

# **APPENDIX 1:**

## **Draft Statement of Community Involvement 2018**

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## **Introduction**

### **What is the Statement of Community Involvement?**

1. Local planning authorities are required to prepare a Statement of Community Involvement (SCI) under the [Planning and Compulsory Purchase Act 2004](#) (as amended), and to review them every five years as a minimum. The SCI 2018 replaces the Statement of Community Involvement 2013 and is effective from xxx.
2. This Statement of Community Involvement reflects revisions to planning legislation that have occurred since 2013 and changes in the way in which the Council provides its planning services.
3. The Maidstone Development Plan includes adopted planning policy documents known as development plan documents. These include:
  - Local plans that are prepared by borough and county councils<sup>1</sup>, and
  - Neighbourhood development plans that are prepared by parish councils and neighbourhood forums.
4. Planning applications are decided in accordance with the Maidstone Development Plan unless other material considerations indicate otherwise. The Council also prepares supplementary planning documents which expand

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<sup>1</sup> Kent County Council prepares the Minerals and Waste Local Plan

on local plan policies in more detail and provide additional information and guidance.

### **Community involvement in planning**

5. The SCI sets out when and how stakeholders and the local community can:
  - Get involved in the preparation of local plans<sup>2</sup>, neighbourhood development plans and supplementary planning documents; and
  - Be involved in the process of decision making on planning applications.
6. People can submit comments on documents and planning applications either online, by email or by letter. Individuals, businesses and other groups must provide a name and address for their comments to be valid, and any comments received are treated as a public document and are made public. Personal data held on the Council's databases are subject to the prevailing data protection regulations that exist at the time.
7. The Council recognises that early and ongoing consultation and engagement with the local community, the development industry and infrastructure providers is an essential part of the planning processes. To achieve inclusive and effective consultation through the plan making and development management processes, the Council will endeavour to:
  - Provide early opportunities for people to be involved in shaping planning policy;
  - Continue to use new technology that provides easy access to consultations and notifications of development plan documents, supplementary planning documents and planning applications;
  - Provide the information needed for the public and statutory consultees to input to consultations in an informed manner;
  - Ensure communications are clear, contain relevant information and are timely;
  - Manage expectations of the planning system and the level of influence that individuals can have; and
  - Engage with the community in a way that encourages participation.

### **The Council's commitment to community engagement**

8. The community can be involved in all areas of the planning processes, including the preparation and examination of development plan documents, the preparation of supplementary planning documents, and the consideration of planning applications.
9. When preparing development plan documents and supplementary planning documents, the Council maintains an up-to-date consultation database so that those who would like to be informed of the progress of documents are directly consulted at the important stages of consultation. Draft development plan documents may be sent for comments to the specific and general

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<sup>2</sup> Kent County Council is responsible for consultation undertaken on its local plans, and these are not covered by this Statement of Community Involvement

consultation bodies listed in [The Town and Country Planning \(Planning\) \(England\) Regulations 2012](#) (as amended) and [The Neighbourhood Planning \(General\) Regulations 2012](#) (as amended). These regulations require the Council, as the local planning authority, to decide which of these stakeholders might be appropriate to consult during the consultation period and for their views to be taken into account.

10. In accordance with this SCI, when notifying the community about the receipt of planning applications, the Council will ensure there is appropriate publicity to enable the public to comment on proposals. The list of key stakeholders to whom planning applications may be sent for comments is set out in [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) (as amended). Applications for listed building consent or conservation area consent are governed by [The Planning \(Listed Buildings and Conservation Areas\) Regulations 1990](#) (as amended). These regulations require the Council, as the Local Planning Authority, to decide which of these might be the appropriate bodies to consult during the consultation period and for their views to be taken into account.

### **Community involvement**

11. There are many individuals and groups in the local community who will be given the opportunity to be involved in the preparation of plans and to comment on planning applications in accordance with this SCI. In addition to the general public and statutory consultees, who include parish councils and neighbourhood forums, the Council will consult and/or notify hard-to-reach groups and local stakeholder groups where appropriate and relevant, such as:

- Amenity and local resident groups
- Businesses and local employers
- Housing associations
- Schools and colleges
- Landowners, developers and planning agents
- Gypsy and Traveller communities
- Travelling Showpeople
- Local cultural, sport and recreation groups
- Local nature conservation organisations
- Local countryside management organisations.

### **The duty to cooperate and statements of common ground**

12. [The Localism Act 2011](#) introduced the 'duty to cooperate'. Neighbouring authorities and other relevant organisations are required to work together on strategic planning issues that cross boundaries and affect their areas. The Council will make sure that it fulfils its legal requirements, and will prepare 'statements of common ground' with:

- Ashford Borough Council
- Kent County Council
- Medway Council
- Swale Borough Council

- Tonbridge & Malling Borough Council
- Tunbridge Wells Borough Council.

13. The progress of 'strategic cross-boundary' matters being addressed will be included in the statements, and statements that are prepared by Maidstone Borough Council for its planning policies will be available on its website. The Council will consider preparing other statements of common ground with additional authorities, including those prescribed in legislation, as necessary. This is based on individual merit.

14. The Council also takes part in regular discussions as part of these forums:

- Kent Planning Officers Group (KPOG)
- Kent Planning Policy Forum (PPF)
- Maidstone Borough Council Developers' meetings.

## How does the plan making process work?

15. The Strategic Planning team is responsible for the preparation of the Council's local plans and supplementary planning documents. Parish councils and neighbourhood forums prepare neighbourhood development plans for their designated neighbourhood areas.

16. The Strategic Planning team makes recommendations to the Strategic Planning, Sustainability and Transportation Committee for all three types of plans. An essential part of the planning process is effective involvement and communication with all parts of the community. How much consultation and the type of consultation will differ depending on the type of document and the stage reached in the planning process.

17. The **Local Development Scheme** is a project plan which sets out the timetable for the production of Maidstone Borough Council's local plans, so that communities know when they can participate in public consultations. When a scheme is published, a notice will be displayed on the Council's website and a public notice will appear in a local newspaper.

18. The **Authority Monitoring Report** for Maidstone provides a framework with which to monitor and review the effectiveness of planning policies. The reports are updated annually and published on the website.

19. Where required as part of the plan making process, **strategic environmental assessments** (SEA), **sustainability appraisals** (SA) and **habitat regulations assessments** (HRA) are prepared to support development plan documents. If an assessment is required to support a neighbourhood plan, then its preparation is the responsibility of the parish council or neighbourhood forum. The community can comment on an SEA/SA/HRA during the public consultation stages for development plan documents.

(insert diagram)

## **Keeping communities informed during plan making**

20. The Council actively uses a number of ways to help keep everyone informed throughout the stages of plan making. How much consultation and the different ways the Council chooses to stay in touch depends on the type of plan and its consultation stage. These methods may include, but are not limited to:

- The Council's website - Consultation activities will be publicised on the Council's website, and planning documents and, as appropriate, background studies will be available for viewing and downloading
- The consultation portal - The consultation portal will be available for people to read and comment on the consultation documents
- Inspection points - Documents and notifications will be made available for viewing at the Council's offices and at local libraries during consultation periods
- Emails/Letters - Notifications will be sent to statutory bodies, stakeholders, and other relevant groups, individuals and organisations on the Council's consultation database (naturally this will be subject to the prevailing data protection regulations that exist at the time)
- Local newspapers - Consultations will be publicised in the local press through public notices and/or press releases
- Public exhibitions and/or roadshows - Larger consultation events may be promoted through public exhibitions or roadshows, to target members of the community who may not get involved through more formal methods
- Stakeholder meetings and/or workshops – Early consultation with stakeholders may be best served through focus group meetings or workshops, depending on the type of plan being produced and the plan preparation stage
- Borough Insight – There may be opportunities for the inclusion of articles in the Council's information magazine, which is delivered to all homes throughout the borough three times a year
- Questionnaires – These may be available on the Council's website, at consultation events, and on request, and completed questionnaires can be submitted as valid representations
- Community and residents groups – Established community and resident groups may be used to target people with particular local interests
- Facebook and Twitter - Consultations may be advertised on the Council's corporate Facebook and Twitter pages to explain how the community can get involved in the consultation.

21. Ward Councillors play a very important role at Committee meetings where they can represent the views of their local communities, as well as providing good knowledge of their areas. They are also vital in helping to engage with local communities during the consultation process.

## **Local Plans**

22. The Maidstone Borough Local Plan sets out policies and proposals for development and the use of land and buildings within the authority's area. This is the Council's main planning policy document.

23. Any local plan is required to be reviewed every five years. It is subject to two rounds of mandatory public consultation and an independent examination before it can be adopted and becomes part of the Maidstone Development Plan. When a draft local plan is submitted for examination it is accompanied by a set of supporting documents, including a consultation statement detailing what consultation has been carried out and how the representations made have informed the plan's preparation.
24. Community involvement is continuous throughout the plan making process, although there are individual stages of prescribed public consultation as part of the process. The stages of local plan preparation are set out in Table 1, which summarises the consultation methods that are to be undertaken at each stage.
25. There is no legal consultation period for the preparation stage of plan production (known as Regulation 18). There is a distinct difference between ongoing informal consultations with stakeholders and formal engagement with the wider public. The earlier stages of plan preparation may involve consultation on draft policies or potential site allocations with groups of stakeholders, such as parish councils, neighbourhood forums or infrastructure providers. A pre-submission local plan (known as Regulation 19 stage) will require wider engagement, and the Council will undertake a 6-week consultation with the community. The extent of further consultation on a pre-submission plan that has already been the subject of 6 weeks public consultation, and the period of any further consultation, will be at the discretion of the Council.
26. During public consultations on local plans, the Council receives hundreds of representations that raise a wide range of issues. The Council will acknowledge receipt of all representations but will not respond to individual submissions.
27. A summary of the main issues raised by respondents, together with recommendations, will be reported to the Strategic Planning, Sustainability and Transportation Committee. The public can view and download Committee reports and decisions from the Council's website. Representations received during the early stages of plan production (Regulation 18) can help to shape and refine the local plan before the statutory 6-week consultation on the pre-submission version of the plan (Regulation 19) is undertaken. Representations made during this latter stage are given consideration by the Inspector during the examination into the plan.

Local Plan Production Stage	Engagement and Consultation Methods
Evidence gathering and the early stages of local plan preparation (Regulation 18)	<p><u>Preparing the evidence base</u></p> <ul style="list-style-type: none"> <li>• Ongoing engagement with relevant stakeholders and specialist groups</li> <li>• Publication of documents and information on the website</li> </ul> <p><u>Undertaking calls for sites:</u></p> <ul style="list-style-type: none"> <li>• Publication of information on the website</li> </ul>

	<ul style="list-style-type: none"> <li>• Notify statutory bodies, stakeholders and everyone on the consultation database</li> <li>• Public notice placed in the local newspaper</li> <li>• Use of questionnaires</li> </ul> <p><u>Voluntary public consultation on a Scoping Paper and/or a draft local plan</u></p> <ul style="list-style-type: none"> <li>• Minimum 6-week voluntary public consultation</li> <li>• Publication of information on the website</li> <li>• Use of the consultation portal for submission of comments</li> <li>• Material placed at inspection points</li> <li>• Notify statutory bodies, stakeholders and everyone on the consultation database</li> <li>• Public notice placed in the local newspaper</li> <li>• Use of Facebook and Twitter</li> </ul> <p><i>And may additionally use:</i></p> <ul style="list-style-type: none"> <li>• Questionnaires</li> <li>• Public exhibitions and/or roadshows</li> </ul>
Public consultation on a pre-submission local plan (Regulation 19)	<p><u>Minimum 6-week statutory public consultation:</u></p> <ul style="list-style-type: none"> <li>• Publication of information on the website</li> <li>• Use of the consultation portal for submission of comments</li> <li>• Material placed at inspection points</li> <li>• Notify statutory bodies, stakeholders and everyone on the consultation database</li> <li>• Public notice placed in the local newspaper</li> <li>• Use of Facebook and Twitter</li> </ul> <p><i>And may additionally use:</i></p> <ul style="list-style-type: none"> <li>• Questionnaires</li> </ul>
Submission and independent examination of a local plan (Regulations 22 to 25)	<p><u>Notifications of the submission and examination of a local plan:</u></p> <ul style="list-style-type: none"> <li>• Publication of information on the website</li> <li>• Material placed at inspection points</li> <li>• Notify statutory bodies, stakeholders and everyone on the consultation database</li> <li>• Public notice placed in the local newspaper</li> <li>• Use of Facebook and Twitter</li> </ul> <p><u>Notification of the receipt of the Inspector’s Report:</u></p> <ul style="list-style-type: none"> <li>• Publication of information on the website</li> <li>• Material placed at inspection points</li> <li>• Notify statutory bodies and those persons who requested to be notified of the publication of the Inspector’s Report</li> </ul>
Adoption of a local plan (Regulation 26)	<p><u>Notification of the adoption of the Local Plan:</u></p> <ul style="list-style-type: none"> <li>• Publication of information on the website</li> <li>• Material placed at inspection points</li> <li>• Notify statutory bodies, stakeholders and everyone on the consultation database</li> <li>• Public notice placed in the local newspaper</li> <li>• Use of Facebook and Twitter</li> </ul>

Table 1: Engagement and consultation methods for Local Plans

### **Supplementary Planning Documents**

28. Supplementary planning documents (SPD) expand on policies in local plans, and they can be site specific or topic based. An SPD is required to be reviewed every five years, and its preparation is governed by planning regulations and informed by community involvement. SPDs are not subject

to independent examination, but a consultation statement is to be prepared before an SPD can be adopted. The consultation statement includes details of who has been consulted, the key matters raised by respondents, and how the issues have been addressed by the Council. The Council will acknowledge receipt of all representations, but will not respond to individual submissions. Table 2 sets out a summary of the consultation methods that the Council uses when consulting on a supplementary planning document.

Supplementary Planning Document Production Stage	Engagement and Consultation Methods
Preparation of a supplementary planning document	<ul style="list-style-type: none"> <li>• Ongoing engagement with relevant stakeholders and specialist groups</li> </ul>
Public consultation on a supplementary planning document (Regulation 12)	<p><u>Minimum 4-week statutory public consultation:</u></p> <ul style="list-style-type: none"> <li>• Publication of information on the website</li> <li>• Use of the consultation portal for submission of comments</li> <li>• Material placed at inspection points</li> <li>• Notify statutory bodies, stakeholders and everyone on the consultation database</li> <li>• Public notice placed in the local newspaper</li> <li>• Facebook and Twitter</li> </ul> <p><i>And may additionally use:</i></p> <ul style="list-style-type: none"> <li>• Questionnaires</li> </ul>
Adoption of a supplementary planning document (Regulation 14)	<p><u>Notification of adoption:</u></p> <ul style="list-style-type: none"> <li>• Publication of information on the website</li> <li>• Notify statutory bodies, stakeholders and everyone on the consultation database</li> <li>• Public notice placed in the local newspaper</li> <li>• Facebook and Twitter</li> </ul>

Table 2: Engagement and consultation methods for Supplementary Planning Documents

### **Neighbourhood Development Plans**

29. Parish councils and designated neighbourhood forums can prepare neighbourhood development plans, also known as neighbourhood plans, for their designated neighbourhood areas. Neighbourhood plans are required to conform to national policy and be in general conformity with the strategic policies of the local plan. All neighbourhood plans go through two rounds of mandatory public consultation in addition to an independent examination and local referendum before being 'made' (adopted) by Maidstone Borough Council. A post-examination neighbourhood plan (as modified by the Examiner) is a material consideration in decisions on planning applications and, once made, a neighbourhood plan forms part of the Maidstone Development Plan.

30. Consultation and community engagement during the early stages of the preparation of neighbourhood plans is the responsibility of the parish councils or neighbourhood forums preparing a plan for their areas. Following the formal submission of a neighbourhood plan to the Council, the Council is responsible for undertaking a 6-week consultation and for arranging the



independent examination and local referendum. Representations made during the statutory 6-week consultation period are given consideration by the independent Examiner during the examination into the neighbourhood plan.

31. During public consultation on a submission draft neighbourhood plan, arranged by the Borough Council, the Council will acknowledge receipt of all representations but cannot respond to individual submissions which will be considered by the Examiner. At this stage the Strategic Planning, Sustainability and Transportation Committee will approve any further representations on the submission draft plan.
32. Although there is a clear separation of roles for the various stages of plan preparation, local planning authorities have a duty to support the production of neighbourhood plans. The Council will provide a named contact officer(s) for neighbourhood planning enquiries, and offer the following advice and assistance to qualifying bodies preparing or modifying neighbourhood plan.
33. The Council's Strategic Planning team will endeavour to:
  - Explain the different stages involved with neighbourhood planning;
  - Direct qualifying bodies to relevant information;
  - Highlight potential issues around compliance with the Maidstone Borough Local Plan and national planning policy;
  - Provide feedback in the form of comments on draft neighbourhood plans at statutory consultation stages;
  - Carry out a screening exercise of a draft plan to establish whether a strategic environmental assessment and/or a habitats regulations assessment is required;
  - Assess the neighbourhood plan's compliance with statutory requirements following submission of the plan;
  - Undertake public consultation for a minimum 6-week period on the submitted neighbourhood plan;
  - Arrange the appointment of a neighbourhood plan Examiner and make arrangements for the examination; and
  - Make arrangements for referendum and, if approved, make (adopt) the neighbourhood plan.
34. Additionally the Council publishes advice notes on its website, which include guidance on neighbourhood planning together with information on external support and funding. The Council's neighbourhood planning protocol sets out the consultation stages and decision process in more detail. The protocol is approved by the Strategic Planning, Sustainability and Transportation Committee.
35. One of the main supporting documents accompanying a neighbourhood plan at submission is a consultation statement. This is prepared by the parish council or neighbourhood forum, and includes details the consultation that has been undertaken. It also explains how the representations made have shaped the plan's preparation. Table 3 explains who is responsible for consultation events, and sets out a summary of the consultation methods that the Council uses at each stage it is responsible for.

Key: MBC - Maidstone Borough Council; PC – Parish Council; NF – Neighbourhood Forum; SEA – Strategic Environmental Assessment; HRA – Habitats Regulations Assessment		
Neighbourhood Development Plan Production Stage	Responsibility	Engagement and Consultation Methods
Designating a neighbourhood area which encompasses the whole area of a parish <sup>3</sup> (Regulations 5/5A/7)	MBC	<p><u>Following designation of a neighbourhood area that encompasses a parish:</u></p> <ul style="list-style-type: none"> <li>• Publication of information on the website</li> <li>• Notify local and neighbouring ward Councillors, parish councils and neighbourhood forums</li> <li>• Public notice placed in the local newspaper.</li> </ul>
Designating a neighbourhood area where it does not encompass the whole area of a parish; and designation of a neighbourhood forum (Regulations 5, 6, 6A and 7; and Regulations 8 to 10)	MBC	<p><u>Minimum 6-week statutory public consultation:</u></p> <ul style="list-style-type: none"> <li>• Publication of information on the website</li> <li>• Notify local and neighbouring ward Councillors, parish councils and neighbourhood forums</li> <li>• Public notice placed in the local newspaper</li> </ul> <p><u>Following designation of a neighbourhood area or neighbourhood forum (within 13 weeks of the commencement of statutory consultation):</u></p> <ul style="list-style-type: none"> <li>• Publication of information on the website</li> <li>• Notify local and neighbouring ward Councillors, parish councils and neighbourhood forums</li> <li>• Notify those who submitted representations.</li> </ul>
	PC or NF	The PC or proposed NF (usually a Residents Association) is responsible for publishing details on its website and for consultation with the local community.
Public consultation on an initial draft neighbourhood plan (Regulation 14)	PC or NF	The PC or NF is responsible for widespread local consultation at this stage, including engagement with statutory consultees and the local planning authority. The PC or NF must undertake a statutory 6-week consultation period on a draft plan.
	MBC	<ul style="list-style-type: none"> <li>• MBC will submit comments on the initial draft neighbourhood plan</li> <li>• MBC will prepare a Screening Report on the need (or otherwise) for an SEA/HRA to support the draft plan, and will seek the views of Natural England, Historic England and the Environment Agency. These bodies have a statutory 5 weeks to respond.</li> </ul>
Submission of a draft neighbourhood plan to the local authority (Regulation 15)	MBC	Following receipt of the submission draft neighbourhood plan from the PC or NF, MBC will update the Screening Report to reflect amendments, and will re-consult Natural England, Historic England and the Environment Agency on the need (or otherwise) for an SEA/HRA. These bodies have a statutory 5 weeks to respond.
Public consultation on a submission draft neighbourhood plan	MBC	<p><u>Minimum 6-week statutory public consultation:</u></p> <ul style="list-style-type: none"> <li>• Publication of information on the website</li> <li>• Use of the consultation portal for submission of comments</li> </ul>

<sup>3</sup> Public consultation is not required in cases where the application to designate a neighbourhood area is made by a parish council and the neighbourhood area encompasses the whole area of a parish

(Regulation 16)		<ul style="list-style-type: none"> <li>• Material placed at inspection points</li> <li>• Notify statutory bodies, stakeholders and everyone on the consultation database</li> <li>• Notify the local and neighbouring ward Councillors, parish councils and neighbourhood forums</li> <li>• Public notice placed in the local newspaper.</li> </ul> <p><u>As a consultee:</u></p> <ul style="list-style-type: none"> <li>• MBC will submit comments on the submission draft neighbourhood plan</li> </ul>
	PC or NF	The PC or NF is responsible for publishing details on its website and for consultation with the local community.
Examination of a neighbourhood plan and referendum (Regulations 17 to 18)	MBC	<p>The Examiner is responsible for considering representations and will issue a report recommending a move to referendum (or otherwise), and may recommend modifications to the plan. The Examiner determines whether a Hearing is necessary and, if so, sets the agenda and decides who will be invited to attend.</p> <p><u>MBC will publicise receipt of the Examiner’s Report and the Council’s decision on whether to move to Referendum:</u></p> <ul style="list-style-type: none"> <li>• Publication of information on the website</li> <li>• Notify the PC or NF of MBC’s decision</li> </ul> <p><u>If MBC’s decision is to move to Referendum:</u></p> <ul style="list-style-type: none"> <li>• Issue ballot papers to those who live in the neighbourhood area covered by the neighbourhood plan.</li> </ul>
Making a neighbourhood plan (adoption) (Regulations 19 to 20)	MBC	<p><u>Decision to adopt following a successful Referendum:</u></p> <ul style="list-style-type: none"> <li>• Publication of information on the website</li> <li>• Notify the PC or NF, together with all those who submitted representations on the draft neighbourhood plan, of the outcome of the Referendum and MBC’s decision</li> <li>• Public notice placed in the local newspaper</li> </ul>

Table 3: Engagement and consultation methods for Neighbourhood Development Plans

## How does the development management process work?

36. The Development Management team is responsible for making decisions and recommendations to the Planning Committee on planning applications. Decisions take account of the Maidstone Development Plan and any other material planning considerations.

37. Many people get involved with the planning system when they want to make changes to their home, or if they want to make comments on a planning application which may affect their property. It is important to stress that there is a difference between 'consulting' statutory bodies on planning applications and 'notifying' members of the public. The Council expects to receive a response from statutory consultees, whereas involvement is

voluntary for members of the public. The Council is able to take decisions without responses from the public following a 21-day consultation period.

### **Permitted development rights**

38. Certain types of work can be carried out without the need to apply for planning permission. These are called 'permitted development rights', which originate from a general planning permission granted by Parliament through [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) (as amended). The Order sets out the circumstances under which permitted development does, or does not, apply. Permitted development rights apply to many common projects for houses, but do not apply to flats, maisonettes or other buildings. Commercial properties have different permitted development rights to dwellings. Within conservation areas and Areas of Outstanding Natural Beauty, permitted development rights are more restricted. Before some permitted development rights can be used, the developer is required to first obtain 'prior approval' in relation to specified aspects of the development from the local planning authority.

### **Pre-application advice and consultation**

39. The Council offers a pre-application advice service to anyone considering a development proposal. This gives potential applicants an opportunity to identify and resolve any problems. This can help prevent costly and time-consuming changes to schemes later, and can indicate whether the proposal is likely to be granted planning permission or not. The Council offers both written advice and face-to-face advice, depending on the type of proposal. Applicants may also request pre-application advice [online](#), by email or by letter. Further information on how to apply and a list of [fees](#) for the service is available on the Council's website.

40. For major planning application proposals<sup>4</sup>, the Council encourages applicants to approach the following people or groups:

- Local ward Councillor(s)
- Parish council(s) or neighbourhood forum(s)
- Local community in advance of making a formal planning application.

41. Save for its statutory obligations, unless specified otherwise in Table 4, the Council has no additional requirements as regards minor applications.

42. This early consultation should be as open as possible, giving a genuine opportunity for the local community to influence the design and form of the development proposed. The extent of consultation depends on the proposal, and would include factors like the scale, location and type of planning application.

43. For certain major proposals the Council has introduced [planning performance agreements](#), and will use them where appropriate and where agreement is

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<sup>4</sup> A residential scheme for 10 or more dwellings or for a site of 0.5 hectare or more; or a commercial scheme of 1,000m<sup>2</sup> of floorspace or for a site of 1 hectare or more

reached with a developer. A planning performance agreement provides a project plan and timetable for the determination of the application. It also makes sure that the Council has the resources necessary to make a timely decision on the application whilst involving Councillors, stakeholders and local communities in the proposal. Agreements should also help with the submission of a high quality application.

44. For all proposals, sharing information can help overcome potential objections and may provide the opportunity for improvements to the design and layout of schemes. Applicants may well be required to show what consultation has taken place during the preparation of planning applications.
45. Where development briefs are prepared as part of planning applications, the Council advises applicants to consult local parish councils and neighbourhood forums, and the local community.

### **Planning applications**

46. [Planning regulations](#) set out the statutory framework for publicity on planning applications. As well as publishing information on the Council's website, regulations require certain specified types of applications to be publicised by way of a site notice, a public notice in local newspapers and, in some cases, by notification to adjoining owners or occupiers. Parish councils and neighbourhood forums are notified of planning applications within their areas.
47. The extent of consultation on a planning application, and the range of statutory consultees to be consulted and notifications issued, will vary according to the nature of the application and its location. Representations submitted on a planning application will not be acknowledged but are published on the Council's website.
48. There are no statutory requirements to re-consult on an amended planning application. The Council will not re-consult on every amendment proposed. Depending on the nature of the amendments proposed, the Council will assess and decide whether or not to re-consult on the proposed amendments and with whom to consult and carry out the consultation process accordingly. Details of the changes will in any event be published on the website.
49. A weekly list of planning applications, help on how to find details of applications and advice on how to comment on a planning application can be found on the Council's website [here](#). Personal data held on the Council's databases will be subject to the prevailing data protection regulations that exist at the time.
50. The Council will ensure that it fulfils its statutory duties regarding decisions on planning applications. Planning applications are decided by the Planning Committee or by the Development Management team under the local authority's constitutional scheme of delegated powers. With exceptions, Planning Committee meetings are open to the public so anyone can attend and listen to the debate. The applicant and the public may have an

opportunity to speak at Planning Committee through prior arrangement with the Council's Democratic Services team and in line with the Council's constitution. It is not possible for all applications to be determined by Planning Committee due to the volume of applications received, so planning legislation permits the delegation of decisions on certain planning applications to Council officers. Reports on individual planning applications are prepared for the Planning Committee and for delegated decisions by the Development Management team. Reports and decisions on planning applications are published on the website.

51. The statutory time limit for the Council to determine most applications is 8 weeks, whilst with major planning application proposals it is 13 weeks, or 16 weeks if the application is subject to an Environmental Impact Assessment. On large major planning application proposals, the timescales may be increased under a planning performance agreement, where one exists. Once a decision on an application has been reached by the Development Management team or the Planning Committee, the decision notice is sent to the applicant and a copy is published on the website together with all other relevant documents.

### **Planning appeals**

52. Applicants have the right to appeal against a refusal of a planning application or against any conditions imposed by the Council, or if the Council does not make a decision on an application within the statutory time frame. There are no provisions for third parties, including objectors, to appeal against a decision. The statutory requirements for appeals are set out in [planning regulations](#) according to the type of planning application that is the subject of an appeal.

53. The appeals process is managed by the [Planning Inspectorate](#) in accordance with their published [procedural guidelines](#). An appeal may be determined by written representations or an informal hearing or a public inquiry. Appeals determined by written representations involve an exchange of statements and may include a site visit by the Inspector. Informal hearings are a discussion between the person appealing and the Council about the merits of an application and are chaired by an Inspector. Public inquiries are more formal and are often used for major planning application proposals.

### **Planning enforcement**

54. Local planning authorities have the power to take enforcement action against inappropriate development or breach of planning conditions where appropriate, having regard to the Maidstone Development Plan, the Enforcement Policy/Local Enforcement Plan, and any other material considerations. The Council will attempt to negotiate a solution first but, should this not be possible, formal enforcement action may be taken. Action may be taken by the issuing of:

- An enforcement notice

- A stop notice
- A temporary stop notice
- A breach of condition notice.

In the most serious of cases, an injunction may be served.

55. It is a criminal offence on summary conviction to breach a formal notice, but an appeal against the notice can be made to the Planning Inspectorate before the notice takes effect. The Planning Inspectorate will decide on the appeal and has the power to grant planning permission for all or part of the development.

### **Community involvement in planning applications**

56. Table 4 sets out how the Council agrees to engage with communities and statutory through the development management process.

Planning Application Stage	Notification and Consultation Methods
Prior approval notifications under permitted development rights	Where a prior approval is sought under permitted development rights: <ul style="list-style-type: none"> <li>• Publish details of the prior approval notification on the website</li> </ul> <i>And, as appropriate, may additionally:</i> <ul style="list-style-type: none"> <li>• Display site notice(s) on or near the notification site</li> <li>• Notify adjoining owners or occupiers</li> <li>• Inform relevant statutory consultees, including parish councils and neighbourhood forums</li> </ul>
Pre-application consultations	All applicants are encouraged to consult with adjoining owners or occupiers prior to submitting a planning application. For major schemes, it is advisable for applicants to consult with the wider community, stakeholders (including local ward Members) and statutory bodies prior to the submission of an application.
Receipt of planning applications	<u>Minimum 21-day period to submit representations on a planning application:</u> <ul style="list-style-type: none"> <li>• Publish details of the planning application on the website</li> <li>• Public notice placed in the local newspaper advertising all major planning applications, and planning applications that affect a listed building, conservation area, public footpath, or is not in accordance with the adopted Maidstone Development Plan</li> <li>• Display site notice(s) on or near the application site</li> <li>• Notify adjoining owners or occupiers</li> <li>• Inform relevant statutory consultees, including parish councils and neighbourhood forums</li> <li>• Publish a weekly list of planning applications on the website</li> </ul>
Amendments to planning	All amendments to planning applications will be published on the Council's website

applications	<p>Depending on the nature of the amendments proposed the Council will assess and decide whether or not to re-consult on the proposed amendments and with whom to consult and carry out the consultation process accordingly. This may include:</p> <ul style="list-style-type: none"> <li>• Re-notify adjoining owners or occupiers</li> <li>• Notify those who made representations on the original planning application</li> <li>• Inform relevant statutory consultees, including parish councils and neighbourhood forums</li> <li>• Display amended site notice(s) on or near the application site</li> </ul>
Decisions on planning applications	<ul style="list-style-type: none"> <li>• Publish planning application decisions made by Planning Committee or by the Development Management team (under the local authority's scheme of delegated powers) on the website</li> <li>• Send a decision notice to the applicant</li> </ul>
Applications for works to protected trees and trees in a conservation area	<p><u>Minimum 21-day period to submit representations on an application for works to protected trees</u></p> <ul style="list-style-type: none"> <li>• Publish details of the application on the website</li> <li>• Notify adjoining owners or occupiers</li> <li>• Inform relevant parish councils and neighbourhood forums</li> <li>• Publish in the weekly list of planning applications on the website</li> <li>• Display site notices on or near the application site if the works are on Council-owned land</li> </ul> <p><u>Minimum 14-day period to submit representations on a notification for works to trees in conservation areas</u></p> <ul style="list-style-type: none"> <li>• Publish details of the application on the website</li> <li>• Publish in the weekly list of planning applications on the website</li> </ul>
Planning appeals	<p>The Inspector decides whether an application is to be considered by written representations or by an informal hearing/public inquiry. Further representations can be submitted to the Planning Inspectorate, but the Inspector presiding over a hearing/inquiry decides who is allowed to speak.</p> <p><u>If the appeal is to be dealt with by written representations</u></p> <ul style="list-style-type: none"> <li>• Publish details of the planning appeal on the website</li> <li>• Re-notify all relevant consultees and those who made comments on the original planning application</li> </ul> <p><u>If the appeal is to be heard by hearing or public inquiry</u></p> <ul style="list-style-type: none"> <li>• Publish details of the planning appeal on the website</li> <li>• Re-notify all relevant consultees and those who made representations on the original planning application and include information on the hearing/inquiry</li> <li>• Re-notify the relevant parish council and/or neighbourhood forum, ward councillors, witnesses, objectors and adjoining owners or occupiers and include</li> </ul>



	details of the hearing/inquiry
Decisions on planning appeals	The Planning Inspectorate is responsible for notifying relevant parties of the appeal decision. <u>When the Planning Inspectorate makes its decision</u> , the decision is published online and can be viewed using their <a href="#">search facility</a> . The Council will likewise publish the planning appeal decision on its website.

Table 4: Notification and consultation methods for planning applications

## Appendix 1: Glossary

**Authority monitoring report** – The Maidstone Monitoring Report is prepared annually and provides a framework with which to monitor and review the effectiveness of Maidstone Borough Local Plan policies.

**Appeal** – The process by which a planning applicant can challenge an adverse decision. The appeals process is managed by the Planning Inspectorate. The appeal may be conducted in writing, or by an informal hearing led by an Inspector, or by a formal public inquiry with cross-examination of witnesses.

**Development Plan** – The Development Plan includes adopted local plans and neighbourhood plans. Decisions on planning applications should follow the Development Plan unless other relevant planning factors indicate otherwise.

**Development plan document (DPD)** – A DPD is a spatial planning document that is subject to independent examination. DPDs include local plans and neighbourhood plans and, once adopted, they become part of the Development Plan.

**Hard to reach groups** - Groups of people who are traditionally more difficult to target during consultation exercises, for example, older people, Gypsy and Traveller communities, and people with a disability.

**Independent examination** - an interrogatory process led by one or more members of the Planning Inspectorate, held to examine the soundness of a local plan.

**Informal Hearing** - A planning appeal hearing undertaken in a structured way and chaired by a Planning Inspector, but without the formality of a public inquiry.

**Local development scheme (LDS)** - The LDS is a project plan which sets out the timetable for the production of Maidstone Borough Council's local plans, so that communities know when they can participate in public consultations.

**Local plan** – The Maidstone Borough Local Plan is the core document that sets the framework to guide the future development of the borough. It plans for homes, jobs, shopping, leisure and the environment, as well as the associated infrastructure to support new development. It explains the 'why, what, where, when and how' development will be delivered through a strategy that plans for growth and regeneration whilst at the same time protects and enhances the borough's natural and built assets.

**Major proposal** - A residential scheme for 10 or more dwellings or for a site of 0.5 hectare or more; or a commercial scheme of 1,000m<sup>2</sup> of floorspace or for a site of 1 hectare or more.

**Material consideration** - A matter that should be taken into account in deciding a planning application, such as overlooking/loss of privacy, parking, noise, etc. Issues such as loss of view, or negative effect on the value of properties are not material considerations.

**Neighbourhood area** – A neighbourhood area is an area designated for the purpose of preparing a neighbourhood development plan.

**Neighbourhood development plan (NDP)** – NDPs, which are also called neighbourhood plans, were introduced under the provisions of the Localism Act 2011. Parish councils or neighbourhood forums are able to prepare statutory development plan documents which, once 'made' (adopted) form part of the Maidstone Development Plan.

**Neighbourhood forum** - A designated neighbourhood forum is an organisation or group, often a Residents Association, empowered to lead the neighbourhood

planning process in a neighbourhood area where there is no parish council. A group or organisation must apply to the local planning authority to be designated as a neighbourhood forum.

**Planning inspectorate (PINS)** - The Planning Inspectorate is responsible for processing planning and enforcement appeals and conducts examinations into local plans.

**Public inquiry** - An independent inquiry carried out by the Planning Inspectorate assessing planning decisions made by the local planning authority, which allows applicants the right to appeal against the refusal of planning permission/ consent/ enforcement proceedings. The inspector produces a decision after hearing evidence in person.

**Representation** - The formal submission of comments on a plan during public consultation or on a planning application following notification and publicity.

**Stakeholder** - An individual or organisation that has specific knowledge and/or expertise of the subject matter.

**Statement of community involvement (SCI)** - A document that sets out how/when communities can be involved in the preparation of plans and the determination of planning applications.

**Supplementary planning document (SPD)** - An SPD provides additional information and guidance in support of policies in local plans. The community is involved in their preparation, but there is no independent examination of the document.

## **Appendix 2: Website links**

**Below is a list of useful links to some planning procedural legislation and policy (and guidance) documents.**

### **Legislation**

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

The Neighbourhood Planning (General) Regulations 2012 (as amended) <http://www.legislation.gov.uk/uksi/2012/637/contents/made>

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) <https://www.legislation.gov.uk/uksi/2015/595/contents/made>

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) <http://www.legislation.gov.uk/uksi/2015/596/contents/made>

The Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) <https://www.legislation.gov.uk/uksi/1990/1519/regulation/1/made>

### **National policy and guidance**

National Planning Policy Framework and Planning Practice Guidance  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>  
<https://www.gov.uk/government/collections/planning-practice-guidance>

Draft proposed revisions to the National Planning Policy Framework and Planning Practice Guidance  
<https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

Planning Portal  
<https://www.planningportal.co.uk/>

### **Maidstone Borough Council**

Planning and Building website  
<http://www.maidstone.gov.uk/home/primary-services/planning-and-building>