

Draft Statement of Community Involvement

~~May 2025~~ October 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 which sets out how the community, including residents, business 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. All data stored and published will be compliant with the Council's data protection policy;
- 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.

Pre-application engagement by landowners and developers

2.6 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 be 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

2.7 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.

2.8 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

2.9 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 the

⁽¹⁾<https://services.swale.gov.uk/meetings/mgMemberIndex.aspx?bcr=1>.

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 ⁽²⁾<https://services.swale.gov.uk/meetings/mgMemberIndex.aspx?bcr=1>

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.

¹ [Council's website](#)

² [Planning and Regeneration pages of our website](#)

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.

3.10 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). A Sustainability Appraisal (SA) 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. A Habitats Regulation Assessment (HRA) 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](https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review) of the Swale Borough Council

⁽³⁾ <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review>.

3 Planning for the future of Swale Borough Council

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.

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.

Question 3

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

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 (EIA's)

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.

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 ([Regulation 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. Statutory consultees (e.g. Environment Agency, National Highways, Natural England, Historic England etc - [see glossary](#));
- 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.

4.6 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 / Swale Borough Council, Swale House, East St, Sittingbourne, ME10 3HT (with your name, email/postal address); by telephone on 01795 417850.

Plan preparation

4.7 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~~ ness of proposals in the Local Plan that may affect their area.

4 Engagement process for Local Plans

4.8 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 **for a minimum of six weeks**;
- 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;
- viii. **Report all comments received through the consultation to the relevant committees along with a summary of key issues highlighted and the Council's response to these issues.**

4.9 The Council may:

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

4.10 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

4.11 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](https://www.gov.uk/government/organisations/planning-inspectorate) who will arrange for their consideration by an Inspector through an examination ⁽⁴⁾.

4.12 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.

4.13 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;

4 process <https://www.gov.uk/government/organisations/planning-inspectorate>

- iv. Undertake briefings with Town and Parish Councils and other stakeholders either online or in person;
- v. Report all comments received through the consultation to the relevant committees along with a summary of key issues highlighted and the Council's response to these issues.

Plan examination stage

4.14 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.

4.15 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.

4.16 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

4.17 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.

4.18 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.

4.19 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

4.20 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.

4.21 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;

4 Engagement process for Local Plans

- ii. Send a copy of the adoption statement directly to those who asked to be notified;
- iii. Issue a press release to inform people.

4.22 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?~~

Engagement process for supplementary planning documents

5

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 Publication stage to the examiner;

Engagement process for neighbourhood development plans

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- 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](#)⁽⁵⁾ and on the [Planning Portal website](#)⁽⁶⁾.

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 (including sustainable drainage);
- viii. Layout and density of building;
- ix. Design, appearance and materials;
- x. Access arrangements;
- xi. Effects on public rights of way;

5 <https://www.legislation.gov.uk/ukxi/2015/596/contents>

6 <https://www.planningportal.co.uk/>

Engagement process for planning applications

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- 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. The ~~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, including Ward Councillors where relevant. 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 ⁽⁷⁾

Method of Engagement	Householder applications	Minor applications	Major applications	Large scale 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			✓	✓	

Table 7.2.1

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 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 4,999 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

Engagement process for planning applications

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7.19 The Council may:

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

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](#)⁽⁸⁾ of our website. Details of how to contact the Development Management team are set out on our [website](#)⁽⁹⁾ or can be obtained by calling Customer Services on 01795 417850. **Details of applications made to Kent County Council can be found on the following website: [Planning applications - Kent County Council](#). Please note this Statement of Community Involvement only relates to the procedures of Swale Borough Council**

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; or post letters to neighbours adjoining the application site;
- v. **Consult with statutory consultees (see glossary for details) and other organisations such as the Environment Agency, Natural England, Historic England etc. where applicable.**

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;

⁸ <https://pa.midkent.gov.uk/online-applications/search.do?action=weeklyList>

⁹ <https://swale.gov.uk/your-council/contact-us/contact-a-council-service/planning>

7 Engagement process for planning applications

- 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 of the parish in which the application is situated, and those who have commented on a planning application, an opportunity to register to speak at Planning Committee, noting that one Parish Council representative, one supporter, one objector and the applicant or their agent can speak, each for no longer than three minutes.

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.

7.28 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.

7.33 Those opposed to a grant of planning approval by a public body such as the Council or the Planning Inspectorate have the right to apply for Judicial Review. There are strict criteria for this, and set timeframes. Legal advice should be sought.

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 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?~~

9 GLOSSARY

- 9.1 Adoption** The final formal stage in the evolution of a statutory planning document. Once a plan is adopted it has full legal weight in the determination of planning applications.
- 9.2 Authority Monitoring Report** (Previously called Annual Monitoring Report) a report produced each year by local authorities, which assesses progress with, and the effectiveness of, its plan-making documents.
- 9.3 Consultation Statement** A summary of the main issues raised by a consultation.
- 9.4 Development Plan** The suite of development plan documents that collectively provide the planning framework used to assess development proposals for a given local planning authority area.
- 9.5 Development Plan Document (DPD)** Spatial planning documents that set out the local planning authority's policies and proposals for the development and use of land and buildings in the authority's area. In two-tier areas it may include adopted borough local plans, adopted county local plans for minerals & waste, development plan documents policies and site specific allocations. All DPD's are subject to independent examination. There is a right for those making representations seeking change to be heard at an independent examination
- 9.6 Duty to Co-operate** The duty to co-operate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. It is separate from, but related to the Local Plan test of soundness
- 9.7 Elected Councillors** Locally elected community representatives that form part of the decision-making body in a local authority.
- 9.8 Environmental Impact Assessment** An analytical process that systematically examines the possible environmental consequences of a development.
- 9.9 Equalities Impact Assessment** is a tool used to ensure that decisions, policies, and practices within organizations are fair and do not discriminate against any protected groups.
- 9.10 Independent Examination** The process by which a planning inspector may publicly examine a Development Plan Document.
- 9.11 Inspector's Report** This will be produced by the Planning Inspector following the Independent Examination.
- 9.12 Kent County Council** KCC are responsible for road and minerals and waste safeguarding elements of the planning system.
- 9.13 Localism Act** The Localism Act 2011 devolves greater powers to local government and neighbourhoods and gives local communities more rights and powers over decisions about development. It also includes reforms to make the planning system more democratic and more effective.
- 9.14 Local Development Scheme (LDS)** Sets out the programme for the preparation of the development plan documents.
- 9.15 Local Plan (LP)** May consist of a single document or a set of documents such as site allocations, development management policies and core policies. These are formal plans for a geographical area which are key points of reference when deciding planning applications.
- 9.16 Minerals and Waste Local Plan** Produced by Kent County Council, these documents set out plans relating to mineral and waste developments in Kent.

9 GLOSSARY

9.17 National Planning Policy Framework (NPPF) A document setting out the Government's national planning requirements, policies and objectives. It replaces much of the national advice previously contained within Planning Policy Statements, Planning Policy Guidance and Circulars. The NPPF is a material consideration in the preparation of planning documents and when considering planning applications.

9.18 Neighbourhood Plan Prepared by local communities, these set out policies and proposals for the future development of a neighbourhood, but they must conform to the strategic policies of the Local Plan.

9.19 Planning Inspectorate An organisation which processes planning appeals and holds examinations into development plan documents and planning application appeals.

9.20 Pre-application Advice The service provided by Swale is given to anyone who is considering building works and/or changes of use to properties in Swale. This advice will be provided, usually for a fee, and is the stage before making a planning application. It gives applicants an opportunity to understand how Swale's policies will be applied to their development, and it can identify potential problems and resolve them before an application is submitted.

9.21 Prior Approval Applications Prior approval means that a developer has to seek approval from the local planning authority (LPA) that specified elements of the development are acceptable before work can proceed. Although there is no need to apply to the LPA for permission to carry out development where permitted development rights are available, in a number of cases it is necessary to obtain prior approval from the LPA before the rights can be used. The process requires a developer to seek approval from the LPA that specified elements of the development are acceptable before the work can proceed. The matters for prior approval vary depending on the class of development in question.

9.22 Programme Officer Person appointed to assist with all administrative matters related to Examinations of Local Plan documents.

9.23 Public Consultation A process through which the public is informed about emerging plans or proposals put forward by a planning authority or by development promoter and are invited to submit comments upon them.

9.24 Representation A formal statement submitted by a consultee at the submission stage of a development plan document.

9.25 Supplementary Planning Document (SPD) These documents, including issue-based documents, design guidance and masterplans, provide more detail to how policies in the Local Plan should be used.

9.26 Sustainability Appraisal (including Strategic Environmental Assessment) A systematic and iterative appraisal process, incorporating the requirements of the Strategic Environmental Assessment Directive. Its purpose is to appraise the social, environmental and economic effects of the strategies and policies in a local development document from the outset of the preparation process. This will ensure that decisions are made that accord with sustainable development.

9.27 Statutory Consultees Specific bodies who local planning authorities are required to consult by planning law (see table on next page)

Statutory Consultees for Planning Applications – see PPG (here) for the type of development where these consultees will be consulted:

[Consultation and pre-decision matters - GOV.UK /](#)

<https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>

Canal and River Trust

Coal Authority

Control of major-accident hazards competent authority (COMAH)

County Planning Authorities (Kent County Council)

Crown Estates Commissioners

Department for Business, Energy and Industrial Strategy

Designated Neighbourhood Forum

Environment Agency

Forestry Commission

The Gardens Trust/Garden History Society

Greater London Authority

Health & Safety Executive

Highway Authorities (Highways England and Kent Highways)

Historic England

Lead Local Flood Authority (for Swale, Kent County Council)

Local Planning Authorities

National Parks Authorities

Natural England

Office for Nuclear Regulation

Oil and Gas Authority

Parish Councils (includes Town Councils)

Rail Infrastructure Managers

Rail Network Operators

Sport England

Theatres Trust

Toll Road Concessionaries

Water and sewerage undertakers

Specific Consultation Bodies for Local Planning

[The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 /](#)

<https://www.legislation.gov.uk/uksi/2012/767/contents>

Coal Authority

County Planning Authorities (Kent County Council for Swale)

Electronic communications and Gas licencees and companies

Environment Agency

Highway Authorities (Highways England and Kent Highways for Swale)/Secretary of State for Transport

Historic England

Homes and Communities Agency

Integrated Care Board

9 GLOSSARY

Local Planning Authorities and adjacent LPAs
National Parks Authorities
Natural England
NHS England
Marine Management Organisation
Mayor of London
Parish Councils (includes Town Councils) and adjacent PCs
Network Rail Infrastructure Limited
Water and sewerage undertakers

Table 9.0.1