual practice is to provide a representation form for responses but to also accept written responses in other formats and emails. Where a respondent is unable to respond in writing an Officer can act as a scribe provided the respondent gives their permission and confirms the content is accurate. It will be made clear that all responses will usually be made public, subject to redaction of some personal information and any racist or inappropriate content. Representations will then be recorded electronically and made available on our website. It should be noted that:</p> <ul style="list-style-type: none"> <li>- Anyone may make representations about a SPD</li> <li>- All representations must be received by the date specified in the notification.</li> </ul> <p>At this stage a draft Consultation Statement may also be produced and consulted on, although consulting on such a statement it is not a statutory requirement until the Stage 6 of the process (see below). If a draft Consultation Statement is produced and consulted upon now, respondents will have the opportunity to comment upon the appropriateness of the approach to consultation and therefore allowing it to be amended, if necessary, before further consultation is undertaken.</p>
<p><b>Stage 5</b> Considering representations on the First Stage of SPD Consultation</p>	
<ul style="list-style-type: none"> <li>• Consultation Statement</li> <li>• Formal consideration of points raised in Stage 4.</li> </ul>	<p>After the first stage of SPD consultation is completed, officers of the Council will produce a feedback report on comments received and highlight any new additional information that might be relevant to the SPD. The feedback report will be used to inform any potential changes to the first draft of the SPD and will usually take the form of a general summary and then a table summarising each response (or the broad themes raised in responses) with an Officer commentary and a recommendation as to how the SPD should be changed (if at all). The full text of the responses will also be available (with appropriate information redacted) on the</p>

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<ul style="list-style-type: none"> <li>Amendment of the SPD as required.</li> </ul>	<p>council web site. The SEA/HRA, EqlA and Consultation Statement (if relevant/produced) will also be amended, if appropriate, in light of comments received.</p> <p>At this stage of work officers will also produce a Consultation Statement (or refine any earlier draft). The Consultation Statement must give:</p> <ul style="list-style-type: none"> <li>details of the people consulted when preparing the SPD (specifically including the first stage of SPD Consultation);</li> <li>a summary of the issues raised by those people; and</li> <li>how those issues have been addressed in the revised SPD.</li> </ul> <p>All of the above tasks will inform a report that will go to Strategic Planning Committee that will seek approval for the second stage of SPD consultation and formal consultation on the Consultation statement (or the report will otherwise advise on an alternative course of action) required under Regulation 12 of the regulations.</p>
<p><b>Stage 6</b>            Second Stage of Public participation on the revised draft SPD and consultation on the Consultation Statement (Regulation 12 and 13 of Town and Country Planning (Local Planning) (England) Regulations 2012)</p>	
<ul style="list-style-type: none"> <li>Consultation Statement</li> <li>Formal consideration of points raised in Stage 4.</li> </ul>	<p>Regulation 12 requires at least 4 weeks consultation in the same way as the first consultation on the SPD (see Stage 4). This stage of work involves:</p> <ul style="list-style-type: none"> <li>Consultation on the revised SPD (this forms the second of a minimum of two consultations stages on the SPD); and</li> <li>Consultation on the Consultation Statement.</li> </ul> <p>This stage of consultation will replicate the process detailed in Stage 4 of this protocol.</p> <p>The Consultation statement must give:</p> <ul style="list-style-type: none"> <li>details of the people consulted when preparing the SPD (specifically including the first stage of SPD Consultation);</li> <li>a summary of the issues raised by those people; and</li> <li>how those issues have been addressed in the revised SPD.</li> </ul> <p>Following the conclusion of the consultation a summary of responses to the consultation will be reported to the relevant Committee (usually Strategic Planning Committee). This will typically follow the format detailed in Stage 4 of this protocol.</p>
<p><b>Stage 7</b>            Member Consideration and Adoption of SPD by EDDC            (Regulation 14 of Town and Country Planning (Local Planning) (England) Regulations 2012)</p>	
<ul style="list-style-type: none"> <li>Seeking Approval of Strategic Planning Committee</li> </ul>	<p>Following the second stage of SPD consultation a report will be presented to Strategic Planning Committee. The report will typically be expected to recommend one of the following course of action;</p> <ul style="list-style-type: none"> <li>That committee recommend to Cabinet that they adopt the SPD as drafted at the start of consultation;</li> </ul>

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	<p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <li>• That committee recommend to Cabinet that they adopt the SPD with amendments (where amendments are of a minor nature further consultation would not be needed but where more significant changes are proposed then further consultation could be appropriate (see below);</li> </ul> <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <li>• That amendments are made to the SPD and that further consultation is undertaken (where this course of action is appropriate the SPD would typically be expected to go back to Stage 6);</li> </ul> <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <li>• The SPD is not adopted and it is abandoned or further work is put on hold (whilst this would be an unlikely outcome it may be that circumstances change, unforeseen matters arise or other factors indicate that seeking to make further progress is inappropriate).</li> </ul> <p>Committee will typically receive;</p> <ul style="list-style-type: none"> <li>• A covering report explaining the purpose of the SPD;</li> <li>• A copy of the SPD (with any recommended changes incorporated; and</li> <li>• A copy of the Consultation Statement updated to reflect the consultation responses.</li> </ul> <p>The Committee report will contain links to any relevant background documents such as evidence reports or the SEA that have informed or sit alongside the SPD. These documents will sit on a dedicated web page for the SPD.</p>
<p>If Cabinet resolve to adopt, then Cabinet adopt the SPD and an Adoption Statement is then produced</p>	<p>If/when Strategic Planning Committee are content to see the SPD adopted it is their recommendation that goes to Cabinet for Cabinet to adopt the SPD.</p> <p>As soon as possible after Cabinet adopt an SPD the planning policy officers of the Council will prepare an Adoption Statement. The final SPD and the Adoption Statement will be made available at the Council Offices and on the website (and, optionally, other locations that may be relevant).</p> <p>The “adoption statement” will specify:</p> <ul style="list-style-type: none"> <li>- the date on which the SPD was adopted;</li> <li>- if applicable, any modifications made (pursuant to section 23(1) of the Act);</li> <li>- that any person with sufficient interest in the decision to adopt the SPD may apply to the High Court for permission to apply for judicial review of that decision; and</li> <li>- that any such application must be made promptly, and in any event not later than 3 months after the date on which the supplementary planning document was adopted.</li> </ul> <p>Anyone who asked to be notified of the adoption will be sent a copy of the adoption statement and a press release will usually be issued advising that the SPD has been adopted.</p>
<p><b>Post adoption</b></p>	

