



Medway Statement of Community Involvement Consultation Draft

June 2014



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Introduction

Medway Council wants to encourage the community to become involved in plan-making and in its decisions on planning applications. We want to encourage more people to contribute and to make involvement as easy as possible.

Planning shapes the neighbourhoods in which we all live and work; it is important that people have the opportunity to be involved and influence decision-making. The National Planning Policy Framework places importance on community engagement in the development of Local Plans:

‘Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made.’

National Planning Policy Framework

Local knowledge and aspirations will help to make sure that development in Medway benefits everyone, whilst protecting those special qualities of the area. The Statement of Community Involvement (SCI) sets out how the Council will engage with the local community in the development of planning policy and the determination of planning applications in Medway.

Why Medway is revising its Statement of Community Involvement

A Statement of Community Involvement explains how the Council will involve the community in the preparation of local planning policy documents and how it consults on planning applications, including the standards expected from developers with major proposals. Councils are required by government to produce SCIs as part of their commitment to inclusion in planning.

The requirement to produce a SCI was introduced in the 2004 Planning and Compulsory Purchase Act. More recently there have been changes to the Planning system, notably the introduction of the Localism Act in 2011, the publication of the National Planning Policy Framework (NPPF) in 2012 and the National Planning Practice Guidance in 2014.

Medway Council adopted its first SCI in 2006 and the current SCI in January 2012. Since then there have been a number of changes to national planning guidelines and significant changes within our planning service. The Council is commencing work on a new Local Plan and wants this work to be informed by a refreshed and updated SCI.

There is therefore a need to review the current SCI to reflect the requirements of new legislation, the development of a Local Plan and changes to the way the Planning Service interacts with the general public and key stakeholders.

The Council has followed the principles of the SCI in the preparation of this document to update its consultation guidance.

Part One

COMMUNITY INVOLVEMENT IN PLAN MAKING

HOW WE WILL CONSULT TO FIT THE NEEDS OF THE COMMUNITY

CONSULTATION AND ENGAGEMENT METHODS

WHO WE WILL CONSULT

ROLE OF ELECTED COUNCILLORS

DUTY TO COOPERATE

KEY STAGES IN PREPARING OUR LOCAL PLAN

DEVELOPMENT PLAN DOCUMENT

SUPPLEMENTARY PLANNING DOCUMENT (SPD)

SPD CONSULTATION AND INVOLVEMENT

HOW INFORMATION IS USED AND REPORTED

How we will consult to fit the needs of the community

- 1.1 Planning policy sets out a strategy to guide the development of a local area over a number of years. This frequently involves long timescales and consideration of strategic issues. It can sometimes be difficult to effectively engage people in policy planning. The Council recognises this and will make concerted efforts to ensure that consultation is relevant to local communities. Community involvement in planning is not a 'one off' activity, but is ongoing throughout the plan preparation process, and appropriate to the specific stages and scope of the work.
- 1.2 A variety of methods will be used for consultations taking into consideration the issues being consulted on, the needs of the audience, as well as our ability to manage the process. These methods are detailed in the next section.
- 1.3 It is extremely important that all sections of the community can become involved in planning for their local area. Techniques used therefore need to be tailored with different groups in mind. This will include the use of appropriate locations and the use of particular presentation media according to the target audiences. Venues for exhibitions and public meetings on planning matters will be accessible for different groups, and the Council will make printed copies of documents available at public libraries across Medway.
- 1.4 In producing clear, straight forward planning documents we can assist those with little or limited knowledge of planning issues, as well as for example aiding those residents whose first language is not English.
- 1.5 Often referred to as 'seldom heard groups', some sectors of the community that may be more difficult to engage in planning matters include some smaller minority ethnic communities, gypsies and travellers as well as disabled people, elderly and young people. We must be particularly mindful of the needs of these groups, if necessary making allowances where there may be obstacles in the participation process. We will use the local networks and contacts that the Council is currently involved with as a means to ensure that these groups have the opportunity to contribute.
- 1.6 Different types of policy documents and planning applications require different levels of involvement depending on numerous factors, such as the number of people that would be affected by a proposed policy or application and the type of impact this may have.
- 1.7 Involvement can range from keeping stakeholders informed, through to deciding and acting together. The following sections in this document will set out expectations and standards for how and what level of involvement at the various stages of plan making and within the planning application process are anticipated to be necessary to truly involve the wider community.

Consultation and Engagement Methods

1.8 The Council recognises that the choice of consultation methods need to reflect the audience that it is seeking to reach and the scope of the work on which it is consulting. There are various ways in which the council and others can best inform and involve people in planning issues. The table below sets out a range of methods. The Council will consider what format and activities would be most effective and appropriate to use in its consultations. This is likely to involve a number of methods to reach the broadest audience, but clearly needs to be targeted to the specific scope of the policy or development proposal.

Method	Approach
Email/Letter	Every individual, organisation and business on the Local Plan consultation database will receive a letter or an email informing them of the consultation period. For additions and updates to the database, including requests for information by email, please contact the Council using details in the appendix.
Leaflets	Leaflets and summaries may be mailed directly, made available at libraries and via the Local Plan web pages during the course of the consultation. Leaflets could be used to publicise proposed policy documents, provide details about opportunities to contribute views or participate in meetings, discussion groups etc.
Social Media	Use of Twitter, Facebook and other social media may be used to engage the public in consultation events, and to encourage topical debate and submission of comments in an informal environment. Social media can be seen as an approach to make contact with 'hard-to-reach' groups or encourage comments and ideas from people who would be unlikely to submit formal comments or partake in face-to-face events.
Website	All planning documents and details of planning applications are available on the Medway Council website: http://www.medway.gov.uk/planningpolicy
Public Exhibitions	By making documents available in a variety of locations and where necessary, having exhibition stands and public engagement events throughout Medway, we can reach those residents who may not have easy online access, as well as reaching those on town peripheries and those in rural areas. Public exhibitions may be appropriate for consultation events and will be advertised in advance to provide local residents and communities with the opportunity to attend.
Public Meetings	An open meeting where the Local Authority or developer presents information and proposals, which enables immediate discussion and feedback. This method can be used to get a feel for public opinion on a particular topic/issue and to inform the public.
Pre-arranged	The Council will consider attending Parish Council, Stakeholders and community groups meetings to discuss development plan documents during

meetings	consultation periods.
Local Media	In some circumstances, particularly in relation to Medway wide issues it may be appropriate to use local media such as newspapers, television and radio. In particular, opportunities could be used to utilise local radio and newspapers to ensure we are communicating with a broad range of the community.

Who we will consult

- 1.9 There are statutory requirements for consultation in the planning process, that cover both the specific stages of the plan making process and planning applications, and the organisations that need to be consulted. The Council must consult with a range of organisations; these are known as either 'specific' or 'general' consultees. The statutory consultees are defined in legislation (see links in Appendix). Government also directs Councils to consult with a range of bodies and groups with the interests of specific groups in the local area, and/or who work for the benefit of the area.
- 1.10 Specific consultees are organisations responsible for the management or delivery of different resources within Medway; these responsibilities will often be set out in law. General consultees are organisations who represent the interests of different groups or groups whose activities benefit Medway. They are defined as:
- Voluntary bodies some or all of whose activities benefit any part of the local planning authority's area i.e Community groups, residents associations,
 - Bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area
 - Bodies which represent the interests of different religious groups in the local planning authority's area,
 - Bodies which represent the interests of disabled persons in the local planning authority's area,
 - Bodies which represent the interests of persons carrying on business in the local planning authority's area.
- 1.11 The Council has built up extensive links with organisations, communities and businesses, developers and their agents on planning matters over a number of years. Contact details are held, with consent, on a local plan database of people and organisations who are kept informed by the Council about development of planning policy. This is regularly updated and is a useful mechanism for reaching a wide range of stakeholders. Any residents, business or interested party can add their details to the database by contacting Planning Policy via email at planning.policy@medway.gov.uk or telephone 01634 331629.
- 1.12 The Local Plan database includes both statutory and 'general' consultees.
- 1.13 Please note that, as the legislation and regulations are frequently updated, the lists of consultees above may change over time and must be checked against the requirements set

out in new regulations. References to relevant legislation that defines consultees are set out in the appendix.

- 1.14 The Council works to ensure that it meets the statutory consultation requirements. However it takes additional steps to achieve meaningful engagement in planning that can be used to inform policy and shape the development of Medway.

Role of Elected Councillors

- 1.15 The elected members of the council are responsible to their electorate as representatives of a particular ward area, decision makers for the whole council area, policy makers for future activities of the council, auditors of the work of the council, regulators of planning, licensing and other matters required by government and as community leaders. Councillors provide the formal decision making process that underpins the planning policy process. In addition, members are involved in a number of internal and external meetings, workshops and exhibitions that inform the preparation of planning policy documents.
- 1.16 We will include members at all key stages in the planning process and recognise that elected members are a good means to reach the local population; the residents that members represent. Members will abide with the Council's Code of Conduct when participating in consultation on planning matters.

Duty to cooperate

- 1.17 In addition, the government introduced a 'Duty to Cooperate' in the Localism Act 2011; many of the consultees required under the Duty to Cooperate are already included in the list of 'specific consultees'.
- 1.18 This 'Duty to Cooperate' is not defined as consultation, but ensures that the Council works with neighbouring authorities and other public bodies to address strategic issues that affect local plans and cross local authority boundaries. The Council will report on its activities to meet the Duty to Cooperate in its annual Authority Monitoring Report.

Key stages in preparing our Local Plan

Development Plan Document (DPD)

- 1.19 Development Plan Documents are statutory documents that contain land use planning policies which planning applications will be considered against. The focus of planning policy work in Medway will be the production of a new Local Plan to replace the current 2003

document. Set out below are the key stages of document preparation, during which different levels of involvement are required by government legislation:-

Key Stages	Regulation	Consultation details
Plan Preparation	<i>Regulation 18</i>	At least one formal consultation period during plan preparation stage – minimum of 6 weeks.
Plan Publication	<i>Regulation 19</i>	Statutory period of 6 weeks of consultation on the draft plan.
Submission of Plan to Secretary of State	<i>Regulation 22</i>	Not a consultation stage
Independent Examination	<i>Regulation 24</i>	Notification – at least 6 weeks before the examination. Parties who made representations at Publication stage may be invited to participate in Hearing Sessions. Main modifications - 6 weeks
Publication of Inspector's recommendation	<i>Regulation 25</i>	Not a consultation stage
Adoption of Local Plan Document	<i>Regulation 26</i>	Not a consultation stage 6 week period for legal challenge – made on a point of law only

1.20 Consideration of the Council's resources available to support the preparation of the Local Plan and associated consultation is set out in the Local Development Scheme, 2014.

Supplementary Planning Documents (SPD)

1.21 Supplementary Planning Documents are used to support policies and proposals as contained within the Local Plan. They provide additional information/guidance to support the implementation of a policy or proposal, help applicants make successful applications or aid infrastructure delivery but they are not statutory planning documents and are not subject to an independent examination.

1.22 The Council follows similar principles for engagement as for local plan documents. It will publish draft versions of the documents for consultation for a six week period. The Council will then publish the key issues that have been made during consultation, explain how it has

considered the issues raised, and set out amendments to the document, as required, before it considers the adoption of a final version.

Neighbourhood Plans

- 1.23 There are no current activities to produce Neighbourhood Plans in Medway. Should Parish Councils or Neighbourhood Forums come forward, they will need to work with Medway Council to ensure that consultation is carried out in line with statutory requirements, and is effective in involving local people in the production of the plan.

How information is used and reported

- 1.24 The council acknowledges that an important part of community involvement is to report back to those who have taken the time to be involved in a consultation; to let them know how their comments and suggestions have been acknowledged where appropriate.
- 1.25 The council has a duty to balance individual comments made against other comments received, existing evidence, legal requirements, other local and national policies and general needs and interests. Consequently, there will be circumstances where the council considers that it is not appropriate to alter the plan or document to accommodate the views of a respondent.
- 1.26 If a representation has been made at any formal consultation stage, feedback will be provided in accordance with the Regulations in place at the time. For the Local Plan process, the comments made in the formal consultation stages are recorded as representations. These are published and reported to Medway Council's Cabinet, together with a statement of how the Council has responded to the key issues raised and any amendments that have been made to emerging policy. These representations are a formal stage of the Local Plan process and will be submitted to the Planning Inspectorate with the draft plan for independent Examination.
- 1.27 If comments and feedback have been made via an informal method of consultation, the council may publish information via the website www.Medway.gov.uk/public-consultation.
- 1.28 A detailed list of all the consultations carried out on the Local Plan/s and SPD's, including workshops and exhibitions, are recorded annually in the Authority Monitoring Report (AMR), which is publicly available on the Council's website. This is normally published each December.
- 1.29 The Council will comply with the data protection principles in dealing with consultation responses and in retaining personal information.

Part Two

COMMUNITY INVOLVEMENT IN PLANNING APPLICATIONS

DEVELOPMENT MANAGEMENT

ENCOURAGING EARLY INVOLVEMENT WITH NEIGHBOURS IN SMALL-SCALE PROPOSALS

PRE-APPLICATION

WORKING WITH DEVELOPERS

PLANNING APPLICATION CONSULTATION

WEBSITE

PUBLICITY ON PLANNING APPLICATIONS

HOW TO MAKE A COMMENT

MATERIAL PLANNING CONSIDERATIONS

DECISION

POST-DECISION

APPEAL

Development Management

- 2.1 The submission of a planning application can often be the first time that many people come into contact with the planning system, either as applicants or as affected parties.
- 2.2 The statutory requirement for consultation on planning applications is set out in legislation. These requirements vary accordingly to the type of application and may include notification to specified bodies and general publicity.

Encouraging early involvement with neighbours in small-scale proposals

- 2.3 The Council encourages applicants to talk to their neighbours informally before finalising their plans and submitting their application.
- 2.4 There are added benefits to both local people and applicants in involving neighbours at an early stage. For applicants, it can inform them of issues that they can address prior to a planning application being submitted saving time and avoiding conflict. For neighbours, it allows them to have an input before proposals reach an advanced stage.

Pre Application

- 2.5 The Council, in accordance with the National Planning Policy Framework (NPPF), places a strong emphasis on early engagement and aims to work with applicants in a positive and pro-active manner.
- 2.6 Therefore the Council welcomes and encourages pre-application discussions between applicants, their agents, developers or interested parties. The pre-application service for applications is subject to a fee, which will vary in scale, depending on the type of application and officer time required.

Working with Developers

- 2.7 Where developers are proposing major or sensitive developments, the Council expects pre-application consultation and ongoing engagement. This should be carried out by developers or their agents to the standards set out in this SCI. The Council encourages developers to present development proposals to members at early stages in the planning process. These are successful in briefing members about the proposals and raising key issues. The Council also encourages the use of models and materials to help communicate the scope and impact of developments. These can be particularly helpful at exhibitions.

Planning Application Consultation

- 2.8 Once an application has been submitted, validated and entered in the planning register, consultation will begin and representations will be invited in accordance with the timetable set out in legislation. Most applications are subject to a minimum 21 day consultation period, set out under Section 13 of the Town and Country Planning (Development Management Procedures) (England) Order 2010.
- 2.9 The council will carry out further consultation/publicity when amended plans and/or additional information is received. The length of time for further consultation above and beyond statutory requirements will be at the Council's discretion.
- 2.10 Some planning applications are advertised by site notices, which are placed on or near the application site and all are advertised by letters of notification to owners or occupiers of land adjoining the site. In certain circumstances, planning applications are advertised by 'press notice' in the Medway Messenger.
- 2.11 The Council's adopted practices state that notification will occur where the neighbours share a common boundary.
- 2.12 It will not necessarily ensure that all owners and occupiers who might reasonably consider themselves to be directly affected will be notified. We will consider sending additional notifications in some cases, for example, to property on the opposite side of the road from a front extension to a house or using additional site notices where a development may affect a wider area.
- 2.13 In addition to the above, all planning applications will be available to view on the Council's 'Planning Online' website page.

Website

- 2.14 The Council publishes a weekly list of planning applications. This is available on request in printed form and at local libraries, or can be viewed on the Council's website at <http://planning.medway.gov.uk/dcwebpages/acolnetcgi.exe>
- 2.15 You can also view the details of all planning applications, including supporting documents, plans and elevation drawings by using 'Planning Online' web facility.

Publicity on Planning Applications

Type of Planning Application	Stakeholders	What the government regulations say we must do	What additional publicity we do, where appropriate
<p>Major Applications: Housing 10 or more dwellings or 0.5 hectares</p> <p>Other development: 1000m² floorspace or 1.0 hectares</p> <p>Application that has an environment impact assessment and or affects public right of way.</p>	<p>Neighbours, general public and wider community</p> <p>Government and Statutory consultees</p>	<p>Press Notice Site Notice</p>	<p>Notifying neighbouring properties</p>
<p>Development affecting the setting of a listed building</p>	<p>Neighbours, general public and wider community English Heritage</p>	<p>Press Notice Site Notice</p>	<p>Notifying neighbouring properties</p>
<p>Development affecting the character of a Conservation Area</p>	<p>Neighbours, general public and wider community English Heritage</p>	<p>Press Notice Site Notice</p>	<p>Notifying neighbouring properties</p>
<p>Other Applications</p>	<p>Neighbours and general public</p>	<p>Site Notice or Notify neighbours</p>	<p>Notifying neighbouring Properties</p>

Advertisement Application	General public	No statutory requirements	Site Notice Notify neighbouring properties
Listed Building Consent	General public English Heritage	Press Notice Site Notice	Heritage groups may be consulted Notifying neighbouring Properties

How to make a Comment

- 2.16 The Council receives and assesses comments on planning applications by post, fax and email or using our online comments form on the Council's website. Making comments online is the quickest and easiest method and allows us to protect your personal data more easily. Comments must be received within the consultation deadline to be certain of being taken into account; however, the LPA can use discretion to accept comments received outside of the statutory consultation period.
- 2.17 The Council does not have the necessary resources to respond to each comment made, due to the large number it receives. Nevertheless, all are summarised in the Planning Officer's report and will become public information.

Material Planning Considerations

- 2.18 In the process of assessing an application the planning officer must have regard to material planning considerations. Some examples of material and non-material considerations can be found below (*please note, this list is not exhaustive*). For example, the loss of property value is not a material planning consideration and will not be taken into account in the assessment of an application.

Material Considerations ✓

Non-material Considerations ✗

National Policy	Issues considered under Building Regulations
Local Policies	Land and Boundary Disputes
Relevant Case Law	Opposition to the principle of a development if permission has been granted by an outline application or appeal decision.
Impact on sunlight, outlook, daylight and privacy	Loss of view (does not preclude the loss of outlook)
Highway Issues	Loss of Property Value
Impact on a Listed Building or Conservation Area	Opposition to business competition

Decision

- 2.19 Officer decisions are made under “delegated powers”, whilst the Planning Committee takes place approximately every four weeks (effective from May 2014).
- 2.20 The Committee is attended by elected Members who determine major, complex or controversial planning applications. The committee agendas are available on the Council’s website <http://democracy.medway.gov.uk>, which include reports on the individual planning applications under consideration. Additional written representations on planning applications may be considered by the Planning Committee if received by midday on the day prior to the Committee date.
- 2.21 Any applications that receive three or more representations contrary to the officer recommendation are flagged up to be considered by the Committee. Members or Parish Councils can also ask for applications to be presented to Committee, rather than being dealt with under “delegated powers”.

- 2.22 When a decision has been made on a planning application, all members of the public who made comments are informed of the decision. If planning permission is refused the applicant has the right of appeal to the Secretary of State. There is however no third party right of appeal. If a member of the public has any complaint about the process of decision making the Council has a complaints procedure.

Post-Decision

- 2.23 Neighbours and other interested parties are also informed of the decision where comments/objections have been received, but consultees are not advised of the outcome unless they ask the Council to do so. All the decisions are posted on the Council website.

Appeal

- 2.24 If an applicant is granted planning permission conditionally, or refused planning permission, the planning system allows the applicant to appeal against the decision. The appeal is handled by the Planning Inspectorate on behalf of the Secretary of State and can be dealt with by an Inquiry, Hearing or Written Representations.
- 2.25 All of those people who made written representations on the original planning application will be advised by letter of the appeal procedure and how they can submit further comments. There is no need to resubmit previous representations, as this information is copied and sent directly to the Planning Inspectorate.

Appendices

List of Consultees

These are defined in legislation:

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

[Http://Planningguidance.Planningportal.Gov.Uk/Blog/Guidance/Consultation-And-Pre-Decision-Matters/Table-2-Statutory-Consultees-On-Applications-For-Planning-Permission-And-Heritage-Applications/](http://Planningguidance.Planningportal.Gov.Uk/Blog/Guidance/Consultation-And-Pre-Decision-Matters/Table-2-Statutory-Consultees-On-Applications-For-Planning-Permission-And-Heritage-Applications/)

Planning Services contact details

Planning Policy

Tel: 01634 331629

planning.policy@medway.gov.uk

Development Management

Tel: 01634 331700 / fax: 01634 331195

planning.representations@medway.gov.uk

Write to: Planning Service

Medway Council

Gun Wharf

Dock Road

Chatham

Kent ME4 4TR.

Glossary

Authority Monitoring Report (AMR): The Council is required to produce an AMR each year to assess the performance and effectiveness of the adopted Local Plan and progress against the Local Development Scheme. The document also includes performance indicators and an update on the plan-making process, as well as statistical data about the borough.

Local Plan (LP): The new Local Plan to 2035 will be the principle development plan for Medway, once it has been completed and will supersede the Local Plan 2003. The Medway Local Plan 2003 still has policies that remain active (saved).

Development Plan Document (DPD): A local development document that forms part of the Local Plan. DPDs can set out the spatial planning strategy, policies and/or allocations of land in the local authority area.

Duty to Co-operate: The 'Duty to Co-operate' is set out in the Localism Act 2011 and the NPPF and ensures that local planning authorities work with neighbouring authorities and other public bodies to address strategic issues that affect local plans and cross-administrative boundaries, through the plan preparation process.

Localism Act: The Localism Act came into force in November 2011. The Act decentralises power away from Government back into the hands of local councils, communities and individuals, enabling them to shape their own locality.

Material planning considerations: Matters that are deemed relevant to the assessment of an application.

National Planning Policy Framework (NPPF): The NPPF sets out the Government's key economic, social and environmental objectives and the planning policies needed to deliver them. It came into force in March 2012 and focused primarily on streamlining a suite of national planning policy documents into a consolidated document.

Neighbourhood plans: (*or Neighbourhood Development Plans*) establishes general planning policies for the development and use of land in a neighbourhood such as where new homes and offices should be built and what they should look like.

Non-material considerations: An issue of concern to the person commenting which cannot be taken into account when assessing a planning application.

Supplementary Planning Document (SPD): Additional guidance produced by Medway Council to explain how policies should be interpreted and assessed.