

## Statement of Community Involvement

<b>1 Introduction</b> .....	<b>2</b>
<b>2 Guide to the Planning System</b> .....	<b>3</b>
<b>3 General Principles</b> .....	<b>7</b>
<b>4 Who will we involve in consultations?</b> .....	<b>9</b>
<b>5 Community Involvement in Plan Making</b> .....	<b>15</b>
<b>6 Community Involvement in the planning application process</b> .....	<b>26</b>
<b>7 Monitoring and Reviewing the SCI</b> .....	<b>30</b>
<b>8 Glossary</b> .....	<b>31</b>

## Appendices

<b>Appendix 1: Table of Consultation Methods</b> .....	<b>35</b>
<b>Appendix 2: Guidance Notes on Making a Representation</b> .....	<b>38</b>

# 1 Introduction

## 1 Introduction

### What is a Statement of Community Involvement?

**1.1** A Statement of Community Involvement (SCI) sets out how the community can get involved in the preparation of local planning policy documents and in decisions on planning applications. The Statement of Community Involvement is part of Swale's Development Plan. For details of the Swale Development Plan see section 2 'Guide to the Planning System.'

**1.2** The aim of this SCI is to overcome the traditional reactive way people tend to become involved with planning by recognising that people who are likely to be affected by new developments should be encouraged to participate more directly and earlier in 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. Ultimately, this front loading approach should help to reduce, if not resolve, conflicts and reach a consensus on essential issues in the early stages of the process, thereby reducing the time taken for decisions to be made.

**1.3** This SCI therefore describes the types of planning processes where consultation is important and sets out our approaches toward community engagement.



Picture 1.0.1 A community workshop

## 2 Guide to the Planning System

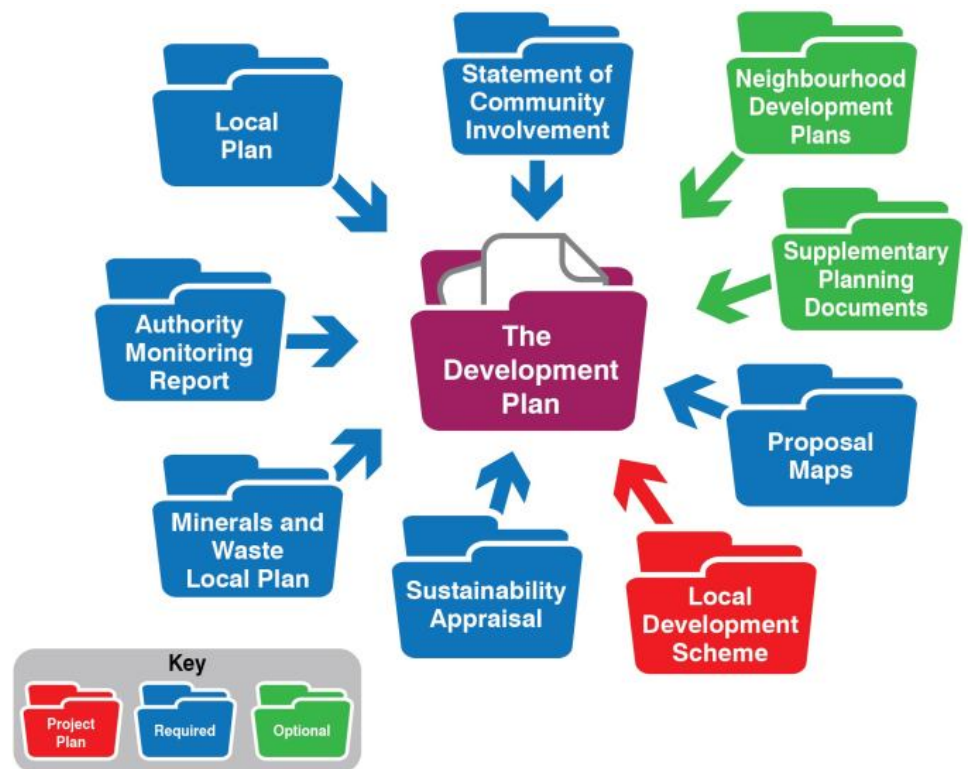
### The Plan Making System

2.1 The planning system is often seen as represented by two primary functions:

1. The Plan making system, by which long term plans (the Development Plan) set out strategies, policies and allocate land to meet development needs.
2. The Development Management System, by which planning applications are made in accordance with the Development Plan.

### Summary of Planning Policy Documents

2.2 The development plan comprises a suite of different planning documents. The different documents can be seen in picture 2.0.1 below and they are explained more fully below.



Picture 2.0.1 The Development Plan

### Local Development Documents (LDD)

2.3 These comprise of: The Statement of Community Involvement, Development Plan Documents and Supplementary Planning Documents. Definitions of these documents are provided below.

### Statement of Community Involvement (SCI)

2.4 This sets out how and when the local community can become involved in the preparation of the Local Development Documents and in the consideration of planning applications. The Council must comply with its adopted Statement of Community Involvement when preparing its Local Development Documents and this compliance will be tested when these are independently examined.

### Development Plan Documents (DPD)

## 2 Guide to the Planning System

**2.5** Development Plan Documents have status as part of the development plan for the area. They must be subject to a sustainability appraisal and community involvement during their preparation and can only be adopted after independent examination resulting in recommendations which are binding on the Council.

**2.6** DPDs can include the following:

- The Local Plan which sets out the long term vision for the area and the policies required to deliver that vision
- Development Plan policies, based on topics such as housing, employment, and retail and will guide development in the borough
- Site specific allocations of land for individual uses e.g. housing, employment, community uses
- A Proposals Map illustrating the spatial extent of the policies

### Supplementary Planning Documents (SPD)

**2.7** These documents are optional and may cover a range of issues, both theme based and site specific which provide additional detail to the policies in the development plan document. They may be subject to sustainability appraisal and community involvement and do not require independent examination.

### Local Development Scheme (LDS)

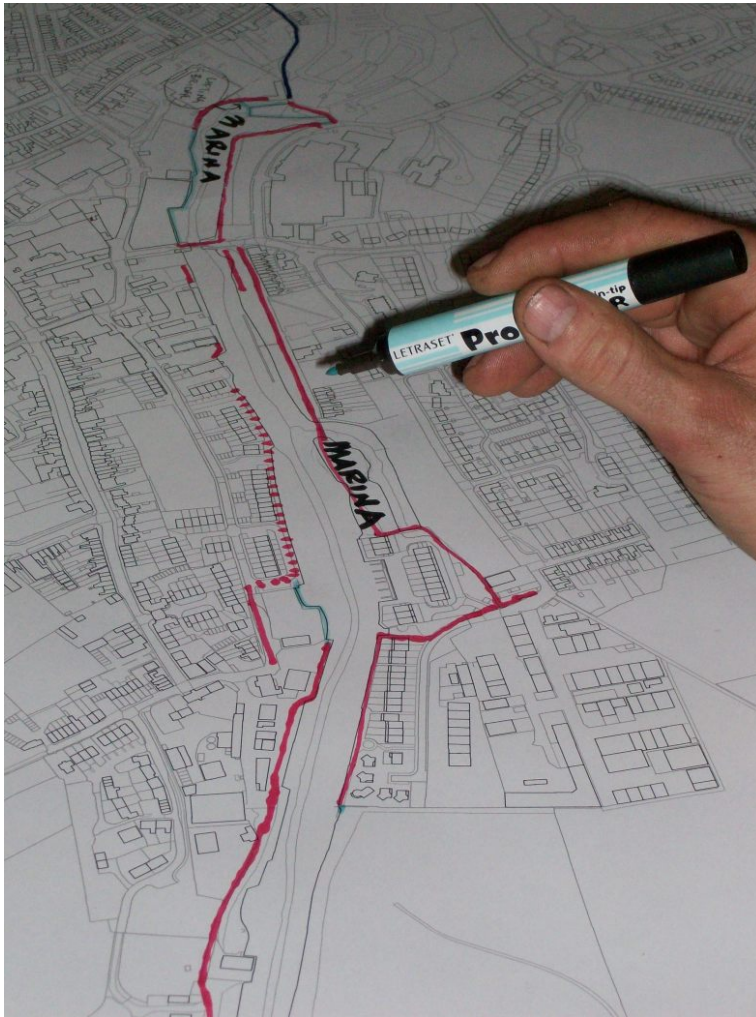
**2.8** This is a list of what documents will be included in the Local Plan and timetable for their production. The Local Development Scheme for Swale can be found on the Council's website. The scheme is regularly reviewed. The Local Development Scheme can be found at: [www.swale.gov.uk/local-plan](http://www.swale.gov.uk/local-plan)

### Neighbourhood Development Plans (NDP)

**2.9** These are also optional and give every community the opportunity to shape the way their area develops within the guidelines of the Local Plan. Guidance on how to formulate a Neighbourhood Development Plan and details of the help that is available can be found at: [www.swale.gov.uk/neighbourhood-planning](http://www.swale.gov.uk/neighbourhood-planning)

### Sustainability Appraisals (SA)

**2.10** Sustainability Appraisals are an assessment of the social, economic and environmental impacts of the policies and proposals contained within the Local Plan. All Local Development Documents are subject to a Sustainability Appraisal to assess the contribution the document or policy makes in achieving sustainable development in terms of social, economic and environmental factors.



**Picture 2.0.2** An example of an interactive consultation method

you want to build something new, make a change to your building or change the use of your building. If so, you would need to submit a planning application to Swale Borough Council. The National Planning Policy Framework (NPPF) encourages pre-application discussions with Swale before you submit your planning application.

### Strategic Environmental Assessments (SEA)

**2.11** Strategic Environmental Assessments are sometimes required in order to comply with the SEA European Directive 2001/42/EC. The Strategic Environmental Assessment Directive is a European Union requirement that seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing certain plans and programmes. The directive requires the preparation of an Environmental Report on the likely significant effects of the draft plan or programme.

### Authority Monitoring Report (AMR)

**2.12** The Council are required to produce an Authority Monitoring Report (previously called the Annual Monitoring Report.) This report will consider the effectiveness of the policies within the Local Plan and identify what needs to be reviewed/prepared in the future. The Authority Monitoring Report also sets out the Council's performance in achieving the key milestones set in the Local Development Scheme.

### The Development Management System

**2.13** You may need planning permission if

## Policy and Legislative Context

**2.14** This SCI has been prepared with regard to the following policies and legislation:

- The Town and Country Planning (Local Planning) (England) Regulations 2012
- The National Planning Policy Framework (NPPF) 2012
- The Localism Act 2011
- The Town and Country Planning (Development Management Procedure) (England) Order 2015, and
- Planning and Compulsory Purchase Act 2004 (as amended)

**2.15** There have been a number of legislative changes in recent years that impact on the way communities are involved in the planning process. These changes mostly arose from the introduction of the Localism Act 2011 which sought to speed up and simplify the planning process. The Act also introduced measures

## 2 Guide to the Planning System

to shift new rights and planning powers to local authorities and local communities. Amendments to the General Permitted Development Order 2015 and the Introduction of the Community Infrastructure Regulations 2010 (as amended) have also resulted in additional consultation opportunities.

### 2.16 Relevant changes include:

1. A Duty to Co-operate on all planning bodies to co-operate on cross boundary planning matters. The Duty to Co-operate, set out in the Planning and Compulsory Purchase Act 2004 (as amended) and by the Localism Act 2011 establishes a legal principle of cooperation with neighbouring boroughs the Mayor of London and other authorities, public bodies and agencies when reviewing policies. These bodies play a very important role in providing expertise and context within which our local aspirations can be delivered.
2. The ability to introduce a Community Infrastructure Levy (CIL) on development to help pay for local infrastructure. The CIL is a non-negotiable charge which will raise infrastructure funds on new developments. It was introduced by the Planning Act 2008 and came into force through the CIL Regulations 2010 (as amended) on 6 April 2010. Local Planning Authorities adopting CIL are required to prepare and publish a list of those items or types of infrastructure to fund through CIL. Swale has yet to decide whether to implement CIL charges.
3. The ability for local communities to prepare their own plan for their local neighbourhood area through Neighbourhood Plans. Neighbourhood Plans were introduced under the Localism Act 2011 to give communities rights and powers to shape development and growth in their area. Neighbourhood Planning provides a robust set of tools to facilitate communities to get the right types of development for their communities through either parish/Town Councils or 'Neighbourhood Forums' which comprise of local community groups. These groups provide communities with the power to set planning policies through Neighbourhood Plans, which must conform to the strategic policies contained within the Swale's Local Plan. Through Neighbourhood Planning, communities can also apply for Neighbourhood Development Orders and Right to Build Orders which grant planning permission for specific developments that comply with the order. The Council is proactive in providing information about Neighbourhood Planning and will provide support in preparing a Neighbourhood Plan. The Council will ensure that the proposed plans are in conformity with the Local Plan and that the due processes have been followed in accordance with the Localism Act 2011 A summary regarding consultation on neighbourhood planning can be found in Section 5 of this document.
4. Amendments to the General Permitted Development Order The Town and Country Planning (General Permitted development) (England) Order 2017, has introduced additional types of proposals that are deemed as 'permitted' subject to Prior Approval being obtained. The Prior Approval process involves public consultation.
5. Assets of Community Value (Community Right to Bid) gives members of the local community the right to nominate buildings and land (assets) that they think are important to their community for listing on the Register of Assets of Community Value – and can be publicly or privately owned. The Right came into force in September 2012 as part of the Localism Act 2011. If a building or land on the register comes up for sale or a lease of at least 25 years, the nominating group will be notified and they will have up to six weeks to say whether or not they will bid for it, and up to six months to prepare the bid to buy or lease it. The owner does not have to sell the building or land to the community group, but they will be allowed time to put together a bid to buy it on the market. For more information on Assets of Community Value please see: [Swale Community Right to Bid](#)

## 3 General Principles

### Statement 1

#### Our General Principles to Consultation

By 'involvement' we mean any interaction between our planning team and the community, which can occur on a number of different levels:

**Participation** – active involvement in identifying needs and priorities, such as workshops

**Consultation** – consulting the community on their views, such as through on-line consultation processes and surveys

**Information** – providing information, such as adverts in newspapers, notices on Swale's website and publishing reports

Wherever it is appropriate to do so, we will apply the above general principles to community involvement in all of our planning decisions. We will also encourage other organisations that involve the community in planning processes to adopt these principles. For example, Town/Parish Councils consultations when producing Neighbourhood Plans and developers consultation events prior to the submission of their planning applications for major planning applications.

#### 3.1 For all planning policy consultations Swale will:

- Seek views as early as possible
- Ensure involvement is open to all
- Take into account our duties under the Equality Act 2010
- Choose consultation processes that are proportionate in type and scale to the potential impacts of the proposed plan
- Target consultation to include people whom we consider would be most affected by the particular proposals or plans, and where possible we will include known interest/community/residents groups
- Provide sufficient information for people to comment effectively
- Create concise consultation documents, without understating the complexities of any issues or decisions
- Avoid unnecessary jargon
- State clearly how to respond and by when
- Aim to make all representations publicly available
- Tell people who participate in the consultation how to access the results
- Ensure that information received through consultation processes complies with the Data Protection Act 1998 and the Freedom of Information Act 2000

### Question 1

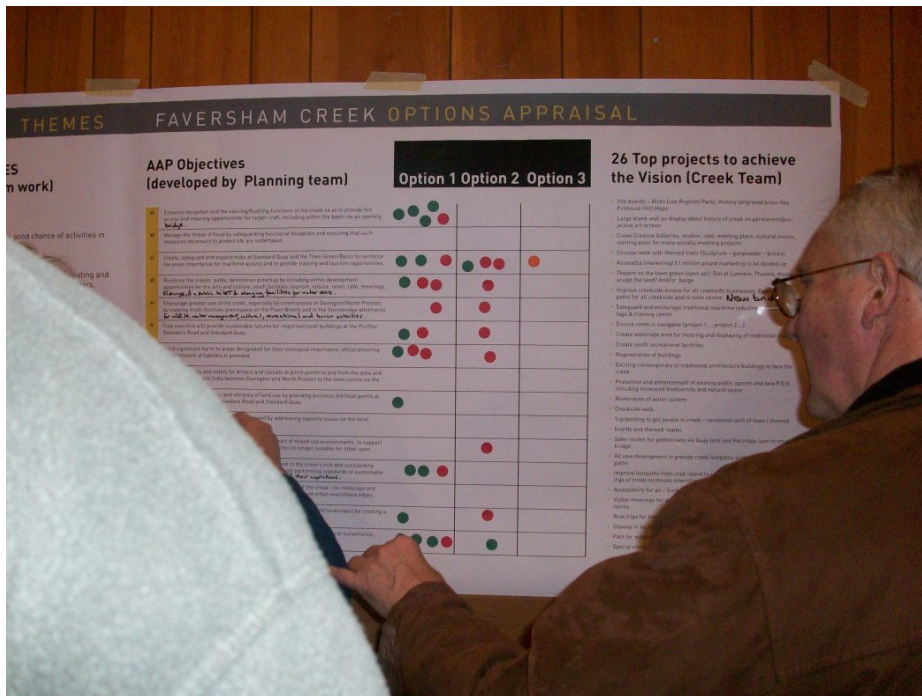
#### Swale's General Principles to Consultation

Do you agree or disagree with Swale's General Principles of Consultation? If you do not agree, which parts would you change and what, if anything, would you replace them with?

**3.2** Public consultation results are a type of participatory evidence. This is often the starting point for both planners, and in the case of Neighbourhood Plans, the designated body, to understand their community's

### 3 General Principles

views on the high level issues they think a plan needs to address. This is a form of qualitative data. It can be gathered in a number of ways by asking those with an interest in the area for information and views. (See Appendix 1 for different types of public consultation methods.)



Picture 3.0.1 An example of an interactive workshop session on a planning document

## Resourcing and managing the process

**3.3** In considering the Swale approach to community consultation set out in this SCI, we have had to be mindful of resources available to undertake consultation exercises and deliver meaningful results within tight timescales and resources. A balance has to be struck between consultation and the various production and management issues associated with the range of planning documents that are to be prepared. To facilitate this, electronic communication will be utilised whenever possible, including regular updates on the council website, and via social media.

**3.4** This document should be read in conjunction with [Swale's Communications Strategy](#)



## 4 Who will we involve in consultations?

**4.1** The Town and Country Planning (Local Planning) (England) Regulations 2012 set out those bodies that the Council must consult with when preparing development plan documents and planning applications.

**4.2** The main groups to be targeted are Central, Regional and Local Government organisations, statutory bodies, community, voluntary, resident and interest groups, members of the public, Parish/Town Councils, local businesses and developers/agents. Information with regard to specific consultees can be found in **table \*\*** below.

**4.3** The preparation of Local Development Documents will be more relevant to some groups than others. The list will therefore be used as a guide to identifying the types of groups to involve and consult with. The groups and organisations will change over time and the planning consultation database will be reviewed regularly to maintain an up to date and relevant list of groups and organisations to consult.

### Who We Will Involve In Plan Making

**4.4** The National Planning Policy Framework emphasises the need to involve all sections of the community in plan-making.

**4.5** The Council also has a legal duty to consult residents and businesses when appropriate. In addition, legislation (Town and Country Planning (Local Planning) (England) Regulations 2012) sets out who must be consulted at prescribed stages of the document preparation.

**4.6** Many individuals and organisations contribute to the preparation of planning documents. For clarity the Council has divided consultees into four groups. This may alter over time due to changes in legislation or re-organisations of public bodies, so the lists are reviewed regularly.

Statutory Consultees – Specific Bodies	Statutory Consultees – General Bodies	Other Consultation Bodies And Organisations
<ul style="list-style-type: none"> <li>Local planning authorities that adjoin the Borough and the Greater London Authority</li> </ul>	<ul style="list-style-type: none"> <li>Voluntary bodies</li> </ul>	<ul style="list-style-type: none"> <li>Local environmental groups</li> </ul>
<ul style="list-style-type: none"> <li>Kent County Council</li> </ul>	<ul style="list-style-type: none"> <li>Bodies which represent the interests of disabled people in the area</li> </ul>	<ul style="list-style-type: none"> <li>Groups representing users, and the providers, of leisure, sport and recreation</li> </ul>
<ul style="list-style-type: none"> <li>Parish and Town Councils within and adjoining the Borough</li> </ul>	<ul style="list-style-type: none"> <li>Bodies which represent the interests of different religious groups in the area</li> </ul>	<ul style="list-style-type: none"> <li>Health, education, social service and community based service providers</li> </ul>
<ul style="list-style-type: none"> <li>A local policing body</li> </ul>	<ul style="list-style-type: none"> <li>Bodies which represent the interests of businesses in the area</li> </ul>	<ul style="list-style-type: none"> <li>Civic societies, cultural, historical and archaeological groups or bodies</li> </ul>
<ul style="list-style-type: none"> <li>The Coal Authority</li> </ul>	<ul style="list-style-type: none"> <li>Bodies which represent the interests of different ethnic or national groups in the area</li> </ul>	<ul style="list-style-type: none"> <li>Groups representing young people</li> </ul>
<ul style="list-style-type: none"> <li>Environment Agency</li> </ul>		<ul style="list-style-type: none"> <li>Associations of local residents and communities</li> </ul>
<ul style="list-style-type: none"> <li>Historic England</li> </ul>		<ul style="list-style-type: none"> <li>Registered social landlords</li> </ul>

## 4 Who will we involve in consultations?

Statutory Consultees – Specific Bodies	Statutory Consultees – General Bodies	Other Consultation Bodies And Organisations
<ul style="list-style-type: none"> <li>Natural England</li> </ul>		<ul style="list-style-type: none"> <li>House builders and developers - both through the Forum and individually</li> </ul>
<ul style="list-style-type: none"> <li>The Marine Management Organisation</li> </ul>		<ul style="list-style-type: none"> <li>Landowners and land agents - both through the Forum and individually</li> </ul>
<ul style="list-style-type: none"> <li>The Port Authority</li> </ul>		<ul style="list-style-type: none"> <li>Public transport users and providers</li> </ul>
<ul style="list-style-type: none"> <li>Network Rail Infrastructure Limited</li> </ul>		<ul style="list-style-type: none"> <li>Groups representing retired and elderly persons</li> </ul>
<ul style="list-style-type: none"> <li>Highways England</li> </ul>		<ul style="list-style-type: none"> <li>South East Local Economic Partnership</li> </ul>
<ul style="list-style-type: none"> <li>Mobile Phone Operators Association</li> </ul>		<ul style="list-style-type: none"> <li>Gender and ethnicity groups</li> </ul>
<ul style="list-style-type: none"> <li>Mobile Phone Operators with apparatus situated in any part of the Borough</li> </ul>		<ul style="list-style-type: none"> <li>The wider community</li> </ul>
<ul style="list-style-type: none"> <li>Primary Care Trusts</li> </ul>		
<ul style="list-style-type: none"> <li>Utilities and service providers</li> </ul>		
<ul style="list-style-type: none"> <li>Homes and Communities Agency</li> </ul>		

### Consultees for plan making

#### Question 2

#### Other Consultation Bodies and Organisations

Do you think that the list of 'other consultation bodies and organisations' covers all of Swale's community and interest groups? If not, what group of people would you add?



**Picture 4.0.1 An example of an exhibition consultation event**

not fixed and anyone can ask for their details to be added. Others who no longer wish to be involved will be removed from the list on request.

**4.8** We will usually also publicise consultations through local media and our social media options.

### Duty to Co-operate

**4.9** Swale Borough Council is required to work with neighbouring authorities and other public bodies involved in planning when it comes to tackling issues at a larger than local scale (Section 110 of the Localism Act 2011 and guidance in the National Planning Policy Framework). The duty to cooperate 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. The bodies that we are bound to work together with by the duty include:

- Neighbouring local planning authorities
- Kent County Council including Kent Highways
- The South East Local Economic Partnership
- The Environment Agency
- Historic England
- Highways England
- Natural England
- The Office of Rail Regulation
- The Primary Care Trusts
- The Civil Aviation Authority
- The Port Authority
- Homes and Community Agency
- Greater London Authority and Transport for London
- The Marine Management Organisation

**4.10** In addition, the National Planning Policy Framework requires local planning authorities to work collaboratively with Local Nature Partnerships.

### Consultation Register

**4.7** Members of the public who would like to be notified about planning policy consultations and the progress of documents can add their details to the Council's database of consultees. You can register on Swale's consultation register here [Limehouse Consultation Register](#). These people are alerted by email when opportunities arise to make representations on proposed planning documents. The list is

## 4 Who will we involve in consultations?

### Hard to Reach Groups

**4.11** The relatively dispersed population of Swale, spread over a wide urban and rural area, raises particular problems in devising the most appropriate means of consultation to be used. There may also be problems in identifying representative groups to be consulted on behalf of ethnic minority or socially excluded groups, where fairly small numbers of people are involved. Barriers to engagement for hard to reach groups in Swale may include a lack of access to computers and the internet, language barriers, difficulties accessing Swale's three offices, the working community not having the time to engage, young people, people with low literacy and minority ethnic and cultural groups.

**4.12** As and when it is deemed necessary by the Council, in order to widen the involvement of the community, a broader range of engagement methods will be used to ensure hard to reach groups are engaged. The Council will avoid a tick-box approach to the hard to reach and engage them in dialogues which are significant, especially when they have specific interests.

#### Question 3

##### Swale's Hard to Reach Groups

Do you think that the table of consultation methods covers all of the possible consultation types? If not, what type of consultation method would you add?

Do you agree with the consultation considerations in the table above?

**4.13** Appendix 1 shows a table of possible consultation methods available for use by the Council and for each, it looks at the different considerations for when each method would be most suitable. When choosing which consultation methods to choose the Council will need to ensure that all members of the community, especially those at risk of exclusion, who may be interested are given the chance to participate.

#### Question 4

##### Consultation Methods

Do you think that the table of consultation methods in Appendix 1 covers all of the possible consultation types? If not, what type of consultation method would you add?

Do you agree with the consultation considerations in the table?

### Role of elected members

**4.14** Swale Borough Council has 47 councillors who are elected to represent their ward constituents. They have an important role to play in the community involvement process by keeping their local communities informed, representing their views and encouraging and assisting them to engage in the future planning and development of their area.

**4.15** It is vital that all elected members are either involved in, or aware of the Local Plan preparation process to provide ownership, leadership and commitment to future implementation. Where appropriate, and depending on the issues in question, arrangements will be made with Councillors to involve them in emerging policy work. This approach will be in addition to the Council's established procedures for decision making.

## Who We Will Involve In the Development Management Process

**4.16** The operation of the development management process is governed by requirements that are set out in national legislation. With respect to publicity and consultation on planning applications the requirements are set out in The Town and Country Planning (Development Management Procedure)(England) Order 2015 (as amended)

Statutory Consultees	Non-statutory Consultees
Adjoining landowners	Emergency Services and Multi-Agency Emergency Planning
Canal and River Trust	Forestry Commission
Coal Authority	Health and Safety Executive
Control of major-accident hazards competent authority	Ministry of Defence
County Planning Authorities	Office of Nuclear Regulation
Crown Estates Commissioners	Police and Crime Commissioners
Department of Energy and Climate Change	Rail Network Operators
Environment Agency	Sport England
Forestry Commission	Business Improvement Districts
Garden History Society	Local residents; especially of neighbouring properties
Greater London Authority	
Health and Safety Executive	
Highways Authority	
Highways England	
Historic England	
Local Highway Authority	
Adjacent Local Planning Authorities	
National Parks Authorities	
Natural England	
Town and Parish Councils	
Rail Infrastructure Managers	
Rail Network Operators	
Sport England	
Theatres Trust	

## 4 Who will we involve in consultations?

Statutory Consultees	Non-statutory Consultees
Toll Road Concessionaries	
Water and sewerage undertakers	

### Consultees for development management

**4.17** This is prescribed in article 15 of the Development Management Procedure Order. There are separate arrangements for listed buildings which are set out in regulation 5 and regulation 5A of the Listed Buildings and Conservation Area Regulations 1990 (as amended).

**4.18** The Development Management Procedure Order includes powers for the Secretary of State to direct local planning authorities that additional consultation must take place in specific local circumstances. This process is referred to as a 'consultation direction'. Any consultation required by a direction – where there are further, locally specific, statutory consultation requirements as set out in a consultation direction.

**4.19** A consultation direction may be issued in relation to areas, sites and routes which are typically of more than local importance, or to allow the further consideration of proposals in the vicinity of existing facilities (such as airports).

**4.20** Safeguarding directions are a specific type of consultation direction, and typically set out detailed maps of areas (for example, those around some existing facilities, such as certain airports or in relation to proposed infrastructure) where statutory consultation is required on planning applications within their area. Detailed guidance on mineral's safeguarding is provided in the Minerals guidance.

**4.21** For further information on consultation and planning applications please see section 6 'Community involvement in the planning application process.'

## 5 Community Involvement in Plan Making

### The Plan Making Process

**5.1** Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. (NPPF, para 150.)

**5.2** When planning applications are determined a wide range of both national and local planning documents have to be taken into consideration. Table 4.1 below shows the different types of documents which, together form Swale's Development Plan. Community involvement will vary from document to document depending on their content, purpose and their status. The table also shows the level of community involvement possible, linking back to the three types of involvement set out in section 1 'General Principles', which can occur on a number of different levels, for each of the planning documents.

Document Type	Produced by	Document Purpose	Level of Community Involvement
The Development Plan: The Swale Local Plan Kent Minerals and Waste Local Plan Supplementary Planning Documents Neighbourhood Plans	Swale Borough Council Kent County Council Swale Borough Council Town/Parish Councils or Neighbourhood Forums	A suite of planning documents that sets out a vision and framework for the future development of Swale over (usually) a 20 year period  To develop a vision for a neighbourhood and set policies and allocate land uses for that area	Participation, information and consultation  Participation, information and consultation
Sustainability Appraisals	Swale Borough Council	Local Plans and some Supplementary Planning Documents are subject to these. They assess the economic, environmental and social effects of a plan	Information and consultation
Strategies and other supporting Documents	Swale Borough Council	To set out objectives and implementation schemes to achieve planning objectives	Participation (usually), information and consultation
Statement of Community Involvement	Swale Borough Council	Sets out Swale's consultation processes	Information and consultation
Community Infrastructure Levy	Swale Borough Council	Sets a charge on new development to help fund infrastructure	Information and consultation
Local Development Scheme	Swale Borough Council	Programme for preparing new planning policy documents	Information

## 5 Community Involvement in Plan Making

Document Type	Produced by	Document Purpose	Level of Community Involvement
Authority Monitoring Report	Swale Borough Council	Reports on progress of the LDS and monitors the adopted Local Plan	Information

**5.3** Further details of the type of consultation proposed for each stage of the plan making process is set out below.

### Evidence Base

**5.4** An extensive suite of technical evidence base documents is required to underpin and inform the production of the Local Plan and other development plan documents. The methodology for some pieces of evidence base is prescribed in national planning policy and practice guidance.

**5.5** The National Planning Policy Framework (NPPF) states that local planning authorities should ensure that their Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Their assessments of and strategies for housing, employment and other uses must be integrated, and must take full account of relevant market and economic signals. (NPPF, para 158.)

**5.6** Evidence base documents can be both quantitative (facts and figures such as census data and housing need) as well as qualitative (e.g. opinions given in consultation responses) and is used to inform the development of the policies and strategies.

**5.7** Evidence base documents are technical pieces of work and therefore are not widely consulted on. However, targeted consultation may occur with specific statutory and non-statutory consultees who have expertise in that area. e.g. The Environment Agency would be consulted on the Strategic Flood Risk Assessment.

### Question 5

#### Level of Community Involvement

Do you agree or disagree with the levels of community involvement for the list of planning documents in table \*\* above? If not, which would you change and why?

## How Will We involve the Community in Plan Making

### Development Plan Documents

Document and Stage	What We Will Do	Who We Will We Consult	How Will We Consult
Development Plan Documents			



## Community Involvement in Plan Making 5

Document and Stage	What We Will Do	Who We Will We Consult	How Will We Consult
<p><b>Stage 1: Prepare Issues and Options Document</b></p> <p>At the initial stages of producing a plan it is important that the community has an opportunity to identify local issues, influence the options for future development and examine the evidence.</p>	<p>As a minimum, we will ensure that we comply with the relevant current planning regulations.</p> <p>We will also:</p> <ul style="list-style-type: none"> <li>• Consult more widely where it is relevant and appropriate and timely to do so</li> <li>• Advertise any consultation and make it clear where material can be viewed by the community</li> <li>• When possible, summary documents, maps and diagrams explaining the key issues and proposals will be published</li> <li>• Maintain and add people to our planning database of consultees at any time</li> <li>• Comments received at this stage will be acknowledged and taken into account, together with any available technical evidence as well as national policies and guidance</li> </ul>	<p>We will notify specific, general and other consultation bodies that may have an interest in the document.</p>	<ul style="list-style-type: none"> <li>• We will engage all specific and general consultation bodies, and other consultation bodies as appropriate</li> <li>• We will consult with the wider community at least once during this stage in the production of the document</li> <li>• We will publish consultation documents on-line and the preferred route for comments is via the website, because this helps make the process as efficient as possible</li> <li>• We will make all the comments received publicly available</li> <li>• The council will also consider using one or more of the following methods: <ul style="list-style-type: none"> <li>• Correspondence through letters or email</li> <li>• Workshops or focus groups</li> <li>• Presentations at community events</li> <li>• Joint consultations</li> <li>• Drop-in events, displays or exhibitions</li> <li>• Meetings (one to one or group)</li> </ul> </li> </ul>

## 5 Community Involvement in Plan Making

Document and Stage	What We Will Do	Who We Will We Consult	How Will We Consult
			<ul style="list-style-type: none"> <li>• Make plans available on our website and at public inspection points</li> <li>• Targeted measures for hard to reach groups</li> </ul>
<p><b>Stage 2: Publish Proposed Submission Document</b></p> <p>The council will prepare and consult on the final draft of the plan before it is submitted to the Secretary of State for examination.</p> <p>Representations submitted at this stage are forwarded to the Planning Inspector.</p>	<ul style="list-style-type: none"> <li>• As a minimum, the council will comply with the relevant planning regulations</li> <li>• We will consult on the plan for at least six weeks</li> <li>• The submission documents and other relevant documents must be available for inspection on the website and at the council's office and other public inspection points</li> <li>• When possible, summary documents, maps and diagrams explaining the key issues and proposals will be published</li> <li>• We will notify consultees</li> <li>• The council will publicise where and when the documents may be inspected</li> <li>• Make printed copies of the plan available at a reasonable charge if requested</li> <li>• Where appropriate, the council will make changes to the document before it is submitted to the Secretary of State</li> <li>• All representations received at this stage will be forwarded in full to the Secretary of State.</li> </ul>	<ul style="list-style-type: none"> <li>• We will notify those specific, general and other Consultation bodies that were invited to make representations at an earlier stage</li> <li>• The wider community (as appropriate to the document) will also be consulted</li> </ul>	<ul style="list-style-type: none"> <li>• We will contact everyone on our planning consultation database by letter or email and where appropriate we will use targeted measures for hard to reach groups</li> <li>• To explain the preferred plan we will consider using one or more of the following methods: events, displays, exhibitions or meetings</li> </ul>

## Community Involvement in Plan Making 5

Document and Stage	What We Will Do	Who We Will We Consult	How Will We Consult
<p><b>Stage 3: Examination</b></p> <p>The council is required to submit the plan and supporting information for public examination. The Inspector in charge of the examination will take into account written comments on the plan and, if invited by the Inspector, people can also appear at the examination to speak in support of, or against, the plan. The Inspector will consider whether the Document has complied with the requirements of this Statement of Community Involvement.</p>	<ul style="list-style-type: none"> <li>• We will comply with all the relevant planning regulations for the submission and examination of the plan</li> <li>• We will ensure that all the relevant submission documents are available for inspection on our website and at the council's office and local libraries</li> <li>• We will publish full details of the submission</li> <li>• We will appoint an independent Programme Officer to assist the Inspector with the examination</li> <li>• Full details of the running of the Examination will be published on behalf of the Programme officer on the Council's website</li> </ul>	<ul style="list-style-type: none"> <li>• We will notify all those specific, general consultation bodies, the wider community, and other bodies who have previously been invited to make representations on the plan, about the submission of the plan to the Secretary of State</li> <li>• We will also notify anyone else who requested to be notified of the submission of the plan to the Secretary of State</li> <li>• The Programme Officer will notify all those who commented on the plan at stage 2 with details of the examination</li> </ul>	<p>Consultees will be informed by email or letter</p>
<p><b>Stage 4: Adoption</b></p>	<ul style="list-style-type: none"> <li>• We will publish the Inspector's Report and</li> </ul>		<ul style="list-style-type: none"> <li>• We will send the adoption statement</li> </ul>

## 5 Community Involvement in Plan Making

Document and Stage	What We Will Do	Who We Will We Consult	How Will We Consult
<p>Following the Examination, the Inspector will produce a report. The council will consider the Inspector's report, make changes to the plan where appropriate and adopt the final plan.</p> <p>Sometimes, the Inspector may issue Interim Findings and propose that Main Modifications be made to the plan to make it sound. The Inspector will usually indicate that these will also need to be consulted upon and may need a further round of Examination. Any such Main Modifications will be consulted on in the same way as the submission stage proposals (stage 2.)</p>	<p>notify anyone who who requested to be notified</p> <ul style="list-style-type: none"> <li>We will make the adopted document, a sustainability appraisal report, relevant information and adoption statement available for inspection at the council's main offices and on the website as soon as practicable</li> </ul>		<p>to the Secretary of State and any person who requested to be notified</p> <ul style="list-style-type: none"> <li>We will write to everyone who has made a representation on the document to inform them of the adoption process</li> </ul>

### Other Development Plan Documents

**5.8** Kent County Council is responsible for the Minerals and Waste Local Plan. Anyone who wishes to participate in the preparation of this document needs to contact Kent County Council Minerals and Waste Planning Policy Team on 03000 42 23 70 or [mwdf@kent.gov.uk](mailto:mwdf@kent.gov.uk). Their website [KCC Minerals and Waste](#) provides further information.

### Neighbourhood Plans

**5.9** Town and Parish Councils lead on the preparation of Neighbourhood Plans The Localism Act (2011). They are responsible for undertaking consultation during the preparation stage (Neighbourhood Planning (General) Regulations 2012) and may decide who to consult, according to the scope and nature of the proposals being developed. The plan is then submitted to Swale Borough Council and we are responsible for undertaking consultation upon the completed document prior to independent examination.

**5.10** The Localism Act 2011 has reformed the planning system to give local people new rights to shape the development of the communities in which they live. There is no compulsion for parishes to prepare a Neighbourhood Development Plan (NDP)

Document and Stage	What Will We Do	Who Will Be Consulted
<b>Neighbourhood Development Plans</b>		
<b>Stage 1: Defining the Neighbourhood Area</b>	<ul style="list-style-type: none"> <li>Swale will undertake the statutory 4 week consultation period. The Council will publicise the application online, along with site notices across the Neighbourhood area, informing interested parties how a representation can be made.</li> </ul>	<ul style="list-style-type: none"> <li>Those within the Neighbourhood area</li> <li>Adjoining Parish/Town Councils</li> <li>Specific, general and other consultation bodies</li> </ul>
<b>Stage 2: Publicise the draft Neighbourhood Development Plan</b>	<ul style="list-style-type: none"> <li>The Council's Neighbourhood Planning team are there to provide guidance and advice throughout the plan making process to ensure the plan is in line with the regulations and legislative requirements and conforms to planning policies.</li> </ul>	<ul style="list-style-type: none"> <li>The Parish/Town Council or Neighbourhood Forum decide the level of detail that will make up their Neighbourhood Development Plan.</li> <li>Views of the local community, interest groups and stakeholders should be sought, in order to form a well evidenced foundation for the plan.</li> <li>A consultation statement detailing how this has been achieved will be required for the final submission of the Neighbourhood Development Plan.</li> <li>The draft plan should be published locally, by the Parish/Town Council or Neighbourhood Forum, for a minimum period of 6 weeks in order for any representations to be made. Consultation must also be made with specified consultees, to assist compliance with Reg 14.</li> </ul>
<b>Stage 3: Submission of the final Neighbourhood Development Plan</b>	<ul style="list-style-type: none"> <li>The Planning Policy team will publish the plan for a minimum 6 week consultation period.</li> <li>Following conclusion of the consultation, the Planning Policy team will make a recommendation regarding progress of the plan. Final approval for the plan to move forward to examination stage will be given by Local Development Framework Panel.</li> </ul>	<p>The final plan should be submitted to Swale Borough Council Planning Policy team.</p> <p>In accordance with Reg 15, the plan should consist of:</p> <ul style="list-style-type: none"> <li>A map showing the area in which the Neighbourhood Development Plan covers</li> <li>The proposed Neighbourhood Development Plan</li> </ul>

## 5 Community Involvement in Plan Making

Document and Stage	What Will We Do	Who Will Be Consulted
		<ul style="list-style-type: none"> <li>• A consultation statement detailing how the opinions of interested parties have been sought</li> <li>• A written statement explaining how the Neighbourhood Development Plan has met the basic conditions</li> <li>• Any required environmental assessments (Strategic Environmental Assessment and/or Habitat Regulation Assessment.)</li> </ul>
<p><b>Stage 4: Independent Examination</b></p>	<p>The Council will organise and pay for an independent examination of the Neighbourhood Development Plan and supply the relevant documents to the examiner, including any details of any representations during the final consultation. Many examinations will be dealt with by written representation; however there may be some via hearing or public examination, depending on the circumstances.</p> <p>The examiner will recommend either:</p> <ol style="list-style-type: none"> <li>1. The plan move to a referendum</li> <li>2. Following amendment the plan move to a referendum</li> <li>3. The plan should be refused</li> </ol> <p>The examiner's report is not binding and consideration will be given to the recommendations within it. A decision statement will be produced by the Planning Policy team, outlining the decision reasons, where it can be inspected and any modifications made to the plan. The report and Council decision will be published on the website and within the Neighbourhood Area.</p>	<p>The Council will appoint an Independent Examiner and if they decide to hold an examination they will decide who will be able to speak. The Programme Officer who will invite all of those to the relevant hearing sessions.</p>
<p><b>Stage 5: Referendum</b></p>	<ul style="list-style-type: none"> <li>• Once the plan is finalised and any amendments have been made, Swale Borough Council will arrange and pay for a referendum. The Examiner will have specified the area for the referendum to cover. It will include all those on the electoral roll within the specified area.</li> </ul>	

## Community Involvement in Plan Making 5

Document and Stage	What Will We Do	Who Will Be Consulted
	<p>Swale Democratic Services will undertake the referendum and will send poll cards to all those eligible to vote.</p> <ul style="list-style-type: none"> <li>If the referendum result rules in favour by 50% or more, then the Neighbourhood Development Plan will move on to the final stage in the process.</li> </ul>	
<b>Stage 6: Adoption</b>	<ul style="list-style-type: none"> <li>A recommendation will be made to Swale Borough Council's Council to adopt the agreed Neighbourhood Development Plan and this will form the basis of development and determine planning applications as part of the Development Plan.</li> <li>Adopted plans will be published on the Council website and made available for viewing at local customer service centres and libraries.</li> <li>Copies of the decision to adopt will be sent to the Parish/Town Council or the Neighbourhood Forum and any person who has previously asked to be notified.</li> </ul>	

### Supplementary Planning Documents

Document and Stage	What Will We Do	Who Will We Consult	How Will We Consult
<b>Supplementary Planning Documents</b>			
<p><b>Stage 1: Prepare Supplementary Document (SPD)</b></p> <p>Evidence and ideas are gathered, and alternative approaches are considered</p>		<ul style="list-style-type: none"> <li>We will consult with those individuals and bodies who are relevant to the successful implementation of the SPD.</li> <li>We may consult more widely if it is considered</li> </ul>	<ul style="list-style-type: none"> <li>This will depend on the type of SPD. The council will consider using one or more of the following methods: <ul style="list-style-type: none"> <li>Correspondence by letter or email</li> <li>Workshops or focus groups</li> </ul> </li> </ul>

## 5 Community Involvement in Plan Making

Document and Stage	What Will We Do	Who Will We Consult	How Will We Consult
		relevant and appropriate to do so.	<ul style="list-style-type: none"> <li>Meetings</li> <li>Drop in events</li> </ul>
<p><b>Stage 2: Publish draft Supplementary Planning Document</b></p> <p>The council is required to consult on the SPD. Publishing a draft provides opportunity to get comments on the document before it is finalised.</p>	<ul style="list-style-type: none"> <li>As a minimum, the council will comply with the relevant planning regulations</li> <li>We will consult for at least 6 weeks and make copies of the draft SPD available for inspection on the website and at the council's main office and other locations as appropriate to the type of SPD</li> <li>We will make all the comments received publicly available</li> <li>We will consider all representations received.</li> </ul>	<ul style="list-style-type: none"> <li>We will consult the specific, general and other bodies who are relevant to the topic of the SP being prepared</li> <li>We will consult residents or persons carrying on business in the area where it is appropriate to</li> </ul>	<p>This will depend on the type of SPD. The council will consider using one or more of the following methods:</p> <ul style="list-style-type: none"> <li>Making documents available on the council's website and at inspection points</li> <li>Workshops or drop in events</li> <li>Correspondence through letters or emails</li> <li>Leaflets/Newsletters</li> <li>Targeted measures for hard to reach groups relevant to the topic of the SPD</li> </ul>
<p><b>Stage 3: Adoption</b></p> <p>Once the council has taken into account comments and made any changes to the document, it will be adopted by the council's Cabinet. An independent examination is not required.</p>	<ul style="list-style-type: none"> <li>We will prepare a consultation statement</li> <li>We will adopt the SPD</li> <li>We will publish the SPD, consultation statement and an adoption statement on the website</li> <li>These documents will also be available for inspection at the council offices and other locations as appropriate to the type of SPD</li> </ul>	<ul style="list-style-type: none"> <li>We will send a copy of the adoption statement to any person who has asked to be notified of the adoption.</li> </ul>	



Document and Stage	What Will We Do	Who Will We Consult	How Will We Consult

(

*For guidance notes on making a representation to a planning policy document please see Appendix 2*

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## 6 Community Involvement in the planning application process

### 6 Community Involvement in the planning application process

#### Preparing and Publicising Planning Applications

##### Pre-application Advice

**6.1** Swale offer a pre-application advice service to anyone who is considering building works and/or changes of use to properties. This advice is provided for a fee (free for charities, voluntary groups, Parish/Town Councils and advice relating to the repair of listed buildings) and is the stage before making a planning application. Swale strongly recommend applicants use this service.

**6.2** There are many benefits of pre-application advice, including:

- It gives you an opportunity to understand how our policies will be applied to your development and you can identify potential problems and resolve them before an application is submitted. This can help prevent costly and time consuming amendments to schemes later
- It may indicate that a proposal has little or no realistic chance of success, so saving you considerable time and money
- It may lead to a reduction in time spent by your professional advisers in working up the proposals in more detail
- It can identify at an early stage whether any specialist advice is needed, e.g. about listed buildings, trees, flood risk, highways etc
- We can discuss with you details of the proposal such as its design and the materials to be used. This can help you prepare a better planning application so we can process it more quickly and give you a decision sooner

**6.3** We strongly encourage applicants to discuss their proposals, both minor and major, with their neighbours, the local community, the relevant town or parish council and their ward councillor at an early stage. The greater the likely impact of a proposed development, the greater the need for community involvement. For further information please go to [Pre-Application Advice](#)

**6.4** Applicants of large, major schemes are also encouraged to undertake pre-application briefings with Swale Members to ensure that there is an early two way dialogue and so that local Members can then share this information with their residents.

Type of Development	What Applicants Need To Do	What Swale Will Do
<p><b>MAJOR</b></p> <p>Residential development of 10 or more dwellings (or a site of more than 0.5ha)</p> <p>Non-residential development with floor space of 1,000 sq m</p>	<p>Choose appropriate methods to involve the community prior to submission of the planning application e.g. Public meetings/exhibitions, workshops, consultation website</p> <p>Provide a statement with the application describing how the community was involved and what their views were</p> <p>Consider local planning documents and national guidance</p>	<p>Provide pre-application advice on request (a charge will be made for this service)</p> <p>Publish all of the documents on our website</p> <p>Post site notices at or near the proposed site</p> <p>Place an advert in the local press</p> <p>Consult statutory and non-statutory consultees as well as internal consultees</p> <p>Send a neighbour notification letter to neighbouring properties</p>

## Community Involvement in the planning application process 6

Type of Development	What Applicants Need To Do	What Swale Will Do
	Strongly consider undertaking pre-application advice from the Council and appropriate statutory and non-statutory consultees	
<p><b>MINOR</b></p> <p>Smaller in scale than a major development and outside the definition for change of use or householder</p>	<p>Consider the need for pre-submission community consultation depending on the nature, scale, and location of the proposed development</p> <p>May need to provide a statement with the application describing the actions taken to involve the community and what their views were</p> <p>Consider local planning documents and national guidance</p> <p>Strongly consider undertaking pre-application advice from the Council and appropriate statutory and non-statutory consultees</p>	<p>Provide pre-application advice on request (a charge will be made for this service)</p> <p>Publish all of the documents on our website</p> <p>Post site notices, where appropriate, at or near the proposed site</p> <p>Advertise in the local press if the application:</p> <ul style="list-style-type: none"> <li>• Is for a listed building</li> <li>• Is in a conservation area</li> <li>• Is near or affects a public right of way</li> <li>• Is accompanied by an Environmental Impact Assessment</li> <li>• Departs from the development plan</li> <li>• Affects the setting of a listed building/conservation area</li> </ul>
<p><b>OTHER</b></p> <p>Includes the categories of:</p> <p><b>Change of Use</b> (which does not involve building or engineering work)</p> <p><b>Householder</b> (within the curtilage of a dwelling that requires permission and is not a change of use)</p>	<p>It is good practice to consult with neighbours before submitting a planning application and any consultation actions can be reported within the planning application documents</p> <p>Consider local planning documents and national guidance</p> <p>Strongly consider undertaking pre-application advice from the Council and appropriate statutory and non-statutory consultees</p>	<p>Consult statutory and non-statutory consultees as well as internal consultees</p> <p>Send a neighbour notification letter to neighbouring properties</p>

### Submitting Planning Applications

**6.5** If requested, we will send the relevant forms in the post to you by the next working day. We will also help you to complete the appropriate forms if required. Once we have received a planning application we will acknowledge receipt of your planning application within 5 working days.

## 6 Community Involvement in the planning application process

**6.6** When planning applications are received by the Council we first check to ensure that all the necessary information has been provided, please see the [Swale Local Validation Requirements](#) to help you with what information you need to include with your application. Larger and more complex applications require more supporting data.

### Public Consultation on Planning Applications

**6.7** We put all planning applications on the statutory planning register so that it can be inspected by any interested member of the public. The public can use the [Planning Application Search](#) to view and leave comments on all planning applications in Swale.

**6.8** The public can register on our [Public Access System](#) in order to track the progress of a planning application, including being informed of any new information (such as new objections) being made and any amendments to a scheme.

**6.9** We will allow 21 days for third parties (including parish and town councils) to comment on applications. It is common for submitted applications to be altered during the process of determination, usually as a result of negotiation between the applicant and the case officer, for example following receipt of comments from consultees, or local residents. We will reconsult for a further 14 days when amended details are received. For example, we would re-consult if we consider that the new proposals are likely to cause a significantly greater detrimental impact on the occupants of adjoining properties.

**6.10** We will write to neighbouring properties of the application site to let them know about the application and to explain to them how they can comment on the application.

**6.11** Where statutorily required, we will also put up a notice on or near the site and advertise the application in a local newspaper.

**6.12** Planning legislation and guidance specifies that various organisations must be consulted when a Local Planning Authority is considering applications; these are known as statutory consultees. We always consult the relevant town or parish council, but the other statutory consultees vary according to the type of application. For example with a Listed Building Consent application for works to a Grade 1 listed building, Historic England must be consulted. Other relevant organisations include the Highway Authority, Environment Agency, Natural England, Kent County Council, etc. We may also seek internal professional advice from our own officers within the council who have expertise in conservation/heritage, design, trees, open space, noise, pollution, licensing and legal matters. All comments received from statutory consultees and internal consultations are available to view via our website.

**6.13** We also use a Development Team approach to consult with internal and some statutory consultees. Pre-application submissions and submitted planning applications are discussed at these meetings by officers from across the Council, such as from open space, economic development, environmental health, housing and by outside consultees such as Kent County Council, Environment Agency and Building Control. These meetings help us to engage with experts to gain their views and to get all of the relevant information early in the decision making process.



**Picture 6.0.1** An example of a consultation 'game' to enable consultees to manipulate different land use layouts

## Community Involvement in the planning application process **6**

**6.14** We also use Swale's Design Panel to gain expert advice on submitted planning applications. The Panel undertakes a local design review by an impartial panel of experts providing clear, constructive and consistent advice on design issues. The Council encourages its use by applicants of all major planning applications. The developer pays for this service.

**6.15** All comments, from residents, statutory and internal consultees, are read and taken into account, but they can only be given weight when making our decision if they are made on valid planning grounds (also known as "material planning considerations"). A list of common [Material Planning Considerations](#) is available on the national Planning Portal website. We will not reply individually to comments received about applications.

**6.16** The majority of decisions on planning and related applications are made in accordance with the Council's Scheme of Delegation – that is the decision is made by an Officer on behalf of the Council. Other decisions are made by the Planning Committee.

**6.17** We will hold, and allow anyone to see, a copy of any reports sent to the Planning Committee and background papers used to prepare the report. These will be available five working days prior to the meeting at [Planning Committee Reports](#)

**6.18** We will inform everyone, by letter or email, who has commented on an application if it is going to Planning Committee, inviting them to the meeting and explaining how they can register to speak if they so wish. Where an application is to be determined by the Planning Committee, members of the public can request to speak at the committee meeting. This is limited to one person speaking in favour of the application and one person against. The agent/applicant can also register to speak. The Parish/Town council and the local Borough Councillor may also speak. The speakers are allowed up to three minutes each. Requests to speak at the meeting must be registered with Democratic Services (democraticservices@swale.gov.uk or call 01795 417328) by noon on the day before the committee meeting.

**6.19** We will place the decision notices on our website and those registered on our public access system will be informed by email.

**6.20** If an appeal is submitted we will inform everyone who commented on the original planning application of the details of the appeal. The appeal process is managed by the independent Planning Inspectorate.

### Question 6

#### Planning Application Consultations

Do you think that the opportunities to view and comment on a planning application are adequate? If not, what improvements would you suggest?

#### Notification of Decisions

**6.21** We aim to decide the majority of applications within eight weeks, unless they are major category development proposals which will be decided within 13 weeks. Prior approval applications have to be decided within 56 days from receipt of the application.

**6.22** We will issue a decision notice within two working days of a formal decision. A copy will be emailed/posted to the applicant and a copy will be placed on the Council's website. If you are registered on our public access system you will receive a notification email informing you that the decision notice has been issued. The decision notice will give reasons for our decisions if planning permission is refused or approved and it will set out any conditions which have been imposed. Where necessary, it will advise of the rights of appeal to the Secretary of State. Only applicants have the right of appeal; there are no third party rights of appeal.

## 7 Monitoring and Reviewing the SCI

### 7 Monitoring and Reviewing the SCI

**7.1** We aim to make our planning consultations easy to understand and to participate in, and to carry them out in a fair and open way.

**7.2** The Statement of Community Involvement recognises that now a great deal of communication occurs by electronic means. This edition of the SCI also takes into account recent changes to legislation and national guidance relevant to consultation.

**7.3** We will review feedback from consultees obtained through planning consultations to check whether our methods are working effectively. We will monitor the success of community involvement techniques by assessing the representations received during the planning process.

**7.4** We will also continue to take advice on best practice by consulting with relevant council departments, such as Communications and Equalities. We will do this when consultation statements are prepared when plans are submitted for examination. We intend to continue improving our consultation practices as required.

**7.5** The effectiveness of consultations will be also be reviewed annually in the council's Authority Monitoring Report.

**7.6** We propose to review the SCI after each Local Plan is adopted, or if our monitoring shows that we could improve our approach to consultation, or if the government requires us to change the way in which consultation takes place. Any proposed review will be identified within the Council's Local Development Scheme with a clear timetable for its production.

## 8 Glossary

- 8.1 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.
- 8.2 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.
- 8.3 Communities and Local Government (CLG)** - The Government department with responsibility for planning and local government.
- 8.4 Consultation Statement** - A summary of the main issues raised by a consultation.
- 8.5 Development Management (DM)** - The of determining planning applications (and similar) in conformity with the development plan and material considerations. (Previously known as Development Control.)
- 8.6 Development Management Service Standards** - The Council's detailed approach to involving people in the process of making decisions on planning applications. It goes beyond the principles and legal requirements as set out in Section 5.
- 8.7 Development Management policies** - A set of criteria-based policies required to ensure that all development within the area meets the vision and strategy set out in the core strategy.
- 8.8 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.
- 8.9 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.
- 8.10 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.
- 8.11 Elected Members** - Locally elected community representatives that form part of the decision making body in a local authority.
- 8.12 Environmental Impact Assessment** - An analytical process that systematically examines the possible environmental consequences of a development.
- 8.13 General Consultation Bodies** - These organisations are listed in the Town and Country Planning (Local Development) (England) Regulations 2012.
- 8.14 Independent Examination** - The process by which a planning inspector may publicly examine a Development Plan Document.
- 8.15 Inspector's Report** - This will be produced by the Planning Inspector following the Independent Examination.
- 8.16 Inspection Point** - Locations across the borough where consultation documents can be viewed. As a minimum this means the main council offices at Sittingbourne and the area offices in Sheerness and Faversham.

## 8 Glossary

**8.17 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.

**8.18 Local Community** - A generic term which includes all individuals (including the general public) and organisations external to the Council. It can also include statutory and other consultees.

**8.19 Local Development Scheme (LDS)** - Sets out the programme for the preparation of the development plan documents.

**8.20 Local Enterprise Partnership** - A partnership between Local Government and the private sector, designated by the Secretary of State and established for the purpose of creating or improving the conditions for economic growth in an area. Swale is covered by the South East Local Economic Partnership (SELEP), covering Kent, Essex and East Sussex.

**8.21 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.

**8.22 Minerals and Waste Local Plan** - Produced by Kent County Council, these documents set out plans relating to mineral and waste developments in Kent.

**8.23 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.

**8.24 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.

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

**8.26 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.

**8.27 Pre-application Consultation** - The process by which a prospective developer will give local people an opportunity to help shape development proposals before they are formally submitted to the planning authority as a planning application.

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

**8.29 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.

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

**8.31 Specific Consultation Bodies** - These organisations are listed in Town and Country Planning (Local Development) (England) Regulations 2012.



**8.32 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.

**8.33 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.

## Appendix 1: Table of Consultation Methods

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Consultation Method	Considerations
Swale Borough Council web site	Information can be provided quickly and efficiently and accessed by the public from their own home or office at a time which is convenient to them. This can overcome the problems of trying to consult with rural communities. However, access to the internet is not universal and therefore may disadvantage certain groups. Internet speeds and a lack of bandwidth may also hamper the downloading of large planning documents. The Council has web access at it's Sittingbourne and Sheerness offices and at it's libraries and will continue to consider ways in which access to web based information can be improved. Web pages should be user friendly. It's use is likely to continue to increase.
Email Notifications (from both Objective and direct from the Planning Policy team)	Information and responses can be provided quickly and efficiently. Increased use of this means of communication is sought with Town and Parish Councils, specified consultees and all other parties and will be communicated in this way wherever possible. Every effort will be made to gather and maintain email addresses, unless an individual specifies otherwise.
Swale borough Council social media platforms	Use of sites such as Facebook and Twitter keep users informed with regular updates for a low cost. Likely to be utilised as a means of keeping people informed, rather than a formal part of consultation. Many people still not using these mediums. Therefore, where appropriate, pages should be referred to on literature & website to raise awareness.
Formal advertisements in local press	Statutory requirements to publish notices advertising certain planning applications.
Press releases	It is cost effective in terms of bringing local issues into the broader local arena. Releases will be sent out to all major borough publications. However, items may only be reported if they are considered newsworthy by the newspaper editors, therefore publication is not guaranteed. Local newspaper readership is low.
Consultation documents available for sale, CD or inspection at Council offices, by post and on the web	Traditional means of consultation and the information supplied can be in detail. Information needs to be in plain English with simplified formats. Due to limitations for people with mobility or sight disabilities and where English is not a first language, modified versions need to be made available at no extra cost to the individual.
Leaflet, newsletters and brochures	Can publicise and explain in simple language and invite comment. The Inside Swale magazine is a good communication link and should be utilised where appropriate and when publication dates coincide. Specific newsletters can be sent to all residents; however, it can be expensive to distribute.
Formal written letter	Letters will be sent when there is no other means of communication or a person has requested to be written to by post specifically. High postage and administration costs.
Public Exhibitions/Public meetings/presentations	Can be used to circulate information, seek views and endorse proposals. Gives residents some flexibility in deciding when to visit and can encourage feedback. Takes planning issues to the people and provides an opportunity

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Consultation Method	Considerations
	for people to discuss local issues directly with planning officers in an environment which local people will be familiar and therefore comfortable with. However, people attending may not be representative of the whole community and there is no guarantee of turn out. High staff and material costs. Borough-wide consultations require extensive coverage and numbers of events. Displaying information in local shops and leisure outlets where people frequent should be considered as an alternative, where appropriate.
Notices displayed on a site	Direct and local notification of proposals to those around a site and in local area, however notices can be vandalised or removed before the end of consultation period. Used for all planning applications.
Through partnership organisations and focus groups, existing forums/panels	Useful for topic based discussions and to find out what specific groups feel. Provides opportunity to discuss issues in depth and to have ongoing dialogue. However can have high direct costs of facilitating. Important to build on existing networks rather than reinvent with new ones.
Councillor networks	Councillors play a very important role in terms of community engagement. They are a recognised point of contact for the local community to go to with regard to Council matters. It is vital to ensure that Councillors are kept well briefed.
One to one meetings and briefings	Useful for seeking views from targeted groups/individuals however they are time consuming and require costly staff resource.
Parish and Town Council networks/publications	If Town and Parish Councils are effectively involved with consultation exercises they can provide an invaluable contact with local communities. Many have developed their own websites and social media pages and newsletters and notice boards and should be encouraged to share planning information relevant to parish/town residents.
Questionnaire/surveys	Enables quantifiable information to be collected. Questionnaires need to be well designed. There is no guarantee of response rate. Likely to be time consuming and costly.
Workshops	Organised discussion based event to present and gather information. Can be targeted at key stakeholders. Requires skilled facilitators to ensure objectives are achieved. Requires costly staff resource.

## **Appendix 2: Guidance Notes on Making a Representation**

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#### Guidance Notes on making a representation

Throughout the planning process, opportunities will be given in the form of consultation for all interested parties to be involved and make their views known. At the start of a consultation period, a form will be made available for anyone wanting to make a representation. Dates of the consultation will be made clear and only representations received inside these dates, will be taken into consideration. A completed form should include contact details and the comments on the form should relate directly to the aspect of the document as indicated on the form by the Local Plans team. Only names and/or organisations will be published on the Council website, as well as comments made on the form. However, other information will be shared with the Planning Inspector, who may want to contact those who have made a representation to discuss comments and concerns prior to concluding the formal examination.

All representations will be considered by the Planning Inspector as part of the examination of the plan and/or planning document.

The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of an examination is to consider whether the Plan complies with the legal requirements, the duty to co-operate and is sound.

#### Legal Compliance and Duty to Co-operate

The Inspector will first check that the Plan meets the legal requirements under s20(5)(a) and the duty to co-operate under s20(5)(c) of the PCPA before moving on to test for soundness.

You should consider the following before making a representation on legal compliance:

- The Plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Local Planning Authority (LPA). It will set out the key stages in the production of any Plans which they propose to bring forward for independent examination. If the Plan is not in the current LDS it should not have been published for representations. The LDS should be on Swale's website and at its main offices.
- The process of community involvement for the Plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including Plans) and the consideration of planning applications.
- The Plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal Report when it publishes a Plan. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- The Plan must have regard to any Sustainable Community Strategy (SCS) for its area. The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The SCS is subject to consultation but not to an independent examination.

You should consider the following before making a representation on compliance with the duty to co-operate:

## Appendix 2: Guidance Notes on Making a Representation

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to cooperate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

### Soundness

The purpose of the examination is to enable the inspector to decide whether the plan is 'sound'. For a plan to be sound, it must be:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

The above points should be considered when making a representation.

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so it does not need to be included?
- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations, or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

### General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to cooperate and the four requirements of soundness set out above. You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.