

APPENDIX 6

# Medway Statement of Community Involvement

December 2018

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## Executive Summary

Planning has important influences on the places that we live and work in. Medway Council wants to make sure that residents and people and organisations with an interest in our area, have the chance to make their views known on planning matters. This includes the preparation of planning policy documents, such as the Local Plan, or development briefs for regeneration sites. It also covers how people and organisations can make comments on planning applications.

The council must produce a Statement of Community Involvement setting out how we engage people in our planning processes. We must keep this document updated to take account of changes in legislation and local circumstances.

The current version of the Statement of Community Involvement was adopted in 2014. The council has produced a revision, which is set out in this document. We have responded to new requirements to clarify how we support and assist local groups preparing neighbourhood plans.

This document is set out in two main parts – one section covering planning policy processes, and the other covering consultation in the development management service.

It is the intention to adopt this document, after we have considered any comments made during the consultation period. The document will be reviewed within 5 years, in line with legal requirements.

### Have your say

Medway Council is inviting comments on this updated version of the Statement of Community Involvement. The consultation period will run from **11 January to 5pm on Friday 22 February 2019**.

You can view the document on the council's website at:

[https://www.medway.gov.uk/info/200149/planning\\_policies/141/medway\\_statement\\_of\\_community\\_involvement](https://www.medway.gov.uk/info/200149/planning_policies/141/medway_statement_of_community_involvement)

Copies of the document are also available for inspection at public libraries in Medway, and at the council's offices at Gun Wharf, during normal working hours. For details of opening hours and locations, please see:

[https://www.medway.gov.uk/info/200138/your\\_council/521/contact\\_us/2](https://www.medway.gov.uk/info/200138/your_council/521/contact_us/2)

[https://www.medway.gov.uk/directory/6/find\\_a\\_library](https://www.medway.gov.uk/directory/6/find_a_library)

**Comments must be received in writing by 5pm on 22 February 2019.**

You can submit comments by:

Email: [futuremedway@medway.gov.uk](mailto:futuremedway@medway.gov.uk)

Post: Planning Service, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

## 1. Introduction

- 1.1 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 in their local areas. Planning seeks to achieve the most sustainable use of land to promote a thriving economy, a valued natural and historic environment and healthy communities with access to the housing, services, facilities and other infrastructure needed to support a good quality of life. The planning system involves preparing policy documents to guide development over many years, such as the Medway Local Plan. The development management process considers specific proposals through making decisions on planning applications. Planning policies and decisions can have major impacts on our local area, and we need to ensure that people have the chance to raise their views, and that these are considered in decision making. Local knowledge and aspirations will help to make sure that development in Medway benefits everyone, whilst protecting those special qualities of the area. The council seeks the community's involvement to develop and implement a shared vision for Medway.
  
- 1.2 Planning policy considers the steps we need to take to secure a successful future for Medway and its residents and workers. Medway's population is projected to grow by c 40,000 people by 2035. This growth brings with it demand for new homes, jobs, and services. We also have the need to make sure that this growth does not place damaging pressure on the environment and infrastructure. The council will plan positively to meet projected growth needs, and set out a clear and coordinated approach. The Local Plan is the principle means of setting the policy framework, which guides development. The Local Plan lays out the plans for housing, employment, retail and other needs of the area. It details proposals of where new housing is likely to be located, based on current and future need, and where new opportunities lie for businesses to locate to create jobs for an expanding population in a growth area. It also covers the detailed aspects of design to help secure our aims for quality development. As Medway is a unitary council, it also needs to plan for the adequate supply of minerals and make appropriate provision for waste management.
  
- 1.3 Medway Council is committed to giving a clear role for people to have their say in Planning matters. This covers how people are involved in plan-making and in how we take account of comments raised on planning applications. The council wants to encourage more people to take part in consultation on planning matters, and to make their involvement as easy as possible. As Planning impacts on many aspects of our built and natural environment, it is important that decisions are informed by a broad evidence base, including information

and views submitted by a range of different interests. This Statement of Community Involvement (SCI) sets out how the Council will engage with the local community and wider interests in the development of planning policy and the determination of planning applications in Medway.

### **Why Medway Council has updated its Statement of Community Involvement**

- 1.4 We have revised this document to take account of updated government policy. In particular we have clarified how we support the preparation of Neighbourhood Plans in Medway. This document, when adopted, will replace the Medway Statement of Community Involvement, 2014. The council will keep the SCI under review, and update it at least every five years.

### **What are the legal requirements for consultation in Planning?**

- 1.5 There are legal duties for local planning authorities to consult widely when preparing planning policy documents and when considering planning applications for development. Government introduced the requirement to produce a Statement of Community Involvement in the 2004 Planning and Compulsory Purchase Act<sup>1</sup>. There have been further updates through the Localism Act in 2011<sup>2</sup> and the Neighbourhood Planning Act, 2017<sup>3</sup>. In addition, government has set out its expectations for community involvement in Planning through the National Planning Policy Framework<sup>4</sup>, and in Planning Practice Guidance<sup>5</sup>.
- 1.6 A Statement of Community Involvement (SCI) 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. It provides a clear explanation for the community to know how and when they can become involved in the preparation of planning policies and the determination of planning applications. Councils are required by government to produce SCIs as part of their commitment to inclusion in planning.
- 1.7 The National Planning Policy Framework, updated in 2018, makes clear reference to the importance of community engagement at paragraph 16, stating

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<sup>1</sup> Available at: [www.legislation.gov.uk/ukpga/2004/5/contents](http://www.legislation.gov.uk/ukpga/2004/5/contents)

<sup>2</sup> Available at: <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

<sup>3</sup> Available at: [www.legislation.gov.uk/ukpga/2017/20/contents](http://www.legislation.gov.uk/ukpga/2017/20/contents)

<sup>4</sup> Available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/740441/National\\_Planning\\_Policy\\_Framework\\_web\\_accessible\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf)

<sup>5</sup> Available at: <https://www.gov.uk/government/collections/planning-practice-guidance>

plans should:

- Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
- Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
- Be accessible through the use of digital tools to assist public involvement and policy presentation.

1.8 The above points are all pertinent to the issues and solutions outlined in this revised Statement of Community Involvement. Medway Council last updated its Statement of Community Involvement in 2014. As highlighted above, there have been a number of changes to legislation and national planning guidelines in recent years. This latest SCI reflects the requirements of new legislation and changes in current practices of community engagement, including greater use of electronic communications and social media.

1.9 There is not a legal requirement to consult on Statements of Community Involvement. However the council has decided to invite comments on this draft of the updated SCI, as part of its commitment to transparency and engagement in Planning.

1.10 This document presents the council's approaches to community involvement in two broad sections – one considering engagement in plan making. This includes how the council supports groups developing Neighbourhood Plans in Medway. The second section considers the development management process.

# COMMUNITY INVOLVEMENT IN PLAN MAKING

PLANNING POLICY IN MEDWAY

KEY STAGES IN PREPARING OUR LOCAL PLAN

DEVELOPMENT PLAN DOCUMENTS

PLAN PREPARATION

SUPPLEMENTARY PLANNING DOCUMENTS

NEIGHBOURHOOD PLANS

HOW WE WILL CONSULT TO RECOGNISE DIFFERENT NEEDS AND INTERESTS

CONSULTATION AND ENGAGEMENT METHODS

WHO WE WILL CONSULT

ROLE OF ELECTED COUNCILLORS

DUTY TO COOPERATE

HOW INFORMATION IS USED AND REPORTED

## 2. Community Involvement in plan making

### Planning policy in Medway

- 2.1 The council is preparing a new Local Plan to cover the period up to 2035. Regeneration and strategic growth are key components of development in Medway. The council uses development briefs and masterplans to provide more detailed guidance on the requirements of development in specific opportunity areas. These Supplementary Planning Documents give certainty to stakeholders and potential developers on the expectations set for key sites. The council, in conjunction with Tonbridge and Malling Borough Council, is also preparing a Local Development Order to support development of a business park on land near Rochester Airport.
- 2.2 In recent years, there has been increased interest in the preparation of Neighbourhood Plans in Medway, in both rural and urban areas. When adopted, or 'made', these will form part of the development plan for Medway.

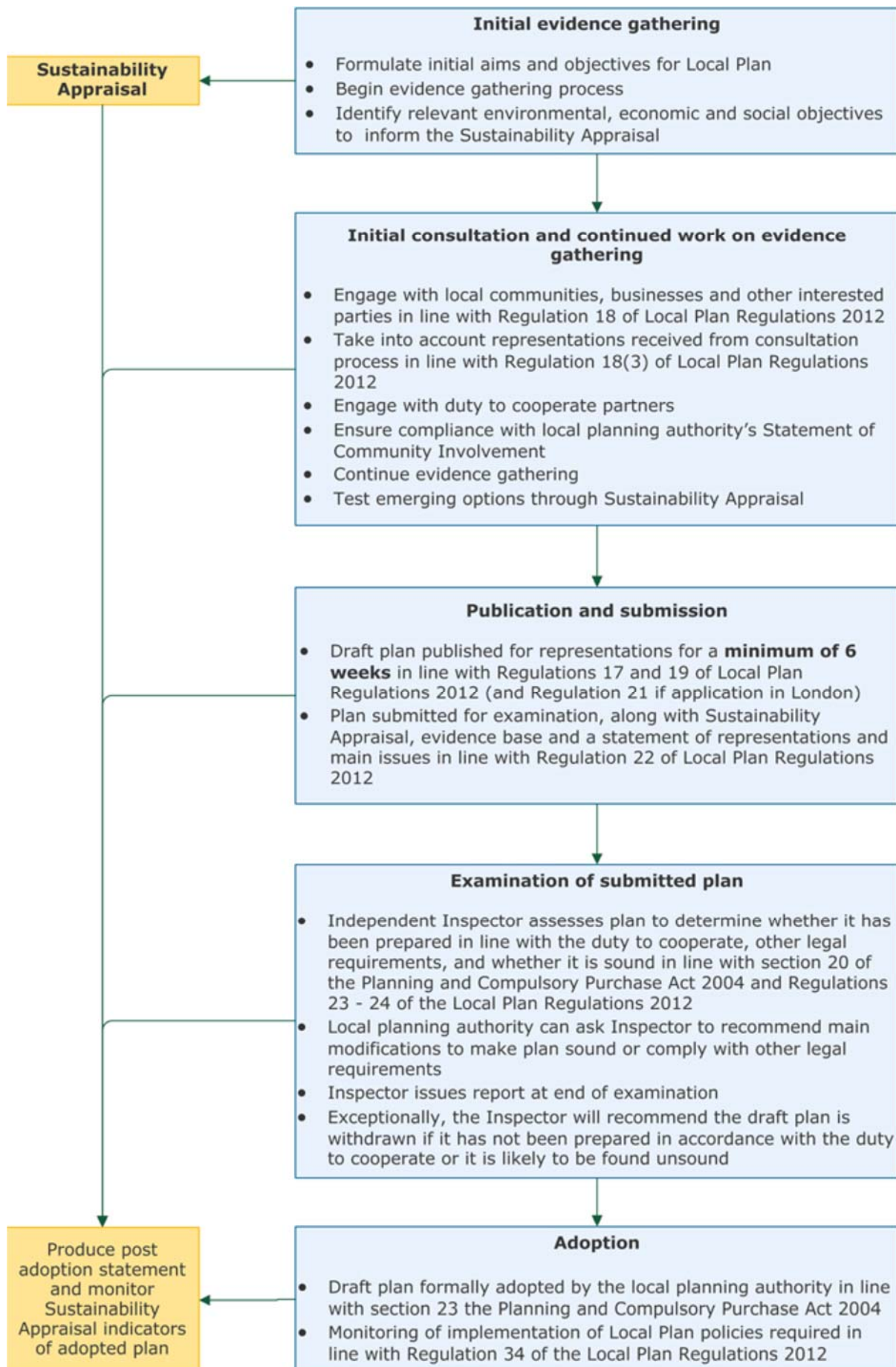
### Key stages in preparing our Local Plan

#### Development Plan Documents

- 2.3 Development Plan Documents are statutory documents that contain land use planning policies against which planning applications will be considered. The focus of planning policy work in Medway is the production of a new Local Plan. Set out below are the key stages of document preparation, as defined by the 2012 Local Planning regulations (as updated), and associated requirements for community involvement and engagement.
- 2.4 Further details on the process for preparing local plans are available on the government's Planning Practice Guidance pages at:

<https://www.gov.uk/guidance/local-plans--2>





## Plan preparation

2.5 The consultation requirements associated with the different stages of plan preparation are summarised below.

Key stages	Regulation	Consultation details
Plan preparation	Regulation 18	At least one formal consultation period during plan preparation stage – minimum of 6 weeks.
Plan publication	Regulation 19	Statutory period of 6 weeks of consultation on the draft plan.
Submission of Plan to Secretary of State	Regulation 22	Not a consultation stage.
Independent Examination	Regulation 24	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 to plan - 6 weeks.
Publication of Inspector's recommendation	Regulation 25	Not a consultation stage.
Adoption of Local Plan Document	Regulation 26	Not a consultation stage. 6 week period for legal challenge – made on a point of law only.

2.6 The programme for the preparation of the new Medway Local Plan is set out in the Local Development Scheme, 2018. This also considers the resources that the council has available to support the preparation of the Local Plan and associated consultation stages.

2.7 The Council meets the 6 week period set for consultation in the regulations. It will consider extending this period where appropriate, for example, if the consultation covers a holiday period. We have extended consultation periods at Regulation 18 stages to ensure that stakeholders have had time to consider all relevant documents. Where possible, the Council will give forward notice of key consultation stages and events, so groups and individuals can plan their involvement.

### Supplementary Planning Documents

2.8 Supplementary Planning Documents (SPDs) are used to add further detail to the policies in the development plan. They can provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

2.9 Medway Council has promoted the preparation of SPDs to bring forward development on strategic regeneration sites, such as Strood Waterfront. We

have also produced a SPD to set out our requirements for developer contributions and obligations in relation to development proposals. Full details of the supplementary planning documents and wider guidance used by Medway Council are available on the council's website at:

[https://www.medway.gov.uk/info/200149/planning\\_policy/146/current\\_planning\\_policies/4](https://www.medway.gov.uk/info/200149/planning_policy/146/current_planning_policies/4)

- 2.10 The Council follows similar principles for engagement in the preparation of SPDs as it uses 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**

- 2.11 Neighbourhood Plans were introduced in the Localism Act 2011. Neighbourhood Plans are prepared by communities to inform the planning of their local areas. These plans can be prepared by Parish or Town Councils, Neighbourhood Forums or community organisations that meet the criteria for qualifying bodies. Neighbourhood plans set out policies for the development and use of land in a local area or neighbourhood. They are required to be in general conformity with strategic policies in the local plan. Once adopted a neighbourhood plan forms part of the development plan and has the same status as a local plan.
- 2.12 As adopted neighbourhood plans will form part of the Development Plan for Medway, it is important that work is coordinated between the preparation of the Medway Local Plan and neighbourhood plans. Neighbourhood plans must follow legal requirements for consultation, to ensure that the views and knowledge of local people and groups have informed the content of plans. Guidance on the preparation of neighbourhood plans is set out in Planning Practice Guidance: <https://www.gov.uk/guidance/neighbourhood-planning--2>
- 2.13 Local planning authorities are required to help communities in the process of preparing a neighbourhood development plan, but the plan-making process itself must be community led. Neighbourhood plans are required to undergo independent examination and be subject to a referendum of the local community. The Council has a statutory role in the preparation of neighbourhood development plans and orders as required by the Neighbourhood Planning (General Regulations) 2012 (as updated). The Council's statutory role includes:

- Designating the neighbourhood area (Regulation 5 stage) and neighbourhood forum (Regulation 8 stage);
- Publicising the submitted plan (Regulation 16 stage);
- Arranging and funding the examination (Regulation 17 stage);
- Publicising the examiner's report and plan proposal decision (Regulation 18 stage);
- Arranging and funding the referendum; and
- Adopting the plan (Regulation 26 stage).

2.14 In addition to meeting our statutory duties, Medway Council will also seek to support and advise neighbourhood planning groups throughout the process, whilst respecting that neighbourhood plans are led by the local community. The council will take account of the specific needs of neighbourhood planning groups, and the resources available. The Planning Service is committed to establishing and maintaining constructive working relationships with neighbourhood planning groups. The council will support groups throughout the process of preparing a neighbourhood plan. We will provide a specific contact officer in the Planning Service as a coordination point for neighbourhood planning groups, and for regular liaison. Any individuals or groups interested in Medway that are interested in producing neighbourhood plans are encouraged to contact the council's Planning Policy team. The Planning Service has delivered training and presentations on neighbourhood planning to Parish Councils and the wider community across Medway. The Council will also offer advice and assistance on proposals to modify a neighbourhood development plan. We undertake to work constructively with qualifying bodies and will make key decisions within statutory timescales.

2.15 Examples of the type of assistance the council could provide include:

- Providing advice on the legal requirements in relation to the neighbourhood planning process;
- Providing assistance in interpreting national and local planning policies;
- Making available electronic copies of our background and evidence base documents;
- Providing advice on public consultation;
- Supporting community events and workshops as appropriate;
- Attending steering group meetings where appropriate;
- Coordinating plan making through sharing information;
- Providing constructive comments on an emerging plan or order; and
- Providing materials such as large scale maps.

2.16 We have set up dedicated pages on our website providing more information on neighbourhood planning:

### **How we will consult to recognise different needs and interests**

- 2.17 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 in lengthy documents. Plan making requires a broad ranging and detailed evidence base, often concerning complex technical matters. For these reasons, it can sometimes be difficult to effectively engage people in policy planning. The council will therefore provide summary documents, setting out key information on the issues being addressed through the plan and proposals in the plan. The Planning Service 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.
- 2.18 The council will make use of a variety of methods for consultations, taking into consideration the issues being consulted on, the needs of the audience, as well as the available resources to manage the process. These methods are detailed in the next section.
- 2.19 It is important that all sections of the community have the opportunity to be involved in planning for their local area. Techniques used therefore need to be tailored with different groups in mind. The council makes use of digital tools to publicise planning consultations, publish key documents and supporting information, and to invite people to make comments on new policies and plans. There is a dedicated area of the council's website for planning policy: [https://www.medway.gov.uk/info/200149/planning\\_policy](https://www.medway.gov.uk/info/200149/planning_policy). Consultations are primarily managed through the website, with direct emailing of contacts on the Local Plan database and use of the council's social media accounts to raise awareness of the timetable and content of consultations. The Planning Service makes increasing use of mapping information in GIS format to improve the presentation and accessibility of data.
- 2.20 However the council recognises that it needs a wider range of techniques and methods to involve people in planning. The Planning Service support the use of consultation activities, such as workshops and public exhibitions, in reaching different audiences and also providing opportunities for people to engage in different ways. When the council arranges consultation events, we will consider the location and layout of venues to ensure that they are accessible for target audiences and different groups. The Planning Service also looks at the timing

of events and may decide to arrange activities for evenings or weekends to reach people who may not be available during normal office hours. The council will also make printed copies of planning documents available for inspection at public libraries across Medway. The Planning Service also considers the use of summary documents for wide distribution.

- 2.21 Producing clear, straight forward planning documents 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. The council will seek to provide information in other languages on request where people have difficulty in reading documents in English. We make use of our Community Interpreting Service for such queries, and provide contact information in a range of common community languages used in Medway.
- 2.22 Often referred to as ‘hard to reach’ or ‘seldom heard groups’, some sectors of the community may be more difficult to engage in planning matters. This may include some smaller minority ethnic communities, gypsies & travellers as well as people with disabilities, older and young people. Often consultations are run in ways that do not engage some sections of the community. The council must be particularly mindful of the needs of these groups, if necessary making allowances where there may be obstacles in the participation process. The Planning Service will use the local networks and contacts that exist throughout the wider council to help reach specific community sectors. Examples used in the early stages of plan preparation have included meetings with the Medway Youth Parliament, Medway Pensioners Forum and Medway Equalities and Access group.

#### **Case Study: Engaging young people in Planning issues**

In 2014, Medway Council produced a planning guidance note for new hot food takeaways. This was in response to concerns raised about health conditions in the local community. Part of the guidance considered potential restrictions on new takeaways close to schools. The views of young people were particularly relevant to this planning matter. The council’s Planning and Public Health teams worked with Children Services colleagues to make use of the Medway Young Inspectors to carry out research with young people. The Young Inspectors designed a short questionnaire and visited local parks and town centres to ask other children and young people what they felt about the issue and the proposals in the planning guidance. They reached c 150 young people, analysed the results and reported back to officers. The findings formed part of the report on consultation that supported the decision to adopt the new guidance. This was a successful means of reaching young people, who would not have responded to standard consultation methods.



2.23 Different types of policy documents require different levels of involvement depending on numerous factors, such as the number of people that would be affected by a proposed policy and the type of impact it may have. Involvement can range from keeping stakeholders informed, through to deciding and acting together. The following sections in this document set out expectations and standards for involvement at the various stages of plan making and within the planning application process.

## Consultation and engagement methods

2.24 The council recognises that the choice of consultation methods need to reflect the audience we are seeking to reach and the scope of the work on which we are 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 needs to be targeted to the specific scope of the policy or development proposal. In designing a consultation programme, the Planning Service also considers that it should be undertaken in a cost-effective, efficient and proportionate manner. The council works to ensure that it meets the statutory consultation requirements. However it also considers additional steps to achieve meaningful engagement in planning that can be used to inform policy and shape the development of Medway.

Method	Approach
<b>Direct correspondence</b>	<p>Every individual, organisation and business on the Local Plan consultation database will receive an email (or letter) informing them of the consultation period. Emails are the preferred means of communication, sent securely through 'gov.delivery'. Where email contacts are not available, the council will use postal letters to notify interested parties registered on our database.</p> <p>For additions and updates to the database, including requests for information by email, please contact the Planning Service using details in the appendix.</p>
<b>Leaflets</b>	<p>Leaflets and summaries of documents will be made available at libraries and via the Local Plan web pages during the course of the consultation. Leaflets may be used to publicise proposed policy documents, or to provide details about opportunities to contribute views or participate in meetings, discussion groups etc.</p>
<b>Social media</b>	<p>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. This is managed through the council's social media accounts.</p>

	Social media is an approach to make contact with some '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.
<b>Website</b>	This is the main resource for information on the preparation of the local plan and wider planning policy documents, and in managing consultations. All planning documents and details of planning applications are available on the Medway Council website: <a href="http://www.medway.gov.uk/planningpolicy">www.medway.gov.uk/planningpolicy</a> .
<b>Public exhibitions</b>	By making documents available in a variety of accessible and appropriate locations, and arranging 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 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.
<b>Public meetings</b>	An open meeting where the Local Authority or a developer presents information and proposals, which enables immediate discussion and feedback. This method is used to inform the public on proposals and help understand public opinion on a particular topic/issue.
<b>Pre-arranged meetings</b>	The council will consider attending Parish Council, Stakeholders and community groups meetings to discuss development plan documents during consultation periods to reach key groups. The Planning Service may also organise specific stakeholder events during consultations to focus on particular topics or areas
<b>Local Media</b>	In some circumstances, particularly in relation to Medway wide issues it may be appropriate to use local media such as newspapers, community magazines, television and radio. In particular, opportunities could be used to utilise local radio and newspapers to ensure communications with a broad range of the community. The Planning Service also encourages links on other websites, such as Parish Council websites, to raise awareness of consultations, and encourage people to make comments.

## Who we will consult

- 2.25 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. Government requires local planning authorities to consult with a number of specified statutory bodies. The statutory consultees are defined in legislation (*see links in Appendix*). Government also directs local planning authorities to consult with a range of bodies and groups representing the interests of specific groups in the local area, and/or who work for the benefit of the area.
- 2.26 Statutory consultees are organisations responsible for the management or delivery of different aspects of development and resources within Medway; these responsibilities will often be set out in law. The wider general consultees are organisations who represent the interests of different groups or groups whose activities benefit Medway. They are defined by government 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, religious and national 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.

2.27 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](mailto:planning.policy@medway.gov.uk) or telephone 01634 331629. The database is managed to the requirements of the General Data Protection Regulations.

2.28 The Local Plan database includes both statutory and 'general' consultees. The wider stakeholders who make up the list of consultees are very diverse, and offer a range of specialist knowledge, including technical and professional, such as environmental groups like Kent Wildlife Trust; detailed local information, such as Parish Councils, community and amenity groups; or represent the interests of particular sectors of the community. There is a broad definition of community, and engagement with businesses is important. A key business sector for planning issues is the development industry, including developers, their agents, and housing bodies. As a minerals and waste planning authorities, contacts with businesses in these sectors are also important. The council also seeks the views of local businesses in preparing planning policy, both on an individual company basis and through business groups like Town Centre Forums and Chambers of Commerce. As legislation and regulations are updated, consultees may change over time. The Planning Service regularly reviews the database to ensure that it is up to date, and that contacts still wish their details to be retained on the database.

## Role of elected councillors

- 2.29 The elected members of the council are responsible to their electorate as representatives of a particular ward area, as well as being decision makers for the whole council area. Councillors are involved as 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. Key stages of preparation on the Local Plan, and other planning policy documents are presented to Cabinet for decision making. Planning officers may also report to Overview and Scrutiny Committees, specific Select Committees, or wider committees and boards, such as the Medway Health and Wellbeing Board. In addition, members are involved in a number of internal and external meetings, workshops and exhibitions that inform the preparation of planning policy documents. The submission of the draft plan to government for independent Examination is a matter for full Council.
- 2.30 Members will be included at all key stages in the plan making process. The council has a cross party Development Plans Advisory Group which considers reports throughout the plan preparation process. Briefings are organised for members on key policy matters. Planning officers hold briefings for members in advance of main consultation stages on the local plan, or other major policy developments.
- 2.31 Elected members are a good means to reach the local population; the residents that members represent. These links are used to help promote wider input to planning policy. Members will adhere with the Council's Code of Conduct when participating in consultation on planning matters.

## Duty to Cooperate

- 2.32 The government introduced a 'Duty to Cooperate' in the Localism Act 2011; many of the consultees required under the Duty to Cooperate are also included in the list of specific statutory consultees. The government has now extended the requirements for cross border cooperation on strategic planning policy matters through the introduction of Statements of Common Ground to support plan making. Further details are available in Planning Practice Guidance: <https://www.gov.uk/guidance/plan-making>
- 2.33 The '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. Medway Council reports on its activities to meet the Duty to Cooperate in our annual Authority Monitoring Report. The Planning Service will prepare

Statements of Common Ground to support and inform the preparation of the new Medway Local Plan.

### **How information is used and reported**

- 2.34 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 considered. 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. It is rarely possible to find solutions on contentious matters that satisfy everybody. There will be circumstances where the council considers that it is not appropriate to alter the plan or policy document in line with comments made by a respondent. The council will however ensure that all comments are given appropriate consideration and we will provide information on how we have responded to the information presented.
- 2.35 If a representation has been made at any formal consultation stage of plan making, 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. Comments and feedback will be published via the website [www.medway.gov.uk/futuremedway](http://www.medway.gov.uk/futuremedway).
- 2.36 A list of consultations carried out on the Local Plan/s and SPDs, including workshops and exhibitions, are noted annually in the Authority Monitoring Report (AMR), which is published on the Planning Policy pages of the council's website. This is updated each December. A summary report outlining the representations made to specific consultations is prepared for each key stage of plan making, or producing wider planning policy documents.
- 2.37 The council complies with data protection principles in dealing with consultation responses and in retaining personal information. The Planning Service has prepared a service privacy statement as part of its implementation of updated data protection legislation. This is available to view at:

[https://www.medway.gov.uk/info/200133/planning/714/planning\\_service\\_privacy\\_statement](https://www.medway.gov.uk/info/200133/planning/714/planning_service_privacy_statement)

# Part Two

## **COMMUNITY INVOLVEMENT IN PLANNING APPLICATIONS**

DEVELOPMENT MANAGEMENT

PRE-APPLICATION

WORKING WITH DEVELOPERS

ENCOURAGING EARLY INVOLVEMENT WITH NEIGHBOURS IN SMALL-SCALE PROPOSALS

ROLE OF ELECTED COUNCILLORS

PLANNING APPLICATION CONSULTATION

WEBSITE

PUBLICITY ON PLANNING APPLICATIONS

HOW TO MAKE A COMMENT

MATERIAL PLANNING CONSIDERATIONS

DECISION

POST-DECISION

APPEAL

## Development Management

- 3.1 Much new development and some changes of use require planning permission. This is known as the development management process that determines the outcome of a planning application after consideration of the impacts of the proposal and seeking the views of consultees and local residents. 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.
- 3.2 Consultation is intrinsic to the development management process. The statutory requirements for consultation on planning applications is set out in legislation. This is helpfully outlined in 'Consultation and pre-decision matters' in Planning Practice Guidance:

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

- 3.3 Requirements vary according to the type of application and may include notification to specified bodies and general publicity. The council considers a broad range of applications and seeks the views of expert bodies and groups on technical matters, such as ecology, heritage and hazardous installations. When development involves householder applications, the council will contact all neighbours with a common boundary to the application site.

## Pre-application

- 3.4 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. The revised 2018 NPPF states:

*'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community<sup>6</sup>.*

- 3.5 The council welcomes and encourages pre-application discussions with 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. Details are available on the council's Planning pages on the website:

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<sup>6</sup> At paragraph 39

## Working with developers

3.6 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.

3.7 The NPPF highlights the link between well-designed places and effective engagement. It states:

*‘Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process’<sup>7</sup>.*

3.8 Applicants of major developments are expected to submit a separate Statement of Community Involvement to explain how they have built engagement into the development proposal process.

3.9 The NPPF states:

*‘Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot’<sup>8</sup>.*

3.10 The council encourages developers to present significant development proposals to councillors at early stages in the planning process, before submitting an application. These presentations are useful in advising 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. Design Review Panels, run in Medway by Design South East, have a valuable use with larger or more sensitive proposals.

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<sup>7</sup> NPPF 2018, at paragraph 124

<sup>8</sup> NPPF 2018, at paragraph 128

## Encouraging early involvement with neighbours in small-scale proposals

- 3.11 The council encourages applicants to talk to their neighbours informally before finalising their plans and submitting their application.
- 3.12 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.

### **Role of elected members**

- 3.13 Members receive a weekly list of planning applications that have been submitted to the council and are invited to make representations. The council encourages members to attend developer presentations outlining potential schemes. The key role of elected councillors is through the Council's Planning Committee. The Planning Committee determines major, complex or controversial planning applications. Ward members may specifically address the Planning Committee to raise issues of local concern to their constituents.

### **Planning application consultation**

- 3.14 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.
- 3.15 The council may 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.
- 3.16 Site Notices are used to advertise the fact that a planning application has been submitted to the council for a property close to the location of the notice, explaining how one can become involved. Most applications require either a site notice OR neighbour consultation but Medway Council does both. All planning applications 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.

3.17 The council's adopted practices state that notification will occur where the neighbours share a common boundary. It will not necessarily ensure that all owners and occupiers who might reasonably consider themselves to be directly affected will be notified. It 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.

3.18 The council publishes a weekly list of planning applications. This is available on request in printed form and at local libraries, or all applications can be viewed on the council's website at:

<https://www.medway.gov.uk/info/200133/planning>

3.19 The list is distributed widely to statutory bodies, local and interest groups, and individuals who have advised the Planning Service of their interest in being kept informed about planning matters. For certain applications there are specific requirements to consult certain bodies such as Natural England, The Environment Agency, Heritage England etc.

3.20 The council recognises the interest and input in the development management process from a range of local and wider bodies and groups. These include residents associations, amenity and heritage groups. These groups are regularly consulted on planning applications in their areas of interest. They can provide specialist knowledge, such as Kent Wildlife Trust on ecology, the Local Access Forum on development impacting on a Public Right of Way, or information on a particular area, such as the Town Centre Forums.

### **Website**

3.21 The council's website is the main resource for accessing information on planning applications. The council seeks opportunities to improve access and functionality on the online resource. People can view the details of all planning applications, including supporting documents, plans and elevation drawings by using the online 'Public Access' 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: 1000m<sup>2</sup> floorspace or 1.0 hectares</p> <p>Application that has an environment impact assessment and or affects public rights of way</p>	<p>Neighbours, general public and wider community</p> <p>Government and Statutory consultees</p>	<p>Website</p> <p>Press Notice</p> <p>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</p> <p>Historic England</p>	<p>Press Notice</p> <p>Website</p> <p>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</p> <p>Historic England</p>	<p>Press Notice</p> <p>Website</p> <p>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>Website</p>	<p>Notifying neighbouring properties</p>
<p>Advertisement Application</p>	<p>General public</p>	<p>No statutory requirements</p> <p>Website</p>	<p>Site Notice</p> <p>Notify neighbouring properties</p>
<p>Listed Building Consent</p>	<p>General public</p> <p>Historic England</p>	<p>Press Notice</p> <p>Site Notice</p> <p>Website</p>	<p>Heritage groups may be consulted</p> <p>Notifying neighbouring properties</p>

3.22 Further details are set out in government planning guidance at:

<https://www.gov.uk/guidance/consultation-and-pre-decision-matters#statutory-publicity-requirements>

### **How to make a comment**

3.23 The council receives and assesses comments on planning applications by post, fax and email or using the online comments form on the council's website. Making comments online is the quickest and easiest method and allows the council to protect personal data more easily. Comments must be received within the consultation deadline to be certain of being taken into account; however, the local planning authority may use discretion to accept comments received outside of the statutory consultation period.

3.24 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**

3.25 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 ✗
<p>National policy</p> <p>Local policies</p> <p>Relevant case law</p> <p>Impact on sunlight, outlook, daylight and privacy</p> <p>Highways issues</p> <p>Impact on a Listed Building or Conservation Area</p>	<p>Issues considered under Building Regulations</p> <p>Land and boundary disputes</p> <p>Opposition to the principle of a development if permission has been granted by an outline application or appeal decision</p> <p>Loss of view (does not preclude the loss of outlook)</p> <p>Loss of property value</p> <p>Opposition to business competition</p>

## Decision

- 3.26 Officer decisions are made daily under “delegated powers”, whilst the Planning Committee takes place approximately every four weeks.
- 3.27 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 at: <https://democracy.medway.gov.uk>. This includes 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.
- 3.28 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

- 3.29 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

- 3.30 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.
  
- 3.31 All who have 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 2012<sup>9</sup>

The Town and Country Planning (Development Management Procedure) (England) Order 2010<sup>10</sup>

Planning Practice Guidance 'Consultation and pre-decision matters' provides a clear reference point for defined statutory and non-statutory consultees and the requirements for consultation on development applications:

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

## Planning Service contact details

### Planning Policy

Tel: 01634 331629

[futuremedway@medway.gov.uk](mailto:futuremedway@medway.gov.uk)

### Development Management

Tel: 01634 331700

Fax: 01634 331195

[planning.representations@medway.gov.uk](mailto:planning.representations@medway.gov.uk)

### Website:

<https://www.medway.gov.uk/info/200133/planning>

### Write to:

Planning Service

Medway Council

Gun Wharf

Dock Road

Chatham

Kent ME4 4TR

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<sup>9</sup> [http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi\\_20120767\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi_20120767_en.pdf)

<sup>10</sup> [www.legislation.gov.uk/ukxi/2010/2184/pdfs/ukxi\\_20102184\\_en.pdf](http://www.legislation.gov.uk/ukxi/2010/2184/pdfs/ukxi_20102184_en.pdf)

## 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:** The new Local Plan covering the period to 2035 will be the development plan for Medway. On adoption it will replace the Medway 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 Cooperate:** The 'Duty to Co-operate' is set out in the Localism Act 2011 and 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 was updated in July 2018.

**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 local planning authorities to explain how policies should be interpreted and assessed.