

# Agenda

## Planning and Transportation Policy Working Group Meeting

Date: Tuesday, 16 September 2025

Time 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT

Membership:

Councillors Mike Baldock, Monique Bonney, Hayden Brawn (Vice-Chair), Ann Cavanagh, Charles Gibson (Chair), Kieran Golding, Alastair Gould, James Hunt, Peter MacDonald, Julien Speed and Mike Whiting.

Quorum = 3

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### Pages

#### Recording and Privacy Notice

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  - (d) Anyone unable to use the stairs should make themselves known during this agenda item.
- 2. Apologies for Absence
- 3. Minutes

To approve the [Minutes](#) of the Meeting held on 15 July 2025 (Minute Nos. 186 – 189) as a correct record.
- 4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves, their families or friends.

The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPIs) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.
- 5. Statement of Community Involvement: Results of Public Consultation and Adoption 3 - 46

**Issued on Monday, 8 September 2025**

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**Chief Executive, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

<b>Planning and Transportation Policy Working Group</b>	
<b>Meeting Date</b>	16 <sup>th</sup> September 2025
<b>Report Title</b>	Statement of Community Involvement – Consultation Responses Received and Adoption
<b>EMT Lead</b>	Emma Wiggins – Director of Regeneration & Neighbourhoods
<b>Head of Service</b>	Joanne Johnson - Head of Place
<b>Lead Officer</b>	Anna Stonor – Principal Planning Officer (Policy) and Christopher Mansfield Planning Officer (Policy)
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	<ol style="list-style-type: none"><li>1. To note the proposed changes to the draft Statement of Community Involvement found in Appendix I and II for recommendation to Policy and Resources Committee; and</li><li>2. To recommend that Policy and Resources Committee agree the proposed changes to the draft Statement if Community Involvement SCI and that it proceeds to Full Council for adoption.</li></ol>

## 1 Purpose of Report and Executive Summary

- 1.1 At the Policy and Resources Committee on 16<sup>th</sup> October 2024, it was agreed that the draft Statement of Community Involvement (SCI), subject to minor changes as minuted, be published for public consultation.
- 1.2 The purpose of this report is to present the proposed changes to the draft SCI following the six-week consultation which ran from 21<sup>st</sup> May to 2<sup>nd</sup> July and to recommend the document proceeds to Policy and Resources Committee.

## 2 Background

- 2.1 The SCI sets out how the community can get involved in local planning matters. It explains how people can play a part in the preparation of Local Plans, Neighbourhood Plans and Supplementary Planning Documents, as well as the consideration of planning applications and dealing with unauthorised development. It also sets out what is expected from those proposing developments.
- 2.2 Local Planning Authorities are required to produce SCIs and review them every 5 years. The current SCI was adopted in 2018 and updated in 2021 largely to reflect health guidelines related to COVID 19. As such, the SCI is now in need of a refresh. and therefore on 16<sup>th</sup> of October 2024 the draft SCI was agreed for consultation at Policy and Resources Policy Committee, with minor changes.

- 2.3 The draft SCI went out for consultation on 21<sup>st</sup> May for six weeks. Letters/emails were sent to statutory consultees, relevant borough, district, town and parish councils, residents, stakeholders, organisations and businesses on the Council's consultation database. It was also advertised on social media such as Facebook and Swale Means Business and documents and covering letters were sent to Council offices and libraries in the borough. There was also a page dedicated to the SCI on the Council's website.
- 2.4 The consultation website attracted 149 visitors and 638 page views with submissions from six individuals, two Parish Councils, two Local Authorities, one business, one utility company, three statutory consultees and one developer. The questions that garnered the most responses were 1, 4 and 7.
- 2.5 The majority of comments were supportive of the document overall, although many suggested amendments, which have been included where these improve clarity and understanding and don't have a significant resource implication for the Council unless the benefits merit the costs.
- 2.6 Comments included:
- criticism of historic approach to consultation by Swale Borough Council.
  - concern that those without access to computers/digital engagement may be left out of the consultation process
  - need for varied engagement approaches to reach wider sections of the community
  - requirement for applicants to carry out engagement and to report back on their own community consultation processes and how these have influenced their applications
  - adding glossary
  - adding references/links to legislation and more detailed explanation of system/processes
  - seeking direct engagement with tourism operators/caravan park owners
- 2.6 A spreadsheet of comments received and proposed changes to the SCI can be found in Appendix I. A draft updated SCI can be found in Appendix II.

### **3. Proposals**

- 3.1 To note the proposed changes to the draft Statement of Community Involvement found in Appendix I and II for recommendation to Policy and Resources; and
- 3.2 To recommend that Policy and Resources Committee agree the proposed changes to the Statement of Community Involvement and that it proceeds to Full Council for adoption.

## 4. Alternative Options Considered and Rejected

- 4.1 That members propose to Policy and Resources Committee to reject some or all of the suggested changes to the SCI as set out in Appendix I and II.
- 4.2 That members do not recommend adoption of the SCI and therefore retain the current version.
- 4.3 It is a legislative requirement to update SCIs every five years, and it is beneficial to have an up-to-date SCI published in advance of the next consultation phases of the Local Plan. The Local Plan can then be consulted on in line with the new document. As such these alternatives are not considered recommended options.

## 5 Consultation Undertaken or Proposed

- 5.1 Specific consultation for the draft SCI took place on the 21<sup>st</sup> of May for six weeks. Officers have worked with colleagues in the Planning Applications and Planning Investigations teams in preparing and updating the SCI before and after consultation.

## 6 Implications

Issue	Implications
Corporate Plan	The proposals in the report align with the following Corporate Plan action:  A Local Plan with local needs and capacity at its heart.
Financial, Resource and Property	The Local Plan work programme is fully funded across a combination of base budget and committed reserves and central government grant.
Legal, Statutory and Procurement	Updating the SCI every five years is a legislative requirement, therefore publishing an updated SCI will help meet the Council's statutory requirements.
Crime and Disorder	There are no direct crime and disorder impacts arising from this decision.
Environment and Climate/Ecological Emergency	No implications identified at this stage.
Health and Wellbeing	No implications identified at this stage.
Safeguarding of Children, Young	No implications identified at this stage.

People and Vulnerable Adults	
Risk Management and Health and Safety	No implications identified at this stage.
Equality and Diversity	The SCI will allow all member's of Swale society to be involved in the planning process.
Privacy and Data Protection	No implications identified at this stage.

## 7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: SCI Consultation Responses and Summaries
  - Appendix II: Draft Statement of Community Involvement

## 8 Background Papers

- 8.1 [\(Public Pack\)Agenda Document for Planning and Transportation Policy Working Group, 17/09/2024 19:00](#) and [Minutes Template](#) for Planning and Transportation Policy Working Group Committee on Tuesday, 17 September 2024, 7.00 pm
- 8.2 [\(Public Pack\)Agenda Document for Policy and Resources Committee, 16/10/2024 19:00](#) and [Minutes Template](#) for Planning and Resources Committee on Wednesday, 16 October 2024 7. pm

## Chapter 1: Introduction

### Question 1: Do you agree with the description of what a Statement of Community Involvement is and why it is relevant? Do you have any additional comments on Chapter 1?

Response by	Reference	Summary	SBC Response
Mr Nigel Heriz-Smith	SCI25/3-3	<p>1. The comment argues that all households affected should be consulted on key planning issues, specifically the Local Plan (both Reg 18 and Reg 19), Conservation Areas, and the revocation of AQMAs. It stresses that these are central to SBC's responsibilities for national and local planning objectives. The comment opposes reliance on only "those who have shown interest" in the past, as this excludes new residents and others not actively following Council updates.</p>	<p><b>No change agreed</b></p> <p>1. The consultee makes a good point about involving all households in the borough. However, writing to all residents each time there is a local plan consultation, a Conservation Area Appraisal consultation or a revocation of an AQMA would be extremely costly to the Council in terms of printing and delivery. To address this issue in a more cost effective way, the Council will continue to publish details of consultations and to encourage general involvement in planning issues in its biannual Inside Swale Magazine (which is delivered in paper form to all households across the borough) and through the Swale Means Business website and ebulletin - and to make engagement in planning issues regular items in these publications. The Council will also issue press releases, and engage in social media and other engagement events (eg with parish councils, members, community groups, the public generally etc), as appropriate, to ensure that consultations/planning issues are advertised through paper and digital news outlets to enable widespread engagement.</p>
Graveney with Goodnestone Parish Council	SCI25/4-4	<p>1. Agrees that the SCI introduction clearly explains its role, scope, and the importance of early, ongoing community engagement.</p> <p>Suggested improvements include:</p> <p>2. Adding brief definitions or a glossary for technical terms like "Supplementary Planning Documents" and "unauthorised development."</p> <p>3. Expanding on how communities, particularly underrepresented groups (non-digital users, young people, minorities), will be proactively engaged, with specific inclusive practices.</p> <p>4. Providing examples to clarify the distinction between legal requirements and additional actions in paragraph 1.5.</p> <p>5. Briefly referencing other relevant legislation, such as the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011, to establish the statutory foundation.</p>	<p><b>Partial changes agreed</b></p> <p>1. Welcomes support</p> <p>2. Agree that a glossary would be very useful and this will be included</p> <p>3. Paragraph 2.5 of the SCI sets out the principles for involving communities and a commitment to including potentially disengaged groups. How this will be done will vary for different planning matters, but for local plan consultations may include methods such as presentations/videos to, for example, school groups and consultation with representatives of the Travelling Community. The SCI makes clear that digital and online technology will play an important part in the planning process going forward but that engagement via other methods, including letters to those on our consultation database, newsletters promoting signing up for that database, specific engagement events, publication of paper as well as online documents and maps and press releases will also play a key role. The Council will also look to borough and parish councillors to help cascade information to its electorate.</p> <p>4. With regard to the distinction between legal requirements and additional actions, it is felt that this is made very clear with the explanation in paragraph 1.5 and the distinctions set out in subsequent chapters, for example in Chapter 4 - 4.7, 4.8, 4.11, 4.12, 4.14, 4.15, 4.17, 4.18, 4.20, 4.21. It should be noted that where eg 4.12 the document says 'will also' these are not legally required engagement methods.</p> <p>5. Agree that a reference to the legislation would be helpful and this will be included as a footnote to paragraph 1.1.</p>

Duchy of Cornwall	SCI25/5-7	<p>1. The comment welcomes the SCI's clarity and relevance but suggests:</p> <p>2. Making it clearer who the intended users of the SCI are.</p> <p>3. Emphasising that the SCI forms part of the Local Plan framework.</p> <p>4. Expanding Section 2.6 to highlight that the SCI not only guides the Council's consultation but also sets a minimum standard that third parties are encouraged to follow.</p>	<p><b>Change agreed</b></p> <p>1. Welcomes support</p> <p>2. Agree that the users of the SCI could be made clearer and reference to 'residents, businesses and other stakeholders' will be added as a description of 'the community' in paragraph 1.1.</p> <p>3. With regard to the SCI being part of the Local Plan framework, paragraph 1.1 will be amended to make clear that the SCI is a statutory planning document.</p> <p>4. With regard to expanding Section 2.6 (chapter 2), this will be amended to include reference to neighbours and businesses. The paragraph clearly sets out what is expected of developers in terms of pre-application engagement and, while it is encouraged, it is not considered necessary to make this a 'minimum standard'. (See also responses to SCI25/5-5 in Chapter 7 below).</p>
Bredgar Parish Council	SCI25/9-1	No comment	<b>No response required</b>
Mrs K Murphy	SCI25/10-1	<p>1. Comment raises concerns with a current planning application and democracy in planning, but also raises the issue of people who do not use computers and their ability to engage in consultations.</p>	<p><b>No change agreed</b></p> <p>1. The point about the need to engage with people who do not have access to computers is well made. In our Digital Age, it is an essential that planning consultations continue to make provision for those who prefer/need to look at paper documents and speak to people, rather than access information digitally. Section 4 of the draft SCI sets out how this will be done for the Local Plan (eg paper documents and mapping being available at Council offices/libraries) and chapters 5 &amp; 6 set out the process for SPDs and Neighbourhood Plans. With regard planning applications and chapter 7: applications of certain types are advertised in newspapers, site notices are posted which include contact details, and letters are sent to neighbouring residents with contact details for submitting responses in writing. Contact details are available on our website at <a href="https://swale.gov.uk/your-council/contact-us/contact-a-council-service/planning">https://swale.gov.uk/your-council/contact-us/contact-a-council-service/planning</a> or by telephoning the Council on 01795 417850. These details have been added to the draft SCI.</p>
A Ayres	SCI25/11-1	<p>1. Although the comment is mainly regarding a planning application and several impacts of it, this comments on people without computers, or private cars, which could impact their way of communicating with the Council on future consultations.</p>	<p><b>No change agreed</b></p> <p>1. The point about the need to engage with people who do not have access to computers, or private cars, is well made. In our Digital Age, it is an essential that planning consultations continue to make provision for those who prefer/need to look at paper documents and speak to people, rather than access information digitally. Section 4 of the draft SCI sets out how this will be done for the Local Plan (eg paper documents and mapping being available at Council offices/libraries which are generally reasonably accessibly by public transport) and chapters 5 &amp; 6 set out the process for SPDs and Neighbourhood Plans. With regard planning applications and chapter 7: applications of certain types are advertised in newspapers, site notices are posted which include contact details, and letters are sent to neighbouring residents with contact details for submitting responses in writing. Contact details are available on our website at <a href="https://swale.gov.uk/your-council/contact-us/contact-a-council-service/planning">https://swale.gov.uk/your-council/contact-us/contact-a-council-service/planning</a> or by telephoning the Council on 01795 417850. These details have been added to the draft SCI.</p>
Mr P Dixon	SCI25/12-1	No comment	<b>No response required</b>
Natural England	SCI25/13-1	<p>1. Natural England welcomes early and meaningful engagement in local planning and supports community and statutory body involvement in shaping policy and decisions. However, it cannot comment in detail on individual SCIs.</p>	<p><b>No response required</b></p> <p>1. Grateful for comments made and support for meaningful engagement.</p>
Canterbury City Council	SCI25/14-1	No comment	<b>No response required</b>



Mr H Boswell	SCI25/16-1	1. Writing as a holiday park owner - agrees with the SCI definition. Notes that planning decisions impact tourism business, infrastructure, visitor economy. They urge the Council to acknowledge tourism operators and static caravan park owners as key stakeholders, noting their importance to the local economy, infrastructure, visitor experience, and land management with environmental and community implications.	<b>No change agreed</b> 1. The Council agrees that tourism operators and static caravan park owners are key stakeholders in the borough, however, it is not felt that specific reference to them needs to be made in the SCI. The document already recognises (eg paragraph 2.4) that it will be necessary to tailor the engagement approach for specific issues and audiences and listing specific groups would lead to unnecessary detail in the document, making it overly long and potentially less flexible.
Planning Policy Tunbridge Wells Borough Council	SCI25/17-1	1. TWBC agrees with the definition and relevance of the Statement of Community Involvement in paragraph 1.3 and supports the approach in paragraph 1.5, distinguishing between consultation methods the Council is legally required to do (“will”) and additional, optional methods (“may”).	<b>No response required</b> 1. Welcomes support.

## Chapter 2: Principles of Community Involvement

### Question 2: Do you have any comments on the principles of community involvement set out here, or any suggested amendments to Chapter 2?

Response by	Reference	Summary	SBC Response
Mr Nigel Heriz-Smith	SCI25/3-3	<p>1. Criticises the ambiguity in paragraphs 2.4 and 2.5, arguing that vague phrases like “where necessary” and “fit for purpose” allow for weak communication practices. It calls for stronger commitments.</p> <p>2. Swale-wide issues: - Letters should be sent to all households and businesses.</p> <p>3. Localised issues (e.g., AQMA revocations): All directly affected households and businesses should be contacted, with “impacts” interpreted broadly, not just by postcode.</p> <p>4. Clarity in consultation lists: The current wording risks overlooking groups. The default should be that all residents and businesses within or near the scope of a policy are notified, given the significant impacts of planning decisions.</p>	<p><b>No change agreed</b></p> <p>1. The Council considers the language used in paragraphs 2.4 and 2.5 to be appropriate and allows a flexible range of engagement types to suit different events.</p> <p>2./3. /4. For a response to comments that all residents and businesses should be contacted by letter, please see the Council's response to comments SCI25/3-3 and SCI25/11-1 above.</p>

Graveney with Goodnestone Parish Council	SCI25/4-5	<ol style="list-style-type: none"> <li>1. The comment welcomes the clear principles in Chapter 2 and the Council's commitment to engaging communities, but suggests several improvements:</li> <li>2. The list of principles in paragraph 2.5 should be reformatted for clarity, as some points are too long and cover multiple themes.</li> <li>3. Expand on commitments to reach non-digital users through printed materials, phone consultations, drop-in events, and use of libraries/local centres.</li> <li>4. Go further in outlining how participation from harder-to-reach groups will be actively encouraged.</li> <li>5. Welcomes commitment to feedback which should be prompt and accessible including clear summaries of how decisions were made.</li> <li>6. Require developers/landowners submitting major applications to provide a Community Engagement Statement summarising feedback and how it shaped proposals.</li> <li>7. Strengthen the equalities section by referencing the use of Equality Impact Assessments and inclusive venues/communication methods.</li> </ol>	<p><b>Partial changes agreed</b></p> <ol style="list-style-type: none"> <li>1. Grateful for support and suggestions for improvement.</li> <li>2. List under paragraph 2.5 has been amended to improve clarity. With regard the longest point of paragraph 2.5 (about appropriate representations), it is felt that his needs to be kept as is, due to the number of inappropriate representations received.</li> <li>3. With regard to detail of how to reach non-digital users, this is set out elsewhere in the draft SCI as is too detailed for this section about 'principles'.</li> <li>4. With regard to detail of how to reach hard to reach groups, this is set out elsewhere in the draft SCI as is too detailed for this section about 'principles'.</li> <li>5. Noted</li> <li>6. The draft SCI (7.17) sets out that 'information on how engagement has been undertaken, the issues raised and how these have been responded to should be submitted as part of any application'. Not including such a statement of engagement would not be a reason for refusing planning permission and as such, while it is encouraged, it is not considered appropriate to make it a 'requirement'.</li> <li>7. An Equalities Impact Assessment for the Local Plan will be published at the Regulation 19 stage and will be published on the SBC website. A reference to this will be added to Chapter 3. Equalities Impact Assessment are not mandatory for planning applications but can be useful to inform both an assessment in relation to the application of the Equalities Act 2010 and the assessment of a planning application. If an applicant chooses to submit one, the Council would have regard to it.</li> </ol>
Duchy of Cornwall	SCI25/5-3	<ol style="list-style-type: none"> <li>1. The comment values the Council's focus on accessibility and transparency but recommends two enhancements:</li> <li>2. Explicitly include early engagement by landowners/applicants within the Council's own principles (to align with Section 2.6 and set a clear example).</li> <li>3. Add a principle on conducting Equality Impact Assessments (EQIAs) to better understand diverse community needs, linking to sections 2.5.v and 2.9, with reference to pro forma EQIAs used by other councils.</li> </ol>	<p><b>Partial changes agreed</b></p> <ol style="list-style-type: none"> <li>1. Welcomes comments and suggestions for improvement.</li> <li>2. With regard to recommended enhancements: a new bullet point has been added about engagement by landowners/applicants</li> <li>3. An Equalities Impact Assessment for the Local Plan will be published at the Regulation 19 stage and will be published on the SBC website. A reference to this will be added to Chapter 3. Equalities Impact Assessment are not mandatory for planning applications but can be useful to inform both an assessment in relation to the application of the Equalities Act 2010 and the assessment of a planning application. If an applicant chooses to submit one, the Council would have regard to it.</li> </ol>
Sarah Moakes	SCI25/6-2	<ol style="list-style-type: none"> <li>1. Developer consultations are one-sided and should show how community concerns were addressed.</li> <li>2. Calls for more transparency in developer-planning officer interactions, with all discussions minuted and publicly available.</li> </ol>	<p><b>No change agreed</b></p> <ol style="list-style-type: none"> <li>1. The draft SCI (7.17) sets out that 'information on how engagement has been undertaken, the issues raised and how these have been responded to should be submitted as part of any application'. Not including such a statement of engagement would not be a reason for refusing planning permission and as such it is not considered appropriate to make it a 'requirement'.</li> <li>2. Best practice applications will set out the history of the application process, the engagement undertaken and how the community's concerns have been addressed. However, in order to enable frank discussions between officers and applicants, it is necessary for meetings such as these to remain confidential and this is standard practice across the industry.</li> </ol>

Mr H Boswell	SCI25/16-2	<ol style="list-style-type: none"> <li>1. Agrees with the principles, especially the use of varied engagement methods</li> <li>2. Suggests adding seasonal businesses (like holiday parks) to the groups needing tailored engagement</li> <li>3. Suggests avoiding consultations during peak tourism seasons to allow meaningful participation.</li> </ol>	<b>No change agreed</b> <ol style="list-style-type: none"> <li>1. Welcomes comments and overall agreement with principles.</li> <li>2. Specific reference to seasonal businesses in this chapter of the SCI (about principles) would not be appropriate. Please also see responses to SCI25/16-1, SCI25/16-4 and SCI25/16-5.</li> <li>3. Local Plan consultations seek to avoid key holiday periods or if they can't be avoided are generally lengthened. It is considered that this valid point is rather detailed to be explicitly referenced in the principles of the SCI, for example as it cannot apply to planning applications (where there is a legislative requirement to consult once applications are validated). In general, the point about 'using a variety of methods (paragraph 2.5) which make it easier for people to take part in the planning process' covers this issue.</li> </ol>
Planning Policy Tunbridge Wells Borough Council	SCI25/17-2	<ol style="list-style-type: none"> <li>1. The community involvement principles in paragraph 2.5 clear are fair but suggests amendments:</li> <li>2. Renaming the subheading to “Early pre-application engagement by landowners and developers” to stress early public/stakeholder input.</li> <li>3. Adding a requirement for a Record of Community Involvement with planning applications.</li> <li>4. Including a section on the Duty to Cooperate with neighbouring authorities under Section 2 for greater emphasis.</li> </ol>	<b>Partial changes agreed</b> <ol style="list-style-type: none"> <li>1. Welcomes support and suggested amendments.</li> <li>2. The subheading above paragraph 2.6 about 'engagement by landowners and developers' has been renamed 'Pre-application engagement by landowners and developers' and the point about early engagement by these bodies has also been added to the principles under paragraph 2.5.</li> <li>3. The draft SCI (7.17) sets out that 'information on how engagement has been undertaken, the issues raised and how these have been responded to should be submitted as part of any application'. Not including such a statement of engagement would not be a reason for refusing planning permission and as such, while it is encouraged, it is not considered appropriate to make it a 'requirement'.</li> <li>4. An explanation of the Duty to Cooperate process and statement has been added to chapter 3.</li> </ol>

### Chapter 3: Planning for the future of Swale Borough Council

#### Question 3: Do you have any comments on Chapter 3 and the documents that are produced in planning for the future of Swale?

Response by	Reference	Summary	SBC Response
Graveney with Goodnestone Parish Council	SCI25/4-1	No comment	<b>No response required</b>
Duchy of Cornwall	SCI25/5-6	<ol style="list-style-type: none"> <li>1. The comment praises the clear outline of planning documents but suggests strengthening the chapter by:</li> <li>2. Adding brief explanations or links on how each document is prepared, including its evidence base and approval process (better placed here than in Chapter 4).</li> <li>3. Including information on democratic oversight and decision-making, clarifying how documents are ratified.</li> <li>4. Providing a short explanation of the hierarchy of plans (from the NPPF down to local planning documents) to give context to the Council's obligations and the purpose of each document.</li> </ol>	<b>Changes agreed</b> <ol style="list-style-type: none"> <li>1. Welcomes comments and suggested amendments.</li> <li>2. Reference to evidence base has been added to this chapter, as well as links to the sections of the website where documents are available.</li> <li>3. More detail has been added on the context for planning in Swale, the role of councillors etc. Brief detail on the role of Council in ratifying local plan stages is also included in Chapter 4.</li> <li>4. Detail on the hierarchy of the planning system has been added (3.1-3.6)</li> </ol>
Sarah Moakes	SCI25/6-1	<ol style="list-style-type: none"> <li>1. Regrettable that SBC does not use the Community Infrastructure Levy (CIL), noting it's a fixed, non-negotiable charge tied to development size and type, making it harder for developers to avoid paying</li> </ol>	<b>No change required</b> <ol style="list-style-type: none"> <li>1. Comment noted.</li> </ol>
Mr H Boswell	SCI25/16-3	No comment	<b>No response required</b>

Planning Policy Tunbridge Wells Borough Council	SCI25/17-3	<ol style="list-style-type: none"> <li>1. List of main policy documents comprehensive but suggests adding the Authority Monitoring Report to show how policy effectiveness is monitored.</li> <li>2. The list should be kept under review in light of upcoming national plan-making guidance.</li> </ol>	<b>Partial change agreed</b> <ol style="list-style-type: none"> <li>1. Reference to the Authority Monitoring Report has been added to Chapter 3.</li> <li>2. SCIs need to be reviewed every 5 years. References to this has been added to 3.7. Any changes to processes and required documents will be updated during that review, or earlier if deemed necessary.</li> </ol>
<b>Chapter 4: Engagement process for Local Plans</b>			
<b>Question 4: Do you have any comments or suggestions on Chapter 4, around the engagement process for Local Plans?</b>			
<b>Response by</b>	<b>Reference</b>	<b>Summary</b>	<b>SBC Response</b>
Environment Agency	SCI25/2-1	No comment	<b>No response required.</b>
Mr Nigel Heriz-Smith	SCI25/3-4	<ol style="list-style-type: none"> <li>1. The comment is strongly critical of SBC's past public engagement in the Local Plan Review, arguing that failures during the Reg 18 and Reg 19 stages caused public distrust. The commenter calls for a proactive, universal notification policy and a clearer, more inclusive list of consultees to rebuild trust and ensure meaningful engagement.</li> <li>2. The comment also requests that water companies should be specifically included in the list of non-statutory consultees.</li> </ol>	<b>Partial change agreed</b> <ol style="list-style-type: none"> <li>1. The strength of feeling behind this representation is understood. However, as set out above, the cost of writing to all residents and businesses at all stages of the Local Plan process, as is being requested, is beyond the scope of the Local Plan's budget and as such, the approaches set out in Chapter 4 are considered appropriate in the circumstances.</li> <li>2. With regard to the inclusion of water companies in the list of consultees, water companies are already included as 'utility companies', but for clarity this has been amended to 'utility companies, including water companies'.</li> </ol>
Graveney with Goodnestone Parish Council	SCI25/4-7	<p>The comment requests greater clarity and stronger commitments in Chapter 4:</p> <ol style="list-style-type: none"> <li>1. Clearly explain how individuals/consultees can register to be notified or informed (Sections 4.5 ix, 4.17 iii, 4.20 ii).</li> <li>2. State the minimum notice period for intention to produce a Local Plan (Section 4.7 i).</li> <li>3. Make provision of paper copies of the Inspector's Report and adopted Local Plan at main libraries mandatory, not optional (Sections 4.18 i, 4.21 i), to match the approach in 4.12 i.</li> </ol>	<b>Partial change agreed</b> <ol style="list-style-type: none"> <li>1. Agree that details of how to be added to the consultation database would be helpful and this has been added to the end of paragraph 4.5</li> <li>2. Regulation 18 of the Town and Country Planning Regulations 2012 concerns the preparation of a local plan. The minimum notice period is not set out explicitly, however, we would consider it to be 6 weeks.</li> <li>3. It is our intention to provide paper copies of the Inspector's Report and the adopted Local Plan at main libraries, however, final decisions on this will be made at the time, depending on resources within the Local Plan's team.</li> </ol>
Duchy of Cornwall	SCI25/5-1	<ol style="list-style-type: none"> <li>1. The comment welcomes the clarity of this chapter but suggests several improvements.</li> <li>2. Clarity of stages: Explicitly name statutory stages (e.g., Regulation 18 and 19) for easier cross-reference with national guidance.</li> <li>3. Add a diagram showing the planning hierarchy from national to local levels for accessibility.</li> <li>4. In section 4.6 soften wording about elected members' responsibility for notifying residents, as it may be misleading.</li> <li>5. In sections 4.7 &amp; 4.12 Expand on communication methods by incorporating a wider mix of digital channels and site notices alongside print media.</li> <li>6. In section 4.10 provide a fuller explanation (or hyperlink) on the Planning Inspectorate's role.</li> <li>7. Insert a description of the Council's internal democratic processes for finalising the Local Plan before submission to the Inspector.</li> </ol>	<b>Partial changes agreed</b> <ol style="list-style-type: none"> <li>1. Welcomes support and suggestions for improvements.</li> <li>2. Agree reference to the Regulation stages would add clarity and these have been added to paragraph 4.3.</li> <li>3. The planning hierarchy has been explained in further detail in amendments to Chapter 3. It is thus not considered necessary to include a diagram to this chapter as well.</li> <li>4. The last sentence of 4.6, around Ward Members, has been included following member request and discussion at <b>Policy and Transportation Planning Working Group, 17th Sep 2024</b>, however the emphasis has been amended.</li> <li>5. 4.7 and 4.12 are considered appropriate for the resources the Council has and flexible enough to go further when needed.</li> <li>6. A hyperlink to the Planning Inspectorate has been added.</li> <li>7. A reference to the local plan needing to be agreed by relevant committees and ratified by Council has been added to 4.19.</li> </ol>

SARAH MOAKES	SCI25/6-3	1. Local Plans should be subject to referendum like Neighbourhood Plans.	<b>No response required</b> 1. This is a matter of national legislation, and not one that can be addressed in this SCI.
National Highways	SCI25/7-1	1. Comment emphasises early engagement with National Highways in planning related matters and gives details of how to do this.	<b>No response required.</b> 1. Welcomes comment on importance of early engagement.
Mrs V Rook	SCI25/15-1	1. The comment raises concern about the hamlet of Dargate and the fragmentation of its surrounding farmland following its sale. Much of the land has been converted into various uses with multiple new highway accesses created, often without formal change of use. The request is for the Council to adopt strong policies to protect farmland, questioning whether the existing Boughton and Hernhill Fruit Belt Policy is sufficient to safeguard this important local asset and its historic orchards.	<b>No response required</b> 1. This is a matter for the Local Plan itself, not the SCI. The comment is noted.
Mr H Boswell	SCI25/16-4	1. The process is thorough but recommends directly consulting holiday park owners on Local Plan proposals affecting tourism, rural land use, or environmental designations, and giving clearer guidance on how Local Plans will address tourism-related development and infrastructure improvements.	<b>No change agreed</b> 1. Businesses, including holiday park owners etc, will be consulted on the Local Plan directly if they have signed up to the consultation database. This will be encouraged through press and publicity, including through the Swale Means Business website and emails. The Local Plan team is grateful for the effort Mr Boswell has put into his responses to this consultation and <b>will contact him</b> to discuss how best to get holiday related businesses to sign up to the consultation database. Issues about how the Local Plan will address tourism-related development and infrastructure improvements will be made through the forthcoming Local Plan consultations and is beyond the scope of the SCI itself.
Planning Policy Tunbridge Wells Borough Council	SCI25/17-4	1. The chapter clearly explains the Local Plan preparation process and supports the proposed consultation methods, while noting the need to review them in light of future national guidance. They suggest: 2. Adding “residents” higher in the list of consultees under paragraph 4.5 for inclusivity. 3. Referring to social media and newsletters as possible engagement tools at all plan-making stages for consistency. 4. If Swale has a consultation database, including details in this section on its existence and how to join.	<b>Partial change agreed</b> 1. Welcomes comments and suggestions for improvements. 2. Considers the current listing of people to be involved is appropriate, as it generally follows a logical scale from the national to the local. 3. Social media and newsletters are already included as potential methods of engagement. 4. Agree - details of how to be added to the consultation database are included at the end of 4.5.

## Chapter 5: Engagement process for supplementary planning documents

### Question 5: Do you have any comments or suggestions on Chapter 5, around the engagement process for Supplementary Planning Documents?

Response by	Reference	Summary	SBC Response
Mr Nigel Heriz-Smith	SCI25/3-1	1. The comment is highly critical of SBC’s approach to consultation in Chapter 5, arguing it is bureaucratic, passive, and inaccessible to most residents. The commenter calls for mandatory, proactive outreach and extended consultation times (to 12 weeks) to ensure genuine public involvement in planning.	<b>No change agreed</b> 1. Comment on more proactive engagement and 12 week consultation period for a range of Council consultations is well made. However, Council resources and the timetable for local development consultations would rarely allow such approaches. It should be noted that the consultation period of 4 weeks which is mentioned in this chapter is a statutory minimum. It is likely that most consultation periods will be for 6 weeks, depending on circumstances at the time.
Graveney with Goodnestone Parish Council	SCI25/4-8	No comment	<b>No response required.</b>

Duchy of Cornwall	SCI25/5-4	1. The comment supports the approach to SPDs but recommends that all SPDs adopt a minimum six-week consultation period, consistent with Local and Neighbourhood Plans, to align with best practice and public expectations.	<b>No change agreed</b> 1. The consultation period of 4 weeks which is mentioned in this chapter is a statutory minimum. It is likely that most consultation periods will be for 6 weeks, but this is dependant on circumstances at the time.
National Highways	SCI25/7-2	1. Comment emphasises early engagement in planning related matters	<b>No response required.</b> 1. Welcomes comment on importance of early engagement.
Mr H Boswell	SCI25/16-5	1. Supports the approach but calls for more targeted engagement with tourism and leisure businesses on SPDs affecting holiday parks, and for specific guidance to address the unique planning challenges holiday parks face.	<b>No change agreed</b> 1. Welcomes comment and suggested amendments. Any SPD related to holiday parks would seek to involve targeted consultation with those experienced and working in leisure and tourism locally, in line with point i of 5.5 (Early engagement and preparation of a draft SPD). The need for specific guidance on holiday parks is outside the scope of the SCI.
Planning Policy Tunbridge Wells Borough Council	SCI25/17-5	1. This chapter is comprehensive, covering all relevant stages and consultation methods in line with Regulations.	<b>No change required</b> 1. Welcomes support for this chapter.

## Chapter 6: Engagement process for neighbourhood development plans

### Question 6: Do you have any comments or suggestions on Chapter 6, around the engagement process for Neighbourhood Plans?

Response by	Reference	Summary	SBC Response
Graveney with Goodnestone Parish Council	SCI25/4-3	No comment	<b>No response required.</b>
National Highways	SCI25/7-3	1. Comment emphasises on early engagement in planning related matters	<b>No response required.</b> 1. Welcomes comment on importance of early engagement.
Mr H Boswell	SCI25/16-6	1. Council should ensure that local businesses, especially holiday parks, should be actively invited to participate in planning. They warn that ignoring tourism in planning policies could harm growth and investment in the sector.	<b>No change required but action for planning policy team recommended.</b> 1. The planning policy team will carry out an exercise to ensure that local holiday park operators are included in the consultation database where possible.
Planning Policy Tunbridge Wells Borough Council	SCI25/17-6	1. The chapter on Neighbourhood Plan preparation is thorough and useful but suggests: 2. Adding under paragraph 6.14 that the LPA submits the Plan to the examiner. 3. Including a brief explanation of what a referendum is and how voting works, either in paragraph 6.17 or in the section's introduction.	<b>Changes agreed.</b> 1. Welcomes support and suggested recommendations. 2. Additional text has been added to 6.12 to reflect these comments. 3. Additional text has been added to 6.17 to reflect these comments.

## Chapter 7: Engagement process for planning applications

### Question 7: Do you agree with the engagement process for planning applications as set out in Chapter 7? Do you have any additional comments?

Response by	Reference	Summary	SBC Response
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Graveney with Goodnestone Parish Council	SCI25/4-2	<p>1. Para 7.4 Parish councils should be provided with information on 'prior approval' developments within their parish.</p> <p>2. Para 7.15, the table on 'Major Applications' should include placing an advert in the local press.</p>	<p><b>Partial change agreed.</b></p> <p>1. Prior approval applications appear on the weekly list that is circulated to those who have requested it and is available at <a href="https://pa.midkent.gov.uk/online-applications/search.do?action=weeklyList">https://pa.midkent.gov.uk/online-applications/search.do?action=weeklyList</a>. This allows a search by parish or ward. Details of how to access the weekly list will be added paragraph 7.20.</p> <p>2. Table 1 is a list of engagement activities that developers can engage with, not requirements for the council to do, which are set out in paragraph 7.22. 7.22 will be enhanced with a reference to newspaper adverts, a link to where the statutory publicity requirements are set out, which for major applications includes newspaper adverts. A hyperlink to the relevant legislation will also be added.</p>
Duchy of Cornwall	SCI25/5-5	<p>1. The comment welcomes the Council's explanation of planning application engagement but suggests several improvements:</p> <p>2. Section 7.3: Add a link to more information on permitted development rights.</p> <p>3. Section 7.3(b): Clarify the term "time limits," which may be misleading.</p> <p>4. Consultation summaries: Require applicants for minor, major, and large-scale major applications to submit a Summary of Consultation, supported by a standard template.</p> <p>5. Section 7.26: Strengthen wording to confirm that all issues will be considered "up to the point of determination."</p> <p>6. Scope: Expand Chapter 7 to cover strategic sites, hybrid/outline applications, masterplans, reserved matters, and discharge of conditions (especially pre-commencement and pre-occupation).</p> <p>7. Guidance: Include links to further guidance and policy documents to aid users seeking deeper understanding.</p>	<p><b>Partial changes agreed.</b></p> <p>1. Welcomes comment and suggested improvements.</p> <p>2. Link to more information on PD rights added (GPDO and Planning Portal)</p> <p>3. Phrase 'time limits' has been removed - phrase 'time periods' remains</p> <p>4. The draft SCI (7.17) sets out that 'information on how engagement has been undertaken, the issues raised and how these have been responded to should be submitted as part of any application'. Not including such a statement of engagement would not be a reason for refusing planning permission and as such, while encouraged, it is not considered appropriate to make it a 'requirement'.</p> <p>5. Paragraph 7.26 has been amended to include this point about consideration of issues up to point of determination.</p> <p>6. Strategic sites, hybrid, outline, reserved matter applications are handled in the same way as full applications for planning permissions and no distinction has been made in the SCI between them, and is not needed. As a rule the Development Management team do not consult the public in relation to discharge of condition applications.</p> <p>7. Reference to the NPPF and PPG as material considerations has been included in paragraph 7.7 of this chapter</p>
SARAH BAKES	SCI25/6-4	<p>1. Applicants should not just be encouraged, but required, to consult affected parties and provide evidence they have done so.</p>	<p><b>No change agreed.</b></p> <p>1. Planning Practice Guidance (Paragraph: 027 Reference ID: 5-027-20150415) directs us to where pre-application public consultation is mandatory. Otherwise, pre-application engagement with the local community is encouraged (and specifically referred to in paragraph 41 of the NPPF and in the SCI (Chapters 2 &amp; 7)), but is discretionary.</p>
National Highways	SCI25/7-1	<p>1. Comment emphasises on early engagement in planning related matters</p>	<p><b>No response required.</b></p> <p>1. Welcomes comment on importance of early engagement.</p>
Southern Water Services Ltd	SCI25/8-1	<p>1. Comment suggests that sustainability should mention sustainable urban drainage solution. Additionally, although water companies are not statutory consultees they prefer to be consulted</p>	<p><b>Change agreed</b></p> <p>1. 'Flood risk, water quality and water resources' have been added to the (non-exclusive) list of material considerations to improve clarity and understanding.</p>

Mr H Boswell	SCI25/16-7	<ol style="list-style-type: none"> <li>1. Supports the process and pre-application engagement but asks that:</li> <li>2. Holiday park owners be notified and consulted on nearby developments due to their insight on tourism and local impacts.</li> <li>3. The Council provide plain-English summaries of complex applications to help busy small business</li> </ol>	<p><b>Partial change agreed</b></p> <ol style="list-style-type: none"> <li>1. Welcomes support and specific requests.</li> <li>2. Sections 7.22 and 7.23 outline the processes for consulting neighbours, including neighbouring businesses. It is noted that this might not include all neighbours that the commentor is requesting. In response more detail on how information on planning applications in Swale can be found is now set out in paragraph 7.20 (details of Planning Public Access and the weekly list of planning applications).</li> <li>3. A plain English summary of complex applications is a welcome suggestion, but would be too resource intensive for the Council. However, Council's website of planning applications, mentioned here and now included in paragraph 7.20 of the SCI, includes a succinct summary of the application in the application title. Once the application has been found, the 'Document Types' which outline the applications best are generally the Design and Access Statements and the Planning Statements where they have been prepared and well as 'proposed' plans.</li> </ol>
Planning Policy Tunbridge Wells Borough Council	SCI25/17-7	<ol style="list-style-type: none"> <li>1. Generally agrees with the proposed engagement process for planning applications but notes it should be reviewed pending potential government changes. Suggested additions include:</li> <li>2. 'Before the Application is Submitted' - define what constitutes a major and larger-scale major application in Table 1.</li> <li>3. Include reference to submitting a Record of Community Involvement with planning applications.</li> <li>4. 'During the Application Process': clarify when letters or site notices will be used, suggesting consistent use of one or both methods.</li> <li>5. Include reference to amendments to applications and the associated re-consultation process.</li> </ol>	<p><b>Partial change agreed</b></p> <ol style="list-style-type: none"> <li>1. SCIs need to be reviewed every 5 years. Any changes to processes will be updated during that review, or earlier if deemed necessary.</li> <li>2. Explanation of development scales has been included as a footnote.</li> <li>3. The draft SCI (7.17) sets out that 'information on how engagement has been undertaken, the issues raised and how these have been responded to should be submitted as part of any application'. Not including such a statement of engagement would not be a reason for refusing planning permission and as such, while encouraged, it is not considered appropriate to make it a 'requirement'.</li> <li>4. Reference to legislation/guidance on site notices (Development Management Procedure Order) will be added as a hyperlinks to 7.22 and 7.22 will be expanded to add reference to newspaper adverts.</li> <li>5. As a rule the Council does not reconsult the public in relation to amendments and discharge of conditons applications. This is in accordance with the Planning Practice Guidance (Paragraph: 026 Reference ID: 15-026-20190722) "Where an application has been amended it is up to the local planning authority to decide whether further publicity and consultation is necessary in the interests of fairness. In deciding what further steps may be required local planning authorities should consider whether, without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended." A judgement will be made in each case as to who should be consulted and how long the window of opportunity to comment should be.</li> </ol>

## Chapter 8: Dealing with unauthorised development

### Question 8: Do you have any comments on Chapter 8, around how the Council deals with unauthorised development?

Response by	Reference	Summary	SBC Response
Mr Nigel Heriz-Smith	SCI25/3-2	<ol style="list-style-type: none"> <li>1. The comment argues that enforcement should not be left solely to Council discretion.</li> <li>2. It suggests creating a formal mechanism for residents and businesses to trigger stronger enforcement responses, such as through referenda or petitions. It also proposes that local councillors should be empowered to initiate formal action when requested by their communities. This would make the process more democratic, transparent, and responsive.</li> </ol>	<p><b>No change agreed.</b></p> <ol style="list-style-type: none"> <li>1. Planning Practice Guidance (Paragraph: 003 Reference ID: 17b-003-20140306 at <a href="https://www.gov.uk/guidance/ensuring-effective-enforcement">https://www.gov.uk/guidance/ensuring-effective-enforcement</a>) advises that planning enforcement is discretionary , as does paragraph 60 of the NPPF which states that 'Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control'.</li> <li>2. There are mechanisms in place to allow residents, buisnesses and councillors to raise concerns and initiate enforcement processes. Anyone can report a suspected breach online, and Councillors are already empowered to act on behalf of the public, who can submit enforcement enquiries on behalf of residents, and raise matters directly with senior staff.</li> </ol>



Graveney with Goodnestone Parish Council	SCI25/4-6	No comment	<b>No response required.</b>
Duchy of Cornwall	SCI25/5-2	<p>1. The comment appreciates the Council's explanation of enforcement but suggests improvements:</p> <p>2. Avoid language that implies enforcement is unlikely or optional.</p> <p>3. Include a clear statement that planning consent is a legal requirement.</p> <p>4. Provide an outline of the enforcement process and the potential costs/risks for those who breach planning rules, to strengthen understanding and deterrence.</p>	<p><b>Partial changes agreed.</b></p> <p>1. Welcomes comments and suggested amendments.</p> <p>2. The PPG (Enforcement and post-permission matters) sets out that local authorities have discretion to take enforcement action - when expedient and in the public interest, acting in a proportionate way. The SCI aligns with this approach.</p> <p>3. Paragraph 8.1 has been amended in response to this comment and after further consultation with the enforcement team. The SCI now makes it clearer that unauthorised development can be unlawful.</p> <p>4. Paragraph 8.1 has been amended to briefly set out the steps the Council takes when making decisions on whether and how to take enforcement action.</p>
SARAH MOAKES	SCI25/6-5	<p>1. The comment argues that SBC's enforcement stance does not align with government guidance by adding "where resources permit," which suggests action may be rare. This risks undermining public confidence in the planning</p>	<p><b>No change agreed.</b></p> <p>1. The PPG (Enforcement and post-permission matters) sets out that local authorities have discretion to take enforcement action - when expedient and in the public interest, acting in a proportionate way. The SCI aligns with this approach.</p>
Mr H Boswell	SCI25/16-8	No comment	<b>No response required.</b>
Planning Policy Tunbridge Wells Borough Council	SCI25/17-8	No comment	<b>No response required.</b>

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# Draft Statement of Community Involvement

May 2025 (Proposed changes post consultation, September 2025)



Please Note: *Changes* made to this document are shown as in *italics* and underlined. Deletions are shown as strikethroughs, ~~as here~~.

# Draft Statement of Community Involvement 2025

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# 1 Introduction

## What is a Statement of Community Involvement?

**1.1** A Statement of Community Involvement (SCI) *is a statutory planning document<sup>1</sup> which* sets out how the community, *including residents, businesses and other stakeholders* can get involved in local planning matters. It explains how *the Council enables* people *can to* play a part in the preparation of Local Plans, Neighbourhood Plans and Supplementary Planning Documents, as well as the consideration of planning applications and dealing with unauthorised development. It also sets out what is expected from those proposing developments.

## Why is the Statement of Community Involvement relevant?

**1.2** Land use planning can affect everyone's daily lives, as the decisions that are made shape the places people live and work in, visit or pass through. The Council wants to encourage people to participate early and throughout the preparation of the documents which will allocate land for development and in the processing of planning applications. This will help strengthen evidence and encourage a sense of local ownership and commitment. The aim of this approach is to reduce, if not resolve conflicts, and reach a consensus on essential issues in the early stages of the process.

**1.3** There are many benefits of involving communities in planning matters, these include:

- i. A greater focus on local needs and priorities;
- ii. Decisions being informed by local knowledge;
- iii. Increased community understanding of how planning policies are developed and how they are linked to other Council documents;
- iv. Increased community understanding of how decisions on planning applications are made;
- v. A sense of ownership of key planning policy documents;
- vi. Removing barriers (physical, language or social) and giving communities access to information and opportunities to voice their needs and opinions;
- vii. Creating accountability by generating a wider interest in monitoring outcomes.

**1.4** The Council aims to make consultation and involvement in the planning process transparent, accessible, collaborative, inclusive and consistent. This will be done through the methods set out in this SCI.

**1.5** In the sections that follow, we set out what the law says we must do, and these are listed as points that the Council "will" do. Any other options the Council may choose to do over and above what the law says are listed as points the Council "may" do. The Council will use these other options where practicable or appropriate.

### Question 1

~~Do you agree with the description of what a Statement of Community Involvement is and why it is relevant? Do you have any additional comments on Chapter 1?~~

## 2 Principles of Community Involvement

### 2 Principles of Community Involvement

**2.1** The planning process is more effective when the people that might be affected by change are an integral part of the engagement process. Greater involvement can help shape planning solutions that maximise the positive outcomes and minimise any negatives.

**2.2** The Council does not pretend that planning decisions are free of difficult choices. Decisions need to be made within legal requirements, to have regard to national planning policy and guidance, and to consider technical evidence and local opinion. Planning judgement and decisions aim to balance both the positive and negative effects. There may well be differences in opinion, however, through positive engagement it is hoped that interested parties become engaged so that the quality of decisions is improved by taking account of local knowledge and opinion, and that the outcomes are understood.

### Our principles for involving communities

**2.3** As a minimum, the Council will comply with any legislation that is currently in force, or comes into force in the future. This will include any national legislation in an emergency, such as was the case with the coronavirus pandemic.

**2.4** Where necessary, the Council will tailor the approach for specific issues, audiences and the scale of proposals, so that it is fit for purpose for the subject being consulted on, making it easier for people to take part. For example, where proposals have a local or limited impact, then the Council will seek to more closely involve those most affected. When the Council is planning for a large area, or considering choices which might affect much of the Borough, then engagement will be carried out more widely.

**2.5** The Council's main principles of involving the various communities in the planning process are set out below:

- i. Encouraging communities to contribute by providing opportunities to put their ideas forward where there is scope to influence the Council's decisions;
- ii. Being transparent and clear about the planning process, what is being proposed and the scope to influence;
- iii. Using a variety of methods to make it easier for people to take part in the planning process, with the method used being appropriate to the subject being consulted upon;
- iv. Designing engagement exercises to be accessible;
- v. Encouraging better inclusion of everyone affected by a planning matter, making the effort to include *potentially hard to reach and* 'disengaged groups' such as young people, ethnic minorities, disabled people and the travelling community;
- vi. Encouraging early engagement by landowners and developers, before planning applications are made;
- vii. Making information available that is appropriate and understandable, raising awareness of planning matters and ensuring people are kept up to date<sup>2</sup>
- viii. Analysing carefully, and where appropriate, providing clear feedback for participants after an engagement exercise. This may include *explaining* changes we have made as a result of comments;
- ix. Protecting residents by redacting sensitive information before it is made public, such as personal addresses, phone numbers, email addresses, and dates of birth;
- x. Encouraging appropriate representations (comments) by only accepting comments that are relevant to the subject being consulted on. No profanities, or statements considered derogatory or offensive to any persons, in particular to those sharing a protected characteristic (such as disability, race, religion and others), will be accepted. If any representation is rejected for such reasons, the person making the representation will be notified of the reason for this once it has been processed.

<sup>2</sup> All data stored and published will be compliant with the Council's data protection policy



### **Pre-application engagement by landowners and developers**

**26** The Council looks for its commitment to engagement to be matched by landowners and developers who are considering bringing forward development proposals. Landowners and developers should engage early so that the views of neighbours, residents, businesses and other stakeholders can be established and taken into account when deciding whether or not to proceed with a proposal, and in the detail of the proposal itself. The purpose of the engagement should be made clear and it should be highlighted that this is prior to any planning application being submitted to the Council.

### **Digital and online technology**

**27** Greater use of digital technology is likely to continue to play an important role in the planning process in the future. Online events can allow the Council to provide information more easily, and in a way which can be less intimidating and more convenient, as people do not have to travel or make their voice heard in the crowd. It can also lead to greater engagement from young people who do not typically get involved with planning matters.

**28** The Council recognises that relying entirely on digital technology potentially excludes those who do not have access to it, so the Council will continue to engage with people via other methods as well.

### **Equalities**

**29** As required by law, the SCI has been drafted to have regard to the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between different groups.

#### **Question 2**

~~Do you have any comments on the principles of community involvement set out here, or any suggested amendments to Chapter 2?~~

## 3 Planning for the future of Swale Borough Council

### 3 Planning for the future of Swale Borough Council

- 3.1** Swale Borough Council is responsible for most planning matters within Swale, other than transport and minerals and waste planning, which are carried out by Kent County Council and major infrastructure, which are determined by the Secretary of State, though the Planning Inspectorate. Where they exist, parish and town councils play an important role in planning issues, including in the preparation of neighbourhood plans.
- 3.2** The Secretary of State for Housing, Communities and Local Government oversees the planning system as a whole and has a more direct role in a small number of decisions through the appeals system, the call-in process and decisions on nationally significant infrastructure projects. The Planning Inspectorate is an executive agency, sponsored by the Ministry of Housing, Communities and Local Government. It deals with planning appeals, national infrastructure planning applications, examinations of local plans and other planning-related casework in England.
- 3.3** The National Planning Policy Framework (NPPF) is produced by the Ministry of Housing, Communities and Local Government. It sets out the Government's planning policies for England and how these should be applied through plan preparation and decision making. It is supported by the Planning Practice Guidance (PPG), which adds further context to the NPPF. The NPPF and PPG are both material considerations in planning decisions.
- 3.4** Councillors have a role to play in representing the views of their constituents in plan-making and planning applications. Some sit on the planning committee and have a direct role in decision making, whilst some sit on committees which oversee the preparation of the Local Plan. Details of councillors and their specific roles in the committee structure can be found on our [website](#).
- 3.5** The planning system in England is plan-led. Local Plans are produced by local authorities, Minerals and Waste Plans by county councils, unitary authorities or national park authorities and Neighbourhood Plans by town or parish councils, neighbourhood forums or community organisations.
- 3.6** The following section provides more detail about the main types of policy plans and documents that local authorities are currently expected to produce. Planning documents produced by Swale Borough Council are published on the [Planning and Regeneration pages of our website](#)

### Documents we produce

#### a) Statement of Community Involvement (SCI)

**3.7** The Statement of Community Involvement (SCI) sets out the consultation requirements that will need to be followed when preparing policy documents and when consulting on planning applications. SCIs should be kept up to date and reviewed at least every 5 years from adoption.

**3.8** The preparation of a new SCI is itself subject to consultation, but reviews to an existing SCI do not require consultation.

#### b) Local Development Scheme

**3.9** The Local Development Scheme (LDS) sets out the Council's work programme for preparing development plan documents that the Council aims to prepare over the next three years or so. The Local Plan forms part of the development plan for the Borough and is the starting point for determining planning applications.

## 3 Planning for the future of Swale Borough Council

**3.10** The LDS explains:

- i. What development plan documents the Council will prepare;
- ii. What will be in those plans and where they will apply;
- iii. How long it will take to prepare the plans;
- iv. What kind of plans they will be.

**3.11** An LDS does not include details of other plans and policy documents such as Neighbourhood Plans, Supplementary Planning Documents and other guidance documents, or the Community Infrastructure Levy charging schedule.

### c) Local Plans

**3.12** Local Plans describe the places where development is intended to be directed, and where it needs to be carefully controlled. Policies within Local Plans set out how development is to be managed over a minimum period of 15 years from adoption.

**3.13** Local Plans must include both strategic policies to address the development and land use priorities, and non-strategic policies which will include things like sustainable design and construction. Local Plans will allocate land to help deliver strategic requirements, including land for housing and employment.

**3.14** Local Plans are a key consideration when determining planning applications, with decisions expected to be in accordance with Local Plans, and 'made' Neighbourhood Plans, unless other material planning considerations indicate otherwise. Other material planning considerations are matters that should be considered in making a planning decision.

### d) Evidence Base, including Sustainability Appraisal and Habitats Regulation Assessment

**3.15** As part of plan preparation, the Council will prepare an evidence base to inform the Local Plan and the policies within it. This can include research on housing, employment, infrastructure, and environmental issues and will also include a Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA). SA is a process through which the effects of a Local Plan on economic, social, and environmental objectives are considered. An SA also incorporates a further assessment process known as Strategic Environmental Assessment (SEA) which focuses on environmental impacts. SAs are iterative (i.e. subject to change and adjustment over time), with the appraisal updated alongside each consultation stage of a Local Plan. An HRA is used to identify any aspects of the Local Plan that would cause an adverse effect on the integrity of Natura 2000 sites, also known as European sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and, as a matter of Government policy, Ramsar sites), and to advise on appropriate mitigation. Evidence such as this is published on the [Local Plan pages](#) of the Swale Borough Council website.

### e) Duty to Cooperate Statement

**3.16** The duty to cooperate was introduced by the Localism Act 2011 and is embedded in the NPPF. The duty places a legal duty on local planning authorities and other bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of plan preparation in the context of strategic cross boundary matters. The Duty to Cooperate Statement sets out how that has been done and is an important element in determining whether an emerging local plan can be found sound by a Planning Inspector.

## 3 Planning for the future of Swale Borough Council

### f) Supplementary Planning Documents

**3.17** Supplementary Planning Documents (SPDs) set out more detailed guidance to further explain the policies and proposals in Local Plans. SPDs cannot change policies contained within Local Plans but can give detail on how those policies are implemented. SPDs are a material consideration when assessing a planning application.

### g) Non-statutory guidance

**3.18** The Council may publish other development briefs and guidance which are not formal SPDs, and consultation may be carried out on these documents. Like SPDs, non-statutory guidance cannot change policies contained within Local Plans but can give detail on how those policies are implemented. Such documents and policies are also a material consideration when assessing a planning application.

### h) Community Infrastructure Levy

**3.19** The Community Infrastructure Levy (CIL) is a charge per square metre which can be levied by local authorities on new development to help deliver the infrastructure needed to support growth. CIL only applies in areas where a local authority has consulted on, and adopted a charging schedule which sets out its levy rates. At the time of publishing this SCI, Swale Borough Council has yet to implement CIL, and given viability pressures it is unlikely that it will be implemented in Swale in the near future.

### i) Authority Monitoring Report (AMR)

**3.20** Authority Monitoring Reports are updates on the progress of a local plan's preparation, progress on the Duty to Cooperate, information in relation to indicators in the plan and any policies which are not being implemented and other updates. Once published, the AMR will be available on the SBC website.

### j) Equalities Impact Assessments (EIAs)

**3.21** An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in decision-making. An EIA for the Local Plan will be published at the Regulation 19 Stage of the Local Plan.

#### Question 3

Do you have any comments on Chapter 3 and the documents that are produced in planning for the future of Swale?



## 4 Engagement process for Local Plans

### 4 Engagement process for Local Plans

**4.1** In this section more detail is provided on how the Council will engage in the preparation of Local Plans.

**4.2** Local Plans are prepared in accordance with a regulatory process. The process includes consultation with the community and stakeholders. Following its preparation, a Local Plan is subject to examination by an independent Planning Inspector.

**4.3** The process of preparing a Local Plan involves five broad stages:

1. Plan preparation (*Regulation 18*);
2. Proposed Submission Plan publication (*Regulations 19 & 20*) and submission for examination (*Regulation 22*);
3. Plan examination (*Regulation 24*);
4. Publication of recommendations - Inspector's report stage (*Regulation 25*);
5. Plan adoption (*Regulation 26*).

**4.4** Once a Local Plan is adopted, it becomes part of the development plan alongside other development plan documents and made Neighbourhood Plans. Together these are the starting point for deciding planning applications.

### How we will involve people in the preparation of Local Plans

**4.5** The Council is required by law to engage on the preparation of a Local Plan. This includes engaging with a range of specific consultees, some of which are listed below:

- i. National statutory bodies and agencies (e.g. Environment Agency, National Highways, Natural England, Historic England etc);
- ii. Other local authorities, including neighbouring authorities, Kent County Council, the Greater London Authority, and any others which may be considered appropriate;
- iii. Town and Parish Councils;
- iv. Service providers of all kinds, including the emergency services, utility companies, including water companies, and health providers;
- v. Local organisations and societies such as civic or amenity groups;
- vi. Businesses and economic groups including the Kent Medway Economic Partnership;
- vii. Environmental stakeholders e.g. Kent Downs National Landscape (formerly AONB), wildlife trusts;
- viii. Groups who are less likely to be heard (hard to reach groups), and groups with a specific role in equalities;
- ix. Individuals (who have asked to be notified);
- x. House builders / developers / agents / landowners / registered providers of affordable housing.

*If you wish to be added to the Local Plan's consultation database, please contact the Planning Policy team: in writing to [lpcomments@swale.gov.uk](mailto:lpcomments@swale.gov.uk) / Swale Borough Council, Swale House, East St, Sittingbourne, ME10 3HT (with your name, email/postal address); by telephone on 01795 417850.*

### Plan preparation

**4.6** The plan preparation stage typically includes: evidence gathering on key issues, the development of options and a sequence of engagement exercises. Engagement may include both informal methods as well as formal methods such as consulting on a draft Local Plan. It is also incumbent on the Council's Ward Members to ~~ensure~~ raise residents' ~~are aware~~ awareness of proposals in the Local Plan that may affect their area.

## 4 Engagement process for Local Plans

### 4.7 The Council will:

- i. Write to consultees to say it intends to produce a Local Plan and invite them to say what issues they think the plan should cover;
- ii. Advertise the Council's intention to produce a Local Plan, including a notification on the Council website, so that the public and organisations may register their interest;
- iii. Engage with statutory consultees on the evidence base and the consideration of potential policy direction;
- iv. Consult on draft policies;
- v. Hold engagement events to support consultations in person and/or online;
- vi. Engage with Town and Parish Councils and other stakeholders, for example, through meetings, workshops and forums;
- vii. Issue information through press releases, newsletters, and social media.

### 4.8 The Council may:

- i. Prepare summaries of technical reports;
- ii. Create online surveys;
- iii. Produce further publicity such as posters, leaflets or postcards.

**4.9** After consultations have closed the Council will consider representations received and set out the main issues raised in a report of the consultation.

## Proposed Submission Plan publication and submission for examination

**4.10** At this stage the Council will publish the Proposed Submission Plan and invite representations on its legal compliance and soundness as defined in the National Planning Policy Framework. The Council will pass all representations to the [Planning Inspectorate](#) who will arrange for their consideration by an Inspector through an examination process.

### 4.11 The Council will:

- i. Publish a notification on the Council website indicating that the Proposed Submission Plan (the version that we consider ready for examination) is being consulted on and invite comments for a minimum of six weeks (excluding bank holidays);
- ii. Get in touch directly with consultees to let them know of the publication of the Proposed Submission Plan;
- iii. Clearly set out how people and organisations can make valid representations (comments);
- iv. Make all statutory publication documents, including the consultation statement, available for inspection electronically and/or in paper form (with fully legible maps), at the Council's offices;
- v. Issue a press release and email people on the Council's consultation database to inform people that consultation is taking place.

### 4.12 The Council will also:

- i. Make paper copies of the Proposed Submission Plan available at main libraries;
- ii. Produce further publicity such as posters, leaflets or postcards;
- iii. Publish a press notice in a local newspaper;
- iv. Undertake briefings with Town and Parish Councils and other stakeholders either online or in person.

## Plan examination stage

**4.13** The examination stage is run by the appointed Inspector, supported by an independent Programme Officer. The Inspector will consider all representations and evidence and then identifies areas to be investigated further. The Inspector will set specific questions and a programme to do this, typically involving hearing sessions.



**4.14** The Council will:

- i. Get in touch directly with all those who have made representations at the Proposed Submission Plan publication stage to give details of the date, time and place of the hearings, and the name of the person appointed to hold the examination;
- ii. At least six weeks before the first hearing, give details on the Council website and at the Council offices of the date, time and place of the hearings and the name of the person appointed to hold the examination;
- iii. Make examination documents available on the Council website.

**4.15** The Council may:

- i. Use press releases to inform people;
- ii. Use digital platforms to allow online viewing of hearing sessions.

**Publication of recommendations - Inspector's report stage**

**4.16** Based on their examination, the appointed Inspector will form a view on whether the Local Plan is legally compliant and is sound. Where necessary to make the Local Plan sound, the Inspector will recommend amendments to proposed policies and supporting text. This will be recorded through a formal report.

**4.17** The Council will:

- i. Make the Inspector's report available for inspection at the Council offices and on the Council website;
- ii. Issue a press release;
- iii. Notify all those who requested to be informed of the publication of the Inspector's report, including emailing people on the Council's consultation database.

**4.18** The Council may:

- i. Make paper copies of the Inspector's report available at the main libraries;
- ii. Use social media to inform people.

**Plan adoption stage**

**4.19** At all stages of the local plan preparation, the local plan will need to be agreed by the relevant committees and ratified by Council. Adoption is when the Council confirms that the Local Plan has statutory status and full weight can be given to it in the determination of planning applications and appeals.

**4.20** The Council will:

- i. Make available the Local Plan, Adoption Statement, Sustainability Appraisal and Habitat Regulations Assessment reports at the Council offices and on the Council website;
- ii. Send a copy of the adoption statement directly to those who asked to be notified;
- iii. Issue a press release to inform people.



**4.21** The Council may:

- i. Make paper copies of the Local Plan available at main libraries;
- ii. Use social media to inform people.

### **Question 4**

Do you have any comments or suggestions on Chapter 4, around the engagement process for Local Plans?

## 5 Engagement process for supplementary planning documents

**5.1** In this section more detail is provided on how the Council will engage in the preparation of Supplementary Planning Documents (SPDs).

**5.2** There are three types of SPD that might be prepared:

1. Site or area specific guidance e.g. development briefs;
2. Design codes or guidance;
3. Topic based policy guidance e.g. affordable housing.

**5.3** The process of preparing SPDs is simpler than that of Local Plans because they are not subject to examination. The process involves three broad stages:

1. Early engagement and preparation of a draft SPD;
2. Consultation on the draft SPD;
3. Adoption.

**5.4** As with Local Plans, the law governs how SPDs are prepared, including minimum requirements for engagement.

### Early engagement and preparation of a draft SPD

**5.5** The Council will:

- i. Identify specific groups and individuals who are likely to have an interest in what the SPD will say;
- ii. Undertake a targeted engagement process with those groups and individuals to explore issues and options;
- iii. Produce a draft statement of consultation setting out who we have engaged with in preparing the draft SPD, issues raised and how we have addressed those issues.

**5.6** The Council may:

- i. Invite views from the public through surveys or by notifications on our website inviting comments or through social media channels.

### Consultation on the draft of the SPD

**5.7** The Council will:

- i. Publish the draft SPD for consultation on the Council's website for a minimum of four weeks (excluding bank holidays), together with the required supporting documentation and make paper copies available to view at the Council offices;
- ii. Issue a press release and email people on the consultation database telling them about the consultation.

**5.8** The Council may:

- i. Make paper copies of the draft consultation SPD and supporting documentation available at main libraries, as appropriate;
- ii. Produce further publicity such as posters, leaflets or postcards;
- iii. Hold exhibitions, workshops or forums, face-to-face or online;
- iv. Use social media to inform people that the consultation is taking place.

**5.9** After the consultation the Council will:



## 5 Engagement process for supplementary planning documents

- i. Consider the representations received;
- ii. Update the statement of consultation document, setting out the main issues raised and how it has addressed those;
- iii. Amend the SPD, where considered appropriate to do so, to reflect the points raised in the representations.

### SPD adoption

**5.10** The Council will:

- i. Publish the adopted SPD, the amended consultation statement and adoption statement by making them available to view at the Council offices and on the Council website;
- ii. Send a copy of the adoption statement directly to those who asked to be notified.

**5.11** The Council may:

- i. Make paper copies of the adopted document available at other Council offices and appropriate libraries;
- ii. Issue a press release and newsletter to inform people;
- iii. Use social media to inform people.

### Non-statutory guidance

**5.12** Engagement relating to the preparation of non-statutory guidance will follow that set out for SPDs as set out above, where appropriate.

#### **Question 5**

~~Do you have any comments or suggestions on Chapter 5, around the engagement process for Supplementary Planning Documents?~~

## 6 Engagement process for neighbourhood development plans

**6.1** Neighbourhood Development Plans, also known as Neighbourhood Plans, give communities the ability to further shape their local area by setting out planning policies to help guide decisions on planning applications. Where a community wants to take up the opportunities offered by neighbourhood planning, this can be led by parish or town councils, neighbourhood forums or community organisations.

**6.2** Neighbourhood Plans must be in general conformity with the strategic policies within Local Plans and cannot promote less development.

**6.3** Once a Neighbourhood plan is 'made' (adopted), it becomes part of the development plan alongside Local Plans and other made Neighbourhood Plans, which together are the starting point for determining planning applications.

### If you want to make a neighbourhood development plan

**6.4** There are formal stages required by law when developing a Neighbourhood Plan. These stages are:

1. Designating the Neighbourhood Area;
2. First draft of the Neighbourhood Plan (Pre-Submission version);
3. Final draft of the Neighbourhood Plan (Submission version);
4. Examination;
5. Referendum;
6. Making (adoption).

**6.5** More information on how to prepare a Neighbourhood Plan can be found in the [Locality Neighbourhood Plan](#) toolkit and [Planning Practice Guidance](#).

### Our legal duties to groups making a neighbourhood development plan

**6.6** The Council is required by law to offer help and advice to groups producing Neighbourhood Plans. This includes:

- i. Advising on what is involved in making a Neighbourhood Plan and potential scope, and sharing learning and best practice;
- ii. Advising on policy development, including the sharing of data and technical reports, creating maps (costs of printing will not be covered by the Council and will need to be paid for by the group preparing the Neighbourhood Plan), and attending appropriate meetings;
- iii. Advice on methods of public consultation and engagement;
- iv. Advice on how to publicise the proposed plan to the community;
- v. Making venues available for public engagement (costs may apply);
- vi. Advising on the availability of grant funding for neighbourhood planning groups.

**6.7** The above points are in addition to the Council's commitments during the individual plan stages, which are set out below.

### Designating the neighbourhood area

**6.8** The Council will:

- i. Where an application for area designation differs from Parish or Town Council boundaries, consult on the application for the Neighbourhood Area designation for a minimum of 6 weeks (excluding bank holidays) and publicise the application on the Council website.
- ii. Provide a paper copy of the application at the Council's offices for inspection.

## 6 Engagement process for neighbourhood development plans

### 6.9 The Council may:

- i. Issue a press release and email people on the Council's consultation database to inform people that the consultation is taking place;
- ii. Use social media to inform people that the consultation is taking place;
- iii. Provide a paper copy of the application at the main library nearest to the proposed neighbourhood area;
- iv. In discussion with the neighbourhood body, amend the boundary of the neighbourhood area if it is inappropriate (for example, if it includes parts of other parishes that have not consented to their inclusion).

### Initial draft(s) of the neighbourhood development plan (Pre-submission version)

#### 6.10 The Council will:

- i. Support the preparation of a Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) screening reports of the emerging Neighbourhood Plan;
- ii. Assist the parish or town council with undertaking an SEA and Habitats Regulations Report where found necessary;
- iii. Advise on the consultation process and who to consult;
- iv. Comment on the draft Neighbourhood Plan.

#### 6.11 The Council may:

- i. Publicise the consultation on the Council website;
- ii. Issue a press release and email people on the consultation database to inform people that the consultation is taking place;
- iii. Provide a paper copy of the Pre-Submission Plan at the Council offices for inspection.

### Final draft of the neighbourhood development plan (Publication version)

#### 6.12 The Council will:

- i. Consult on the Publication version (the Submission Plan) for a minimum of 6 weeks (excluding bank holidays);
- ii. Publish the plan on the Council website;
- iii. Provide a hard copy of the plan and supporting documents at the Council offices for inspection;
- iv. Collate all responses and prepare them for submission to the examiner.
- v. Submit the draft neighbourhood plan to the examiner.

#### 6.13 The Council may:

- i. Issue a press release and email people on the Council's consultation database to inform people that the consultation is taking place;
- ii. Use social media to inform people that the consultation is taking place;
- iii. Summarise the comments received for the examiner.

### Examination

#### 6.14 The Council will:

- i. Liaise with the neighbourhood planning group to appoint an examiner;
- ii. Publish details of the examination on the Council website;
- iii. Pass any representations made at the Public Consultation Page to the examiner;
- iv. Manage and fund the process of the examination;

- v. Act as a key contact for the examiner;
- vi. Answer any questions raised by the examiner;
- vii. Publicise the examiner's report on the Council website.

**6.15** The Council may:

- i. Notify consultees that the examination is taking place;
- ii. Provide the examiner with a summary of the main issues raised in the representations.

**6.16** There may be instances where the Council disagrees with the appointed examiner's findings. If this is the case, clear reasons would need to be given for rejecting the examiner's recommendations, and the Council would discuss any modifications with the neighbourhood planning body. Additional engagement with the neighbourhood plan group would also need to take place.

## Referendum

**6.17** People who live in the referendum area, and meet the criteria to vote, can vote in the neighbourhood plan referendum. If the majority of those who vote are in favour of the draft neighbourhood plan, then that plan must be 'made' by the local planning authority within 8 weeks of the referendum.

**6.18** The Council will:

- i. Arrange and fund the referendum;
- ii. Publish information about the Neighbourhood Plan;
- iii. Give notice that a referendum is taking place;
- iv. Publish the results of the referendum.

## Making (adoption)

**6.19** The Council will:

- i. 'Make' (adopt) the plan, subject to the outcome of the referendum;
- ii. Publish the decision to 'make' a Neighbourhood Plan on the Council website;
- iii. Notify all individuals and organisations who asked to be notified.

**6.20** The Council may:

- i. Issue a press release and email people on the Council's consultation database that the Neighbourhood Plan has been made (adopted).

### Question 6

~~Do you have any comments or suggestions on Chapter 6, around the engagement process for Neighbourhood Plans?~~

## 7 Engagement process for planning applications

### 7 Engagement process for planning applications

**7.1** As the Local Planning Authority, the Council is responsible for determining planning applications. This includes applications such as those for:

- i. Certain extensions and home alterations;
- ii. New houses and businesses;
- iii. Changing a building from one use to another;
- iv. Some forms of infrastructure eg solar farms below 50 megawatts (MW).

**7.2** The Council is not responsible for County Matters such as minerals and waste developments which are the responsibility of Kent County Council, nor is the Council responsible for Nationally Significant Infrastructure Projects (NSIPs), such as changes to a motorway, which are determined by the Secretary of State through the Planning Inspectorate.

**7.3** Not all types of development require applications to be made to the Council, as they are permitted automatically under national legislation. This includes some types of house extensions and changes in the use of land or buildings. These are generally referred to as 'permitted development'.

**7.4** In addition, some types of development only require the Council's approval on limited aspects of a proposal, such as: design and external appearance, transport impacts and flooding information. These are generally referred to as 'prior approval' developments. This includes certain changes of use, and certain telecoms apparatus.

**7.5** Information on permitted development rights and prior approval can be found [in legislation](#) and on the [Planning Portal website](#).

### How we make decisions on planning applications

#### a) What we must consider

**7.6** Decisions on planning applications must be made in accordance with the development plan (adopted Local Plans and made Neighbourhood Plans), unless there are 'material considerations' that indicate otherwise.

**7.7** A material consideration is a matter that should be taken into account when deciding a planning application. The National Planning Policy Framework and Planning Practice Guidance are material considerations. Other material considerations can include, but are not limited to:

- i. Overlooking/ loss of privacy;
- ii. Loss of light or overshadowing;
- iii. Parking;
- iv. Highway safety;
- v. Traffic;
- vi. Noise/odour/air quality;
- vii. Flood risk, water quality and water resources;
- viii. Layout and density of building;
- ix. Design, appearance and materials;
- x. Access arrangements;
- xi. Effects on public rights of way;
- xii. Effects on trees and hedgerows;
- xiii. Government policies, e.g. those set out in the [National Planning Policy Framework](#);
- xiv. Human rights (including best interests of children);
- xv. Sustainability;



- xvi. Impact on character and appearance of an area;
- xvii. Impact on heritage assets.

**7.8** Anything relevant to making the decision can be a material consideration. However, in general it relates to matters in the public interest rather than private matters. Examples of private matters are: property values, obstruction of private rights of way or the loss of view, none of which are material planning considerations.

## **b) How long we have to decide**

**7.9** The time periods for determination are set out in law. These *time limits* are usually:

- i. 8 weeks for most planning applications;
- ii. 13 weeks for 'major' (larger) developments;
- iii. 16 weeks for applications that need an Environmental Impact Assessment.

**7.10** If more time is needed to determine an application, an 'extension of time' can be agreed between the Council and the applicant.

**7.11** If the Council fails to determine the application in time, the applicant can appeal to the Secretary of State against 'non-determination'.

## **c) How and when we will involve you in the planning application process**

### **Before the application is submitted**

**7.12** To assist people considering developing land or buildings, the Council offers a paid-for discretionary planning advice service/ pre-application advice service, to help people understand whether a proposal is likely to be acceptable, and what information they need to provide should they proceed to submit an application. The Council encourages site promoters to be open about their proposals and to engage with the local community. The Council also suggests that developers seek advice from other statutory consultees such as the Environment Agency.

**7.13** The Council encourages those preparing applications to positively engage with local people to help prepare and refine their proposals. For household extensions this may simply mean speaking to neighbours. For larger proposals, engagement should involve the wider area and should start at an early stage with engagement forming an integral part of the initial design process.

**7.14** The Council encourages anyone proposing development to actively engage the community when preparing their proposals. as set out in Table 1 below sets out indicative methods of engagement that applicants can carry out for a range of application types. The suggested methods vary depending on the scale and type of proposal, with larger proposals expected to use methods that would engage with more people.

## 7 Engagement process for planning applications

**7.15 Table 1: Indicative methods of engagement for proposed planning applications by application type<sup>3</sup>**

Method of Engagement	Householder applications	Minor applications	Major applications	Large scale & strategic major applications	Other applications
Letters, email or postcards	✓	✓	✓	✓	✓
One-to-one meetings*	✓				
Website			✓	✓	
Advert in local press				✓	
Public meetings/ forums			✓	✓	
Public exhibitions			✓	✓	
Social media			✓	✓	
Workshops				✓	
Leaflets			✓	✓	

**7.16** People considering the extension of their home are encouraged to meet with their neighbours to discuss their ideas.

**7.17** In all instances, the comments and concerns raised through engagement should be considered, and if necessary, changes made to the proposed development before an application is submitted. Information on how engagement has been undertaken, the issues raised and how these have been responded to should be submitted as part of any application.

**7.18** The Council will:

- i. Encourage applicants to consult the community, including the Town and Parish Council, where relevant.

**7.19** The Council may:

- i. Liaise with Town and Parish Councils, where relevant.

<sup>3</sup> Minor development: includes 1 and 9 dwellings/ covers up to 0.5 hectares/ commercial development less than 1,000 square metres. Major development: includes 10-49 dwellings/ covers 0.51-2 hectares/ commercial development between, 1001 and 4,000 square metres. Large scale major development: includes 50-249 dwellings/ covers 2.1-5 hectares/ commercial development between 5,000 to 9,999 square metres. Strategic major development: includes 250+ dwellings/ covers more than 5 hectares/ commercial development of 10,000 square metres or more.

## Once the application is submitted

**7.20** Details of all submitted planning applications can be viewed on the [Council website](#) by entering the site address, the reference number or via an interactive map. Those interested in seeing what planning applications have been received in Swale each week can visit the [Weekly List](#) page of our website. Details of how to contact the Development Management team are set out on our [website](#) or can be obtained by calling Customer Services on 01795 417850.

**7.21** The law requires that for most types of planning application, the Council consult for a 21 day period (unless a longer period applies) before a decision can be made. For applications requiring Environmental Impact Assessment (EIA), a longer period of 28 days applies.

**7.22** The Council will:

- i. Make planning applications and the supporting documentation available to view on the Council website;
- ii. Consult upon applications for a 21 day period as set out in law (excluding bank holidays), or in the case of EIA applications extend this to a 28 day period (excluding bank holidays);
- iii. Notify Town or Parish Council of relevant planning applications in their area, inviting comments;
- iv. [Where required by law and set out in guidance](#) either: display a planning notice on or near the application site; publish a newspaper advertisement; post letters to neighbours adjoining the application site.

**7.23** The Council may:

- i. Depending on the nature and scale of the proposed development, post letters to properties beyond those adjoining the application site which may be affected by the proposed development;
- ii. Notify nearby Town or Parish Councils of relevant planning applications in proximity to their area, inviting comments;
- iii. Publish a press notice;
- iv. Consult with other organisations such as the Environment Agency, Natural England, Historic England etc. where applicable;
- v. Publicise a [weekly list](#) of planning applications on the Council's website.

**7.24** The decision on which properties 'may be affected by the proposed development' is made by the Council. This is based on professional assessment of the proposal and its likely impacts on the area surrounding the site, and planning law and guidance.

## During the determination process

**7.25** The Council will:

- i. Publish relevant documents on the Council website, including comments received in response to an application;
- ii. Consider the issues raised in response to an application;
- iii. If the application is considered at Planning Committee, provide applicants, Town and Parish Council representatives, and those who have commented on a planning application, an opportunity to register to speak at Planning Committee.

**7.26** Due to the volume of representations received it is not possible to acknowledge or enter into correspondence regarding all representations submitted. However, all relevant matters raised, up to the point of determination, will be fully considered.

**7.27** Representations from local people are very important in highlighting material planning considerations. Ultimately applications are determined in accordance with current legislation, development plan policy and all the material considerations identified.

## 7 Engagement process for planning applications

**7.28** The consideration of each application is led by a case officer. Their role is to assess the application against development plan policy and other material considerations. They will read all representations and summarise the key points raised when preparing their report which will consider and explain whether the application should be permitted or refused. In most cases a decision will then be made under delegated powers and a decision notice will be issued.

**7.29** Some applications will be determined by the Planning Committee, rather than officers. The Planning Committee is made up of elected Councillors. For these applications, the case officer provides their report and recommendation to Planning Committee who decide whether the application is permitted or refused. The Planning Committee must also determine applications in accordance with the development plan unless material considerations indicate otherwise.

**7.30** Where an application is to be considered by the Planning Committee, anybody that has submitted a representation will be notified of proceedings, and will have the opportunity to view the report prior to the committee meeting. Planning Committee meetings are open to the public.

### After we have made the decision

**7.31** The Council will:

- i. Publish the decision notice and officer report on the Council's website;
- ii. Inform the agent (or in the absence of an agent, the applicant) of the decision, usually by email.

### Appealing a Planning Decision

**7.32** If the applicant does not agree with the Council's decision to refuse an application, they have the right to appeal to the Planning Inspectorate. An appeal can also be made against the Council's failure to determine an application within the prescribed timetable, or against a planning condition imposed by the Council. In all these cases, the Council will write to everyone who has been consulted or has submitted representations on the planning application, letting them know about the appeal. At this stage further representations are sent directly to the Planning Inspectorate for consideration. The Council will publish any relevant appeal documents on the Council website.

#### Question 7

~~Do you agree with the engagement process for planning applications as set out in Chapter 7? Do you have any additional comments?~~

## 8 Dealing with unauthorised development

**8.1** Sometimes development *occurs without the developer having first obtained the necessary* ~~goes ahead without~~ planning permission or other such authorisation, or without meeting all the specified planning conditions of a planning permission or consent. This is known as 'unauthorised development' and can be unlawful. When this happens and where resources permit, the Council's Planning Investigations team will investigate. *The next step could be to decide to take no further action, invite a retrospective application* or, where appropriate, expedient, and in the public interest, the Council may take formal enforcement action. Planning enforcement action is taken at the Council's discretion.

### How we make decisions on unauthorised development

**8.2** The Council undertakes its enforcement duties as set out in the Council's [Planning Enforcement Strategy](#).

**8.3** More information on the planning enforcement process and the types of actions available with unauthorised development can be viewed on the [Gov.uk](#) website.

### How and when we will involve you in enforcement matters

**8.4** If you suspect a breach of planning control, the best way to report concerns is via the Council's website ([Planning breaches & enforcement](#)). If you are unable to do this, please write to: Planning Investigations, Swale House, East Street, Sittingbourne, ME10 3HT.

**8.5** An overview of the service and what you can expect from this process is set out in the Council's Local Planning Enforcement Strategy.

#### Question 8

~~Do you have any comments on Chapter 8, around how the Council deals with unauthorised development?~~

**Glossary of planning terms:**

TO FOLLOW