



Statement of Community Involvement (SCI)

October 2019

Delivering for the Community

Gravesham Borough Council
Statement of Community Involvement
(SCI)

October 2019

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1. Introduction

1.0 Gravesham Borough Council (the Council) recognises the importance of engaging with the local community and other stakeholders when making decisions on planning applications and producing planning policy documents that stand to affect our area for years to come. This accords with the Council's Code of Corporate Governance and the principles enshrined in the Kent Planning Protocol.¹

1.1 Whilst different groups and individuals are likely to have different views on what is an appropriate development strategy for the future of Gravesham, such engagement brings positive benefits in terms of enabling dialogue and by assisting the Council in attempting to develop a consensus on how we move forward in planning terms.

1.2 The Statement of Community Involvement (SCI) is the Council's overall strategy for ensuring we have effective community engagement in the planning process in those areas where Gravesham has responsibilities. The SCI forms part of the statutory Development Plan – further detail of what the Development Plan comprises and why it is important is set out in section 4 of this document.

1.3 The Council's Planning Department is responsible for producing a number of planning policy documents that form part of the Development Plan and determining most applications for planning permission and other related applications in the borough.

1.4 An exception to this is the area covered by the Ebbsfleet Development Corporation (EDC) where it, rather than the Council, is responsible for determining applications but not for producing Development Plan documents. The area covered by the EDC for the purposes of determining planning and other related applications in Gravesham is shown on the plan on the following page. Further detail on the responsibilities, role and planning functions of the EDC are available on its website at <https://ebbsfleetdc.org.uk/>.

1.5 Another exception relates to planning policy and planning applications concerning minerals and waste matters, where the Kent County Council (KCC) is the relevant planning authority. The KCC has its own suite of Development Plan policy documents and associated guidance – including a separate Statement of Community Involvement which it relies on in publicising emerging policy documents and determining applications². Further details on the role of the KCC in this area are available on its website at <https://www.kent.gov.uk/waste-planning-and-land>

1.6 Minerals and waste applications within the EDC area are determined by the Development Corporation, with the assistance of the KCC as overall minerals and waste planning authority.

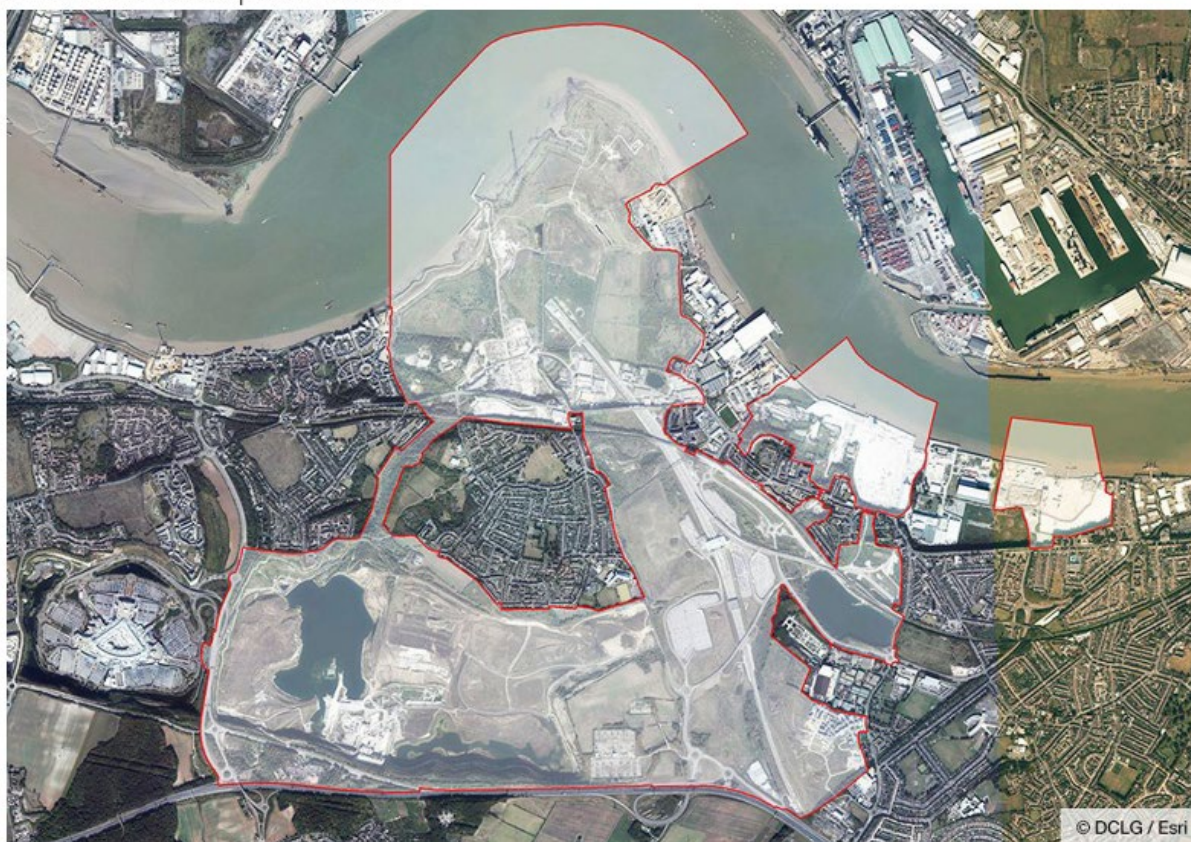
1.7 The KCC also has powers to determine applications for its own development (such as in relation to school premises under its control). In such cases, the Council is only a

¹ See http://www.gravesham.gov.uk/_data/assets/pdf_file/0005/185729/Code-of-Corporate-Governance-2017.pdf and http://www.gravesham.gov.uk/_data/assets/pdf_file/0007/278539/Kent-Planning-Protocol.pdf

² KCC Minerals and Waste policy documents and the associated SCI are available on-line at <https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-planning-policy>

consultee on such applications and is not responsible for determining the application or undertaking consultations.

Ebbsfleet Development Area



1.8 In addition, some major developments deemed to be Nationally Significant Infrastructure Projects (NSIPs) are dealt with directly by Government under a different planning system introduced under the Planning Act 2008. Examples of such projects include the proposed Lower Thames Crossing to the East of Gravesend and London Resort to the West of the Borough.

1.9 In such cases, it is the responsibility of the promotor of the scheme to set out how it will engage with the local community prior to submission of an application to Government.

1.10 Under this system, the Council is consulted at various stages in the process but has no specific responsibilities itself to consult others – although it will still engage as appropriate with others in supporting the best interests of the area. Details of how the Planning Act 2008 system works and current projects that may have implications for our area are available on-line.³

1.12 In addition to the NSIP process, there are a number of other statutory provisions by which schemes can be permitted on a more ad hoc basis. These include works to the strategic road network which fall below the NSIP thresholds and can be dealt with by an Order under the Highways Act 1980 (i.e. like the proposed improvements to the A2 Bean

³ For details of the Planning Act 2008 regime and proposals that may affect the Gravesham area see the NSIP website at <https://infrastructure.planninginspectorate.gov.uk/>

and Ebbsfleet junctions) or even under a separate enabling Act of Parliament (i.e. as was the case with the Channel Tunnel Rail link).

1.13 Gravesham Council wants to ensure that our community has the opportunity to participate effectively in the planning process where it has responsibility for planning functions. This SCI has been prepared to explain how local people, businesses and other key stakeholders will be involved by the Council in the planning process.

1.14 This SCI is prepared under Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) and reflects the latest relevant legislation, Government policy and guidance at the time of writing.

1.15 The Council is required to comply with the SCI once it is formally adopted.

1.16 The approach the Council takes on data protection and privacy when engaging with the community and consulting on planning and other applications is set out on our website.

2. Why a new SCI is required

2.1 Since the previous SCI was adopted in 2007⁴ there have been changes to planning and other legislation. These include both the introduction of neighbourhood planning under the Localism Act 2011⁵, brownfield land registers and permissions in principle, and a public sector duty to avoid discrimination where relevant protected characteristics apply under the Equality Act 2010.⁶

2.2 These changes are reflected in this new SCI. In considering the Council's approach to consultation in drafting the new SCI, it has also been possible to draw on past experience and to take into account the effectiveness of previous consultations and changes in technology that have occurred in the interim.

2.3 Once adopted, this new SCI will update and replace current arrangements made under the existing SCI, adopted in March 2007.

⁴ For the current Gravesham BC Statement of Community Involvement (2007) see https://www.gravesham.gov.uk/_data/assets/pdf_file/0011/69815/SCI280307_1.pdf. It should be noted that there has been a change in process since the adoption of the 2007 SCI in that any update is no longer subject to independent examination by a Planning Inspector.

⁵ The Localism Act 2011 is available on line at <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>. Further information on Neighbourhood Plans and how they are formulated can be found at <https://www.gov.uk/guidance/neighbourhood-planning--2>. The part played by the Council in assisting the production of such plans is set out in section 7 of this document.

⁶ The Equality Act 2010 is available on line at <https://www.legislation.gov.uk/ukpga/2010/15/contents>. The protected characteristics set out in section 149 of the Act are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

3. The role of elected Councillors in the planning process⁷

3.1 Elected members of the Council are responsible to their electorate as representatives of their wards, as well as being decision makers for the whole Council area. Councillors are both involved as policy makers in the Local Plan making process and in making decisions on individual planning applications referred to the Council's Regulatory Board in accordance with its constitution, standing orders and scheme of delegated powers.⁸

3.2 Members of the Council are included at all key stages in the Local Plan making process and take the formal decisions that allow it to progress through its various stages up to adoption. Key stages of preparation of the Local Plan and other planning documents prepared by the Council are presented to Cabinet for decision making, with briefings also provided for other members on draft documents and the outcome of consultations via other committees. The final adoption of the Local Plan is a matter for Full Council.

3.3 Details of the role of members of the Council in the decision making process relating to individual planning applications and other types of application under the planning regime is set out later in this document.

⁷ Information on your Councillors is available on the Council's webpages at <http://democracy.gravesham.gov.uk/mgMemberIndex.aspx?bcr=1>

⁸ Details relating to the Council's constitution and scheme of delegation etc. are available at <http://democracy.gravesham.gov.uk/ecCatDisplay.aspx?sch=doc&cat=481&path=480>

4. Overview of the planning process and the types of planning policy document and applications covered by this SCI

4.1 What is planning?

4.2 The purpose of the planning system is to contribute toward the achievement of sustainable development in the public interest, so as to meet the needs of the present without compromising the ability of future generations to meet their own needs. Development can mean either the undertaking of physical works or a change in the use of land.⁹

4.3 Achieving sustainable development requires that the Council should attempt to meet a range of economic, social and environmental objectives in a way that responds positively to local context. Planning therefore plays a key role in identifying what development is needed where and which areas or features of the borough need to be protected or enhanced.

4.4 In so doing, the Council has to manage competing demands for housing, schools, business, infrastructure, greenspace, etc. to help shape places, build communities and to ensure significant environmental impacts are avoided or mitigated.

4.5 The Council's role in the planning process

4.6 The Council is responsible for producing the Gravesham Local Plan and associated documents; as well as determining most types of planning applications in the borough. The exceptions to this are set out in Section 1 above.

4.7 In addition, not all development requires planning permission. Some forms of development and changes in the use of land are either deemed by Government to be 'permitted development' not requiring planning permission or only require 'prior approval' by the relevant planning authority. The latter process can restrict what the Council can take into account in determining a planning application and often reduces the time period over which a decision must be made. Failure to make a decision within the set time period can, for certain type of planning applications can result in permission being automatically granted.¹⁰

4.8 Aside from applications for planning permission, the Council also has responsibility for taking decisions on a range of other forms of application, such as those relating to listed building consent; applications for advertisement consent; works to trees covered by Tree Preservation Orders; and hazardous substances consents. Within its area of jurisdiction, the Council also has powers to determine applications for Certificates of Lawfulness for existing or proposed uses or development and to take enforcement action against breaches of planning control.

⁹ The Government effectively defines 'sustainable development' as that which is consistent with national planning policy taken as a whole. The definition of 'development' is set out at section 55 of the Town and Country Planning Act 1990 at <https://www.legislation.gov.uk/ukpga/1990/8/contents>

¹⁰ Permitted development rights applying to different types of development or land uses and the conditions/limitations that apply are set out in the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) available in its original form at <http://www.legislation.gov.uk/uksi/2015/596/contents/made>

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4.9 Where an application is made for planning permission, the Council is required to make a decision on it guided by the statutory Development Plan for the area. The planning system is plan-led and any planning application must be determined in-line with adopted Development Plan unless material considerations (which can be quite wide) indicate otherwise¹¹. National planning policy and guidance, as issued by Government, are capable of being material considerations, although the starting point remains policy as set out in the Development Plan.

4.10 The weight that may be accorded to policies in a Development Plan that pre-date latest national guidance or those in preparation depends on their degree of consistency with national policy and (for plans in preparation) how far they have progressed and the extent of outstanding substantive objections.

4.11 Some forms of application dealt with by the Council are determined on a slightly different basis although both local and national policy may still be relevant in some cases where it reflects other statutory duties. These include:

- Applications for listed building consent – determined in accordance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990;¹²
- Applications for certificates or lawfulness of existing or proposed use or development – determined solely on the basis of fact and the law; and
- Applications for prior approval of certain classes of permitted development – determined on the basis of national rather than Development Plan policy and only against set criteria.

4.12 In terms of plan making, the Council also has a legal duty to support and advise groups i.e. Parish Councils and Neighbourhood Forums preparing neighbourhood plans and neighbourhood development orders within the borough and to engage constructively with prescribed bodies on an on-going basis in preparing Development Plan documents. The latter includes engagement under the Duty to Co-operate imposed under Section 110 of the Localism Act 2011¹³.

4.13 Defining our community

4.14 For the purposes of this SCI, our community comprises anyone living, working, or undertaking other activities in the Borough of Gravesham. This SCI also refers to other stakeholders (including individuals, groups and organisations) that have a direct influence or interest in planning decisions and matters in the borough.

¹¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 applies – available on-line at <https://www.legislation.gov.uk/ukpga/2004/5/contents>




¹² Specific duties are imposed on the Local Planning Authority in the exercise of its planning functions (s.66) and conservation areas (s.72) whereby special regard is to be given to the preservation of heritage interest see <https://www.legislation.gov.uk/ukpga/1990/9/contents>

¹³ For an on-line version of the Localism Act 2011 see <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

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4.15 Planning Policy Documents

4.16 The relationship between national planning policy, the adopted Development Plan and other planning policy documents is shown in the table below.

National	National Planning Policy Framework	Planning Practice Guidance	
	Development Plan Documents	Supplementary Planning Guidance and Documents	Other Documents
			
Kent County Council	Kent Minerals and Waste Local Plan (2016)	Supplementary Planning Documents	KCC Local Development Scheme (LDS) Kent Statement of Community Involvement (SCI) Kent Annual Monitoring Report (AMR)
Gravesham Borough Council	Gravesham Local Plan Core Strategy (2014) 'Saved' policies from the Gravesham Local Plan First Review (1994)	Supplementary Planning Documents	Adopted Policies Map (2014) Gravesham Local Development Scheme (LDS) Gravesham Statement of Community Involvement (SCI) Gravesham Annual Monitoring Report (AMR)
Local – Parish or Neighbourhood Forum Level	Neighbourhood Plans (none at present in Gravesham)		

4.17 The above national planning policy and guidance, together with the relevant KCC and Gravesham development plan and other documents – including plans and other documents in preparation, can be viewed on-line at the following links:

National

- **National Planning Policy Framework (NPPF) –**
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf
- **Planning Practice Guidance (PPG) –**
<https://www.gov.uk/government/collections/planning-practice-guidance>

Development Plan, Supplementary Planning Documents and other documents – including plans etc. in preparation

- **Kent County Council (minerals and waste local plan etc) –**
<https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-planning-policy>
- **Gravesham Borough Council (local plan etc) –**
<https://www.gravesham.gov.uk/home/planning-and-building/local-plan/overview>

Neighbourhood Plans etc.

- None currently in Gravesham

4.18 Community Infrastructure Levy and Planning Obligations

4.19 The Community Infrastructure Levy (CIL) is a charge that authorities can levy against most types of new development in their area to assist in paying for infrastructure including parks, schools, community facilities, health facilities, leisure facilities and transport infrastructure etc. The ability to charge such a levy is dependent on the Council going through due process, whereby viability and the ability of development to support such additional cost is taken into consideration in formulating the levy. In addition, some forms of development are precluded under national policy from having to pay such a charge.

4.20 Planning obligations are a different mechanism from CIL and can involve both financial and non-financial contributions from developments subject to enforceable legal agreement. Such legal agreements are used when there is a requirement to address the impact of a development and the impact itself cannot be dealt with through a planning condition on the permission. They can also be used where a development is required under policy to deliver certain benefits, such as a proportion of a housing development being in the form of affordable housing.

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4.21 Rules set out by the Government regulate where such agreements can be used and their relationship to CIL where this is also chargeable. Currently, a CIL is not chargeable in Gravesham and the Council currently relies on planning obligations.

4.22 Further information on CIL and the Council's approach to planning obligations is available on-line at:

<http://www.gravesham.gov.uk/home/planning-and-building/local-plan/community-infrastructure-levy-and-planning-obligations>

and on the Government's Planning Practice Guidance website at

<https://www.gov.uk/guidance/community-infrastructure-levy>

5. The Council's overall approach to community involvement and engagement in the planning process

5.1 Why we need to engage with the community in planning.

5.2 The Council believes that everyone who wishes to be involved in the proper planning of the borough should have the opportunity to do so. It believes that effective community involvement and engagement can help to:

- Ensure that the diverse values of the Gravesham community are reflected in planning decisions and that people are genuinely involved in decisions that affect their lives or interests
- Bring together different people with different perspectives to increase shared understanding across community divides
- Allow the Council to identify options and solutions to planning issues at an early stage and increase public involvement in the decision making process.

5.3 However, it should be noted that views gathered from the community as a result of engagement are only part of the evidence upon which planning decisions (whether in relation to policy or decisions on individual applications) are made.

5.4 For example, in terms of planning policy, the Council would need to show a Planning Inspector at independent examination that a policy is 'sound' – i.e. that irrespective of community engagement it has been positively prepared, justified by the evidence available, effective, and consistent with national planning policy.

5.5 In addition, when making a decision on a planning application, the Council can only take into account 'material considerations'. Whilst what is or is not a material consideration is capable of being established through case law, the weight attached to a material consideration is a matter of judgement for the decision-maker. The decision maker must show that they have considered all relevant matters when reaching a decision.

5.6 The approach the Council will take in involving the community

5.7 The Council will seek to offer a range of opportunities to get the community involved in the production of new planning policy documents and will set out clear standards in respect of consultation on planning applications. In so doing, the Council will seek to:

- Be clear about what decision is being made and the process and opportunities for involvement and engagement
- Engage with the community at the most appropriate time whilst supporting effective interaction between the interested parties
- Encourage involvement from different groups within the community, especially those with a specific interest or who are often under-represented
- Utilise communication methods that are relevant and effective in engaging local stakeholders, supporting greater use of electronic/online methods of consultation where appropriate
- As a minimum, carry out proportionate consultation based on the arrangements and activities set out in this SCI.

5.8 Statutory Consultation Requirements

5.9 The Council will (as a minimum) comply with statutory requirements for consultation set out in the relevant legislation (as amended), including:

- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)¹⁴ – for planning policy documents.
- The Neighbourhood Planning (General) Regulations 2012 (as amended)¹⁵ – for neighbourhood planning documents.
- The Town and Country Planning (Development Management Procedure) (England) Order 2015¹⁶ – for planning applications.
- The Town and Country Planning (Brownfield Land Register) Regulations 2017¹⁷ - in terms of entry of sites on Part 2 of its Brownfield Land Register whereby permission in principle is granted.
- The Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)¹⁸ – for listed building consents.

5.10 The requirements of the above legislation form the basis of the arrangements and commitments set out in this SCI.

5.11 Detailed guidance has been issued by Government on publicity and consultation requirements applicable to different forms of planning and other applications. This is available on-line at <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>

5.12 Duty to Co-operate

5.13 In undertaking its plan-making responsibilities, the Council is required by Regulation to work collaboratively, constructively and actively on an on-going basis with other 'prescribed bodies' on cross-boundary strategic matters under the Duty to Co-operate.¹⁹

5.14 In addition to the 'prescribed bodies', the Council is also required to engage with other local planning authorities and the County Council to maximise the effectiveness of planning policy documents on strategic cross-boundary issues that may have a significant impact on two or more planning areas²⁰.

5.15 Whilst it is a matter for discussion with others as to what may constitute such strategic cross-boundary issues and over what area there may be significant impacts that need to be considered, the Council will as a minimum engage with the following local planning authorities under this requirement:

¹⁴ Available on-line at <http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

¹⁵ Available on-line at <http://www.legislation.gov.uk/ukxi/2012/637/contents/made> it is likely that these will be amended following the introduction of the Neighbourhood Planning Act 2017 – see <http://www.legislation.gov.uk/ukpga/2017/20/contents/enacted>

¹⁶ Available on-line at <http://www.legislation.gov.uk/ukxi/2015/595/contents/made>

¹⁷ Available on-line at <http://www.legislation.gov.uk/ukxi/2017/403/contents/made>

¹⁸ Available on-line at <https://www.legislation.gov.uk/ukxi/1990/1519/contents/made>

¹⁹ The prescribed bodies referred to here are set out in Regulation 4 of The Town and Country Planning (Local Planning)(England) Regulations 2012. This duty includes working with the Marine Management Organisation in terms of the development of Marine Plans and with the South East Local Enterprise Partnership in terms of wider strategic issues.

²⁰ This requirement in relation to the Duty to Co-operate is set out in Section 33A of the Planning and Compulsory Purchase Act 2004 at <https://www.legislation.gov.uk/ukpga/2004/5/section/33A>

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- Medway Council
- Tonbridge and Malling Borough Council
- Sevenoaks District Council
- Dartford Borough Council
- Thurrock Council
- Kent County Council

5.16 In addition, the Council engages with other local planning authorities and other stakeholders through a range of other groups and by attending workshops/seminars held or attended by bodies such as the Marine Management Organisation, the Environment Agency, Natural England, Historic England, and the main transport and infrastructure providers. The Council also regularly attends meetings of the Kent Planning Officers Group (KPOG) and the Kent Planning Policy Forum (PPF) where Duty to Co-operate issues are discussed.

5.17 It should be noted that the Duty to Co-operate is not, in itself, a duty to agree with those engaged through the plan making process. However, in the absence of higher-level plans, it provides an opportunity for the different parties to work together to seek reasonably sustainable outcomes on cross-boundary issues.

5.18 The Council will therefore continue to seek to establish areas of common and uncommon ground with adjoining local planning authorities and others on strategic cross boundary issues. In the interests of transparency, details will be set out in statements of common ground to assist other participants and the examining Inspector in the local plan process at the appropriate time.

6. Stages the Council will go through in making or revising a Local Plan document.

6.1 The Council is required to produce planning policy documents which set out the spatial strategy for the borough, allocate land for development for a range of different uses, and which form the basis against which applications for planning applications are judged. Consultation is primarily undertaken on draft policies and, on some occasions, on the evidence base that informs them.

6.2 There is also a legal requirement to keep such policy documents up-to-date so that they form an appropriate basis for decision making given periodic changes to national policy and changing circumstances.

6.3 The types of planning policy document the Council intends to produce or review are set out in the Local Development Scheme (LDS) for the borough and these constitute the key elements of the Local Plan for Gravesham. The Council will periodically review the LDS and subsequently adopt a revised LDS, however this process does not include any external consultations. As set out in the table at paragraph 4.17 above, these Local Plan documents, along with the Minerals and Waste Local Plan and any Neighbourhood Plans, comprise the suite of documents that make up the Development Plan for the area.

6.4 Aside from the Duty to Co-operate, the Council is also required to consider whether a joint plan should be produced with neighbouring authorities as a means of dealing with strategic cross-boundary issues.²¹ To date, no such joint arrangements have been made, although the Council has undertaken work with its neighbours in terms of producing its evidence base to support policy.

6.5 Where the Council uses external consultants to carry out consultations, surveys or other forms of community involvement, such work will comply with this SCI.

6.6 The Council is required to go through a number of stages when producing a new Local Plan or revising policies in an existing one. These stages are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).²²

6.7 The tables below provide a synopsis of the legal requirements at each stage and what the Council will do both to comply with them and to engage effectively with the local community. Details of both current and past consultations undertaken in relation to the Gravesham Local Plan are available on the Council's planning consultation website at <https://localplan.gravesham.gov.uk/consult.ti/system/findConsultations>

6.8 The Council accepts responses to consultations on planning documents in a number of ways, the preference is for such responses to be made via the Council's consultation portal directly as this approach is more cost effective.

²¹ The power to produce joint plans is contained within Section 28 of the Planning and Compulsory Purchase Act 2004 available on-line at <http://www.legislation.gov.uk/ukpga/2004/5/section/28> .

²² See <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

Stage 1 pre- production/evidence base/ plan preparation – front loading/scoping stage	Regulation 18
<p>The council consults on the scope of the development plan document and issues and options. Regulations do not require the council the undertake a two-stage approach to Regulation 18 consultation; however the council may opt to undertake this additional non-statutory round of consultation to help better inform the content of the plan.</p>	
<p><i>Legal requirements:</i></p>	
<ul style="list-style-type: none"> • Consult on Scoping Report for Sustainability Appraisal (SA) (including Strategic Environment Assessment (SEA)) as per regulations 9 and 13 of the Environmental Assessment of Plans and Programmes Regulations 2004 (minimum 5 weeks) • Consult relevant specific and general consultation bodies and other such residents or persons carrying on business in the borough appropriate on what a local plan of the subject matter ought to contain (no fixed period for consultation) • Invite representations on issues that would have significant impacts on both the borough and another local planning authority, or significant cross-boundary issues and strategic priorities (sections 33A and 20(5)(c) of the Planning and Compulsory Purchase (as amended) Act 2004) particularly from Local Enterprise • Partnerships and Local Nature Partnerships and Duty to Cooperate bodies. 	
<p><i>Optional:</i></p>	
<ul style="list-style-type: none"> • Make documents available at council offices and all libraries. • Publish documents on the council’s website. • Publicise in the Council’s web-based Consultation system. • Article in council publications • Press release and adverts • Post/email summary leaflets to groups and organisations with questionnaire to structure and promote responses • Consult area assemblies, community/neighbourhood bodies or any other future representative arrangements as appropriate. • Hold workshop/meetings subject to assessed needs and/or requests with priority for elderly, young, black minority ethnic and disability groups • On-street surveys/questionnaires • Facilitated focus groups • Social media 	

Stage 2 Plan preparation - formulation stage	Regulation 18
<p>The council considers reasonable alternatives, formulates the preferred strategy and composes a draft plan.</p> <p><i>Legal requirements:</i></p> <ul style="list-style-type: none">• Duty to co-operate obligations as set out in section 33A of the Planning and Compulsory Purchase (as amended) Act 2004• Consultation on the SA /SEA in line with Regulations 12 and 13 of the Environmental Assessment of Plans and Programmes Regulations 2004• Consult relevant specific and general consultation bodies and other such residents or persons carrying on business in the borough on what a local plan of the subject matter ought to contain (no fixed period for consultation). <p><i>Optional:</i></p> <ul style="list-style-type: none">• Minimum 6 weeks consultation period• Make documents available at council offices and all libraries.• Publish draft documents on the council’s website.• Publicise in the Council’s web-based Consultation system.• Article in council publications• Press releases and adverts• Post/email summary leaflets to groups and organisations with questionnaire to structure and promote response• Consult area assemblies, community/neighbourhood bodies or any other future representative arrangements as appropriate.• Hold workshop/meetings subject to assessed needs and/or requests with priority for elderly, young, black minority ethnic and disability groups• Staff drop-in sessions• Exhibitions• Email updates• Social media	

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<p>Stage 3 Pre-submission Publication</p>	<p>Regulations 19, 20, 21</p>
<p>Six-week publication period for those dissatisfied or satisfied with the local plan to make formal representations to the inspector about the soundness of the plan.</p> <p><i>Legal requirements:</i></p> <ul style="list-style-type: none"> • 6 weeks formal publication • Send to each specific consultation body a copy of each submission document and statement of representations procedure • Send to each general consultation body the statement of representations procedure and notify where and when submission documents can be inspected • Make available for inspection proposed submission documents (includes local plan, SA/SEA and supporting documents), and statement of representations procedure and form: <ul style="list-style-type: none"> ▪ at the principal council office and such other places as appropriate (usually interpreted as libraries). ▪ published on the council website. <p><i>Optional:</i></p> <ul style="list-style-type: none"> • Place advert in the local press • Publicise in the Council’s web-based Consultation system. • Article in council publications • Press release and adverts • Consult area assemblies, community/neighbourhood bodies or any other future representative arrangements as appropriate. • Social media 	
<p>Stage 4 Submission</p>	<p>Regulation 22</p>
<p>This is the council’s proposed final version of the plan which is submitted to the Secretary of State for independent examination.</p> <p>The council collates any representations made at pre-submission publication stage and submits these to Secretary of State along with all other supporting documents.</p> <p><i>Legal requirements:</i></p> <ul style="list-style-type: none"> • Send each of the submission documents in paper form and electronically to Secretary of State • Make available for inspection the submission documents (includes the planning document, submission policies map, SA/SEA and supporting documents), and statement of representations (Regulation 22(1)(c) statement), including copies of representations and statement as to where the plan and supporting documents are available: 	

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- at the principal council office and such other places as appropriate (usually interpreted as libraries).
- published on the council website.
- Send to each specific consultation body and each general consultation body notification that the submission documents are available and when and where they are available for inspection
- Give notice to those persons who requested to be notified of the submission of the local plan to the Secretary of State that it has been submitted

Optional:

- Place ad in local paper

Stage 5 Independent Examination

Regulation 24

An examination in public (hearing) may be held where an independent planning inspector will assess whether the document has been prepared in accordance with the Duty to Cooperate and whether the plan is sound.

The inspector may recommend proposed 'main modifications' to the plan to ensure its soundness and legal compliance if asked to do so by the council. Additional modifications may also be made to improve its clarity or make factual corrections. Main modifications will be advertised with a minimum 6 week period.

Legal requirements:

- At least 6 weeks before the public hearing, publish on the council's website, and notify those who requested to be notified, details of the date, time and venue for the examination and the name of the person appointed to carry out the Examination

Process for Main Modifications:

- Preparation of main modifications schedule
- Depending on the scope of the modifications further sustainability appraisal work may also be required.

Publication of proposed main modifications should reflect consultation requirements under regulation 19:

- 6 weeks formal publication
- Send to each specific consultation body a copy of the schedule of proposed main modifications, sustainability appraisal (if applicable) and a representation form
- Notify each general consultation body where and when the schedule of proposed main modifications can be inspected
- Make available for inspection the schedule of proposed main modifications, sustainability appraisal (if applicable) and representation

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<p>form:</p> <ul style="list-style-type: none"> ➤ at the principal council office and such other places as appropriate (usually interpreted as libraries). ➤ published on the council website. 	
Stage 6 Post Examination	Regulation 25
<p>Following the hearing and publication of modifications if applicable, the inspector produces a report determining whether or not the document is suitable for adoption. The report will include recommendations and reasons to enable the plan to be adopted.</p> <p><i>Legal requirements:</i></p> <ul style="list-style-type: none"> • Following the examination, make copies of the Inspector’s recommendations available at the principal council office and such other places as appropriate (usually interpreted as libraries) and publish on the council website • Give notice to those persons who requested to be notified of the publication of those recommendations, that the recommendations are available <p><i>Optional:</i></p> <ul style="list-style-type: none"> • Issue press release • Article in local paper. 	
Stage 7 Adoption of local plan	Regulation 26
<p>The plan is amended in response to the inspectors recommendations and is adopted by a full council meeting.</p> <p><i>Legal requirements:</i></p> <ul style="list-style-type: none"> • Make available on the council website and in the principal council office and such other places as appropriate (usually interpreted as libraries), the plan, adoption statement, SA /SEA report, and details of where the plan is available for inspection • Send a copy of the adoption statement to those who requested it • Send a copy of the adoption statement to the Secretary of State <p><i>Optional:</i></p> <ul style="list-style-type: none"> • Place ad in local paper • Article in local paper 	

6.9 Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA)

6.10 Section 19 of the Planning and Compulsory Purchase Act 2004 requires the Council to carry out a Sustainability Appraisal (SA) of each of the proposals and policies set out in the draft Local Plan and prepare a report of the findings of that appraisal. This is intended to consider how the Local Plan contributes towards the objective of delivering sustainable development in the area and whether the strategy and policies are an appropriate response when considered against reasonable alternatives.

6.11 In parallel with the SA, the Council will also carry out a Strategic Environmental Assessment (SEA). This has a slightly narrower focus than the SA, in that it considers only the environmental effects of the Local Plan whereas the SA also looks at the wider economic and social effects.

6.12 In accordance with requirements of the relevant Regulations, the Council will consult the relevant consultation bodies (Historic England, Natural England and the Environment Agency) when deciding on the scope and level of detail to be included in the SA/SEA.²³

6.13 The Council will consult and invite public representations on the SA/SEA's alongside consultation on Local Plan documents as part of an on-going and iterative process.

6.14 Providing Feedback on Local Plan documents in preparation

6.15 It is important that the public and other stakeholders are kept informed of issues raised as a result of consultations as a Local Plan progresses towards adoption and the position that the Council intends to take toward them.

6.16 Before proceeding to the next stage in the plan making process, a report will be prepared for the consideration of members of the Council on representations received so that this information can help inform decisions to be made. Such reports will be made publicly available via the Council's website.

6.18 A formal consultation report will also be submitted alongside the draft Local Plan at the examination stage (Regulation 24).

²³ See Regulations 12 and 4 of the Environmental Assessment of Plans and Programmes Regulations 2004 at <https://www.legislation.gov.uk/uksi/2004/1633/made>

7. Stages the Council will go through in making or revising a Supplementary Planning Document.

7.1 The Council is also given powers under legislation to prepare and adopt what are known as Supplementary Planning Documents (SPDs)²⁴. These documents add further detail on policies in the local plan. They can be used to provide guidance for the development of particular sites or on specific issues such as design. They are capable of being a material consideration in planning decisions but are not part of the development plan itself. They must be consistent with the local plan they are intended to support and cannot be used as a means of introducing or changing policy.

7.2 Existing SPDs and other guidance (including Conservation Area Appraisals) adopted by the Council are available on line at <http://www.gravesham.gov.uk/home/planning-and-building/supplementary-planning-guidance/supplementary-planning-guidance>

7.3 The Council is no longer required to specify within its Local Development Scheme that it intends to produce an SPD in advance. Also, it is not necessary to undertake a Sustainability Appraisal (SA) when preparing or adopting an SPD, although under exceptional circumstances a Strategic Environmental Assessment (SEA) may be required where it is likely to result in significant environmental effects that were not assessed during the preparation of the Local Plan or other development plan documents.

7.4 Whilst the stages of preparation of an SPD are often similar to local plan documents forming part of the development plan, they are not subject to independent examination. Also, there are no formal requirements to consult the public at specific stages during the preparation of an SPD, prior to it being adopted.

7.5 However, the Council is required to consult the public for a minimum period of 4 weeks before an SPD is adopted and is obliged to take any representations received into consideration when deciding whether or not to adopt it. Depending on the scope and purpose of the SPD, the Council may also undertake informal discussions and consultations with relevant stakeholders prior to wider public consultation. Where relevant, the Council will consult and invite representations from the public and other stakeholders on any SEAs or screening reports/statements alongside the formal consultation on SPDs.

²⁴ The regulations governing the production of SPDs are set out in Part 5 of the Town and Country Planning (Local Plan)(England) Regulations 2012 at <http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

How the Council will engage at the SPD draft stage (prior to adoption)

The Council will undertake a consultation exercise for a minimum period of 4 weeks prior to the adoption of any SPD as per the legal requirement. In so doing, it will use a variety of methods to consult and engage with the local community and other stakeholders. These will include:

- Public consultation on documents by e mail and/or letter – including to those who have requested to be included on the Council’s consultation database.
- Consultation with the specific and general consultation bodies (including Parish Councils in the area) as per the local plan process set out above.
- Publicity on consultation by press notice
- Publicity and consultation via the Council’s website.
- Deposit of consultation materials for inspection at the Civic Centre and in local libraries.
- The Council may also use social media to publicise and update on the consultation process as appropriate.

The Council will also consider whether it would be beneficial to offer meetings or mount public exhibitions/drop in events where appropriate to do so. In so doing and in considering representations (which may be in paper or electronic form, with both being accorded equal weight) regard will also be had to the Council’s responsibilities under the Equalities Act 2010.



Steps the Council will take when adopting an SPD

Similar to the consultation on Local Plan documents, the Council will prepare a statement setting out the key issues that have been raised as a result of public consultation and how they have been considered in the SPD. This will be made publically available through the Council’s website, with representations received reported to the Council when a decision is to be made on whether to adopt.

As per the Local Plan process, the Council’s planning consultation webpage will also maintain a record of individual representations made on the draft SPD, consistent with legal requirements under the Data Protection Act 2018 and the General Data Protection Regulations 2018.

The Council will notify members of the public and other stakeholders of any decision to adopt the SPD through its website and directly to those persons who requested to be notified by email and/or letter and make both the SPD and an adoption statement publically available as per legal requirements²⁵.

²⁵ See Regulation 14 to the Town and Country Planning (Local Planning)(England) Regulations 2012 at <http://www.legislation.gov.uk/ukxi/2012/767/regulation/14/made>

8. Stages the Council will go through in preparing Part 1 and Part 2 of its Brownfield Land Register

8.1 The Council is required²⁶ to prepare, maintain and publish a register of previously developed land²⁷ (the Brownfield Land Register) in its area which is split into two parts:

- Part 1 includes a list of all previously developed sites that are assessed as being suitable for housing and meet the criteria in the Regulations.
- Part 2 includes a list of sites from Part 1 that have been granted Permission in Principle (PIP) by the Council. This is not mandatory and it is for Councils to decide whether sites should be included in Part 2.

8.2 In Gravesham, much of the borough lies within an area that could potentially impact on internationally designated wildlife sites (i.e. sites covered by the provisions of the EU Habitats Regulations) and is likely to constrain inclusion in Part 2 under the Brownfield Land Regulations.²⁸ In addition, sites that would require Environmental Impact Assessment (EIA) would also be precluded from inclusion in the Part 2 register.

8.3 To date, the Council has only progressed Part 1 of its Brownfield Land Register, details of which are available on our website at <http://www.gravesham.gov.uk/home/planning-and-building/local-plan/brownfield-land-register>

8.4 Once a site has a Permission in Principle (PIP) and has been included in Part 2, a Technical Details Consent then needs to be submitted by the applicant to the Council and approved in writing before there is permission to build. This is similar in content to a normal planning application, although the principle of development will have been agreed in advance.

8.5 Further advice on Brownfield Land Registers is set out in the Government's Planning Practice Guidance on-line at <https://www.gov.uk/guidance/brownfield-land-registers> .

8.6 There are differing requirements for consultation before a site can be entered onto either Part 1 or Part 2 of the Council's Brownfield Land Register. Consultation on Part 1 is discretionary. The Council may notify landowners and developers of sites either newly included in, or newly removed from, Part 1.

8.7 Consultation on PIPs is mandatory before they are included in Part 2 of the Register. The Council will consult for either 42 or 21 days, as required by the Town and Country Planning (Brownfield Land Register) Regulations 2017. The Regulations also require the intention to include a site within Part 2 of the Register to be publicised by site notice for a

²⁶ See the Town and Country Planning (Brownfield Land Register) Regulations 2017 at <http://www.legislation.gov.uk/ukxi/2017/403/contents/made> and the Town and Country Planning (Permissions in Principle) Order 2017 at <http://www.legislation.gov.uk/ukxi/2017/402/contents/made>

²⁷ Previously developed land in this context has the same meaning as prescribed by the NPPF (2019) and as set out in the Glossary to this document.

²⁸ See <http://www.legislation.gov.uk/ukxi/2017/403/regulation/14/made> . For normal residential planning applications within this zone, the Council applies a tariff system to assist in offsetting adverse impacts – see <http://www.gravesham.gov.uk/home/planning-and-building/nature-conservation-and-landscape/thames-estuary-and-marshes>

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minimum period of 21 days and by publishing the relevant information on the Council's website, allowing a minimum 14 days for representations to be made.

8.8 Other requirements in relation to consulting Parish Councils and neighbourhood forums; infrastructure managers (in the case of land within 10 metres of a railway); county planning authorities; and other persons, bodies or authorities may also apply.²⁹

8.9 Any representations received as a result of consultation will be taken into account by the Council in determining whether or not a site should be included on Part 2 of the Register.

8.10 The Council may also carry out informal discussions with landowners and developers, prior to publishing Part 1 and Part 2 of its Brownfield Land Register, in order to gain accurate information about site ownership and the ability to deliver as well as identifying the amount and type of development that might be accommodated on a site.

8.11 The Council's Brownfield Land Register is published on its website. It should be noted that the identification of sites for inclusion in the Register will be an on-going continuous process and the Council will seek to update it at least once a year, usually at the same time as its other monitoring reports are prepared and updated. Information on the Register will also be reported to the Government each year.

8.12 Further consultation will be undertaken at the Development Management stage where any site included in Part 2 of the Register is subject to an application for Technical Details Consent.

8.13 The following sets out what consultation and publicity the Council will undertake when compiling its Part 1 and Part 2 Brownfield Land Register.

²⁹ See Regulations 6, 7, 8, 9, 10 and 12 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 at

Consultation and publicity on the Council’s Brownfield Land Register		
	Part 1	Part 2
Notification	Optional (For sites being entered and sites being removed from Part 1)	Mandatory (For sites being entered and sites being removed from Part 2, following public consultation)
Public consultation on the register	Not required under Regulations	Yes (42 days the first time Part 2 is published and 21 days thereafter) ³⁰
Publicity	<p>Part 1 of the Brownfield Land Register is largely compiled from the Council’s existing Strategic Land Availability Assessment and therefore has regard to sites submitted for consideration by potential developers and landowners, as well as sites already known to the Council through previous development management activity.</p> <p>The Part 1 Register is publicised through the Council’s website at http://www.gravesham.gov.uk/home/planning-and-building/local-plan/brownfield-land-register</p>	Publicity/consultation on inclusion or removal of sites from the Part 2 Register is mandatory and the Council will advertise via site notice/its website/ email and letter as required by the Town and County Planning (Brownfield Land Register) Regulations 2017

³⁰ See Regulation 9 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

9. Gravesham Self Build and Custom Building Register

9.1 The Self-build and Custom Housebuilding Act 2015 requires the Council to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land for self-build and custom housebuilding projects in its area.

9.2 A serviced plot is defined as a plot of land which has access to a public highway; and has connections for electricity, water and waste water. There is a duty placed on the Council to have regard to the register when carrying out its planning, housing, land disposal and regeneration functions.

9.2 Whilst the register provides valuable information on the demand for self-build and custom house building in Gravesham and forms a key part of the evidence base of the demand for this type of housing, there is no requirement to consult on it. The numbers of people registered on it are reported through the Council's annual Authority Monitoring Report (AMR) and direct to the Ministry of Housing, Communities and Local Government (MHCLG) for statistical purposes. Details of those who have chosen to register are confidential.

9.3 Further information of the Gravesham Self-build and Custom Housebuilding Register and fee payable are available on-line at

<https://localplan.gravesham.gov.uk/consult.ti/selfbuild/consultationHome>

10. How the Council will support the preparation or revision of Neighbourhood Plans.

10.1 Neighbourhood Plans were introduced under the Localism Act 2011³¹. The preparation of such plans gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They can be prepared by Parish Councils, neighbourhood forums or community organisations that meet the criteria for qualifying bodies. They are not prepared by the Borough Council.

10.2 Whilst a neighbourhood plan sets out the policies for the development and use of land in the area it covers, they are still required to be in general conformity with strategic policies in the Local Plan. In particular, Government guidance requires that these policies set out a housing requirement for designated neighbourhood areas from the overall housing requirement for the borough. Once adopted, a Neighbourhood Plan would have the same status as the Local Plan.

10.4 Those preparing neighbourhood plans are required to follow a legal process, which includes community consultation to ensure that the views of local people and other stakeholders have informed the content of the plan.

10.5 Guidance on the preparation of neighbourhood plans can be found in the Government's Planning Practice Guidance at: <https://www.gov.uk/guidance/neighbourhood-planning--2>

10.6 The Council will assist communities in the process of preparing a neighbourhood development plan³² but the plan-making process itself must be community led. Such plans are also required to undergo an 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 amended).³³ This role includes:

- Designating the neighbourhood area to be covered by the plan (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).

10.7 The Council will comply with its legal duties in respect of the preparation and adoption of neighbourhood development plans and seek to provide help and assistance to qualifying bodies within the limits of resources available. Areas where the Council may be able to provide assistance include:

³¹ See <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

³² This is the legal term for a Neighbourhood Plan under the legislation and Regulations.

³³ See <http://www.legislation.gov.uk/uksi/2012/637/contents/made> . A legal compliance guide has also been published by the Local Government Association/Planning Advisory Service dated 2015 which is useful in understanding the system – see <https://www.local.gov.uk/sites/default/files/documents/legal-compliance-guide-pr-dc9.pdf>

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- Providing advice on plan making process;
- Providing assistance on interpreting national and local planning policies to minimise conflicts;
- Providing electronic copies of background and evidence base documents;
- Helping the qualifying body to identify other possible sources of evidence that it can collate itself;
- Providing advice on public consultation;
- Supporting community events and workshops where appropriate; and
- Providing constructive comments on emerging plans or orders.

10.8 However, the Council would advise that undertaking to prepare a neighbourhood plan involves a considerable commitment in terms of time and resources by the qualifying body and early contact with the Council to discuss options would always be a prudent first step.

11. How the Council will consult the public on planning and other applications and development proposals.

11.1 This section of the SCI sets out how the Council will engage with and consult the community and other stakeholders when it receives and determines different types of planning or similar applications. Information on the main types of consent that may be applied for (both on-line and direct to the Council) is available on the Planning Portal website at

- https://www.planningportal.co.uk/info/200126/applications/60/consent_types

11.2 Planning legislation defines ‘development’ as including³⁴:

- building operations (eg structural alterations, construction, rebuilding, most demolition);
- a material change in the use of land or buildings;
- engineering operations (eg groundworks);
- mining operations;
- other operations normally undertaken by a person carrying on a business as a builder.
- subdivision of a building (including any part it) used as a dwellinghouse for use as 2 or more separate dwelling houses

11.3 Planning permission is required for ‘development’ unless specifically excluded by the legislation³⁵. Certain other types of work and changes of use can be carried out without the need for planning permission under what are known as ‘permitted development rights’. The majority of these permitted development rights are set out in **The Town and Country Planning (General Permitted Development) Order 2015** (as amended)³⁶.

11.4 This sets out the circumstances under which such rights do, or do not, apply. Permitted development rights apply to many common projects for dwellinghouses but do not apply to flats, maisonettes or other buildings. Commercial properties have different permitted development rights to dwellinghouses. Within Conservation Areas, Areas of Outstanding Natural Beauty, and for Listed Buildings, permitted development rights are more restricted. Before some permitted development rights can be used, the developer is

³⁴ The legal definition of ‘development’ for planning purposes and what is excluded from the term is set out in s.55 of the Town and Country Planning Act 1990 at <https://www.legislation.gov.uk/ukpga/1990/8/section/55>. Guidance on this is also provided on-line at <https://www.gov.uk/guidance/when-is-permission-required>

³⁵ Most permitted development rights are contained in the Town and Country Planning (General Permitted Development) Order 2015 (as amended). These are complex and subject to change and advice should be sought from the Council as to whether they may apply in particular instances. Guidance is provided on-line relating to permitted development rights applying to householders at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/606669/170405_Householder_Technical_Guidance_-_April_2017_FINAL.pdf. It is also possible to apply for a Certificate of Lawfulness to determine whether or not works or a change of use can occur without the benefit of planning permission.

³⁶ A detailed explanation of how permitted development rights operate is set out in the Government’s Planning Practice Guidance at <https://www.gov.uk/guidance/when-is-permission-required>

required to first obtain 'prior approval' in relation to specific aspects of the development from the local planning authority. This prior approval is required only in a minority of cases.

11.5 It should also be noted that some permitted development rights may be removed either by an Article 4 Direction or by planning conditions attached to a previous grant of planning permission³⁷. In these circumstances, an application for planning permission would be required.

11.6 Permission or consent may also be required for other types of work either under other legislation or separate provisions – for example works to Listed Buildings, protected trees, and advertisements. In addition, other consents may also be required which are covered by separate legislation that are not dealt with through the planning system – i.e. Building Regulation consent or environmental licencing etc.

11.7 How the Development Management process works

11.8 The Development Management team is responsible for making both decisions and putting forward recommendations to the Council's Regulatory Board (Planning) on planning applications and other similar applications.³⁸ Applications for planning permission are determined in accordance with policies set out in the development plan, unless material considerations indicate otherwise.

11.9 Material considerations that should be taken into consideration in determining planning applications or at appeal include (but are not limited to):

- Overlooking/loss of privacy
- Loss of light or overshadowing
- Parking
- Highway safety
- Traffic
- Noise
- Effect on listed building and conservation area
- Layout and density of building
- Design, appearance and materials
- Government policy
- Disabled persons' access
- Proposals in the Development Plan
- Previous planning decisions (including appeal decisions)
- Nature conservation

However, issues such as loss of private views, negative effect on the value of properties, the impact of private covenants, boundary disputes or the suitability of the development in

³⁷ Article 4 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) – see http://www.legislation.gov.uk/ukxi/2015/596/pdfs/ukxi_20150596_en.pdf

³⁸ The Council's current scheme of delegation to officers on planning applications and the area of jurisdiction of the Regulatory Board (Planning) are set out within the Council's constitution, available on-line at http://democracy.gravesham.gov.uk/ecCatDisplay.aspx?sch=doc&cat=481&path=480&_ga=2.222030939.2127015937.1559040276-1390412748.1531306374.

regard to separate approval regimes, such as Building Control or premises Licensing are not material considerations.

11.10 Most people get involved with the planning system when they either want to make changes to their own property or want to oppose a planning or other application with which they disagree. Whilst the Council will seek to notify affected parties on planning or other types of application in order to understand both issues and levels of support or opposition, this is only one factor that has to be taken into account when reaching a decision and it may not be the decisive one.

11.11 It is also important to note that there is a difference between ‘consulting’ statutory bodies on planning applications and ‘notifying’ members of the public so they can participate in the planning process. The Council expects to receive a response from statutory consultees³⁹, whereas involvement from members of the public is voluntary. In general terms, the Council is able to take decisions on planning applications without responses from the public typically following a 21 day consultation period (where a bank holiday falls within this period, it is added to the 21 days). Where responses are received, these have to be taken into consideration, where relevant to planning, in the consideration of the application.

11.12 Most planning applications are decided by the Council’s Planning Manager (Development Management) under delegated powers, and not by the Regulatory Board. The planning applications that are referred to the Regulatory Board for decision are usually highly complex, major or contentious applications, referred to the Board either by a planning officer or Councillor. The Board meets approximately 11 times a year to deal with applications placed before it.

11.13 Further details on how planning decisions are made; how to make representations; and opportunities for public speaking at Regulatory Board are set out on the Council’s website at <http://www.gravesham.gov.uk/home/planning-and-building/apply-for-planning-permission/how-is-our-decision-made>

11.14 Pre-application advice and consultation

11.15 The Council offers a range of paid pre-application advice services to those considering a development proposal. This provides applicants with an opportunity to identify and try to resolve any problems with their proposals; establish what supporting documents and plans would be required as part of the application; and, if applicable, can also provide an initial ‘without prejudice’ view as to whether a proposal is likely to be granted planning permission or not. This can be very effective in identifying the likelihood of gaining permission at an early stage, and help to prevent unnecessary costs and delays at later stages.

11.16 Further information on how to apply for pre-application advice; the service offered; and list of fees is available on the Council’s website at <http://www.gravesham.gov.uk/home/planning-and-building/apply-for-planning-permission/pre-application-service>

³⁹ Details of the Statutory consultees the Council is obliged to consult on different types of application is set out in the appendices to this SCI.

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11.17 In addition to the above pre-application service, the Council strongly encourages applicants to undertake public pre-application consultation with potentially interested / affected parties to identify and resolve issues in advance of submission. Such front-loading should be seen as an opportunity to overcome delays within the planning process, reducing the risk of refusal or the need to deal with such issues at the application stage⁴⁰.

11.18 For householder and minor applications, this may simply mean discussing proposals with owners of adjoining properties and properly identifying any potential constraints that need to be addressed and dealing with these at the pre-application stage.

11.19 For major planning application proposals⁴¹, the Council will seek to discuss the form of any such developer consultation with the applicant as part of its pre-application advice service.

11.20 Such early consultation should be as open as possible and provide a genuine opportunity for the local community to influence the design and form of the development proposed. The extent of consultation will depend on the nature of the proposal itself and its likely impact – including impact on the local highway network and demands that may be placed on local services. Factors such as scale, location, prominence, proximity and sensitivity of adjoining development are all likely to be relevant.

11.21 Under certain circumstances, the Council will also encourage developers to enter into a Planning Performance Agreement. Such agreements provide a project plan and bespoke timetable for the determination of any associated application. It also makes sure that the Council has the necessary resources to make a timely and informed decision on any application whilst ensuring that Councillors, stakeholders and local communities are involved in any proposals. Such agreements should also help with the submission of higher quality applications that are capable of delivering the sustainable forms of development needed in our area.

11.22 For all proposals, sharing information can help overcome potential objections and may provide an opportunity for improvements to the design and layout of schemes. Applicants are therefore advised to show what consultation has taken place during the preparation of their schemes.

11.23 Planning applications

Publicity, Notification & Consultation

11.24 Minimum legal requirements for publicity on planning and other forms of application are set out in Regulations issued by the Government⁴². As well as publishing information

⁴⁰ Government advice on pre-application consultation is set out in Planning Practice Guidance at <https://www.gov.uk/guidance/before-submitting-an-application>

⁴¹ In this context, 'major development' is defined as residential schemes for 10 or more dwellings or for a site of 0.5 hectares or more; or a commercial scheme of 1,000m² of floorspace or for a site of 1 hectare or more. For full definition, see Glossary and definition under Article 2 of the Town and Country Planning (Development Management Procedure) Order 2015 at <http://www.legislation.gov.uk/ukxi/2015/595/contents/made>

⁴² See in particular, the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) - <http://www.legislation.gov.uk/ukxi/2015/595/contents/made>; the Town and Country Planning (Brownfield Land Register) Regulations 2017 in relation to permissions in principle

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on the Council's website, the Regulations require certain specified applications to be publicised by way of site notice, a public notice in local newspapers and in some cases, by notification to adjoining owners or occupiers. Parish Councils are also notified of planning applications within their areas and are invited to make comments. A range of applications do not require any form of publicity or consultation.

11.25 A weekly/monthly list of validated and decided 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 at:

- <http://www.gravesham.gov.uk/home/planning-and-building/view-planning-applications/overview> .

11.26 Within the Ebbsfleet Development Corporation area, the Council is only a consultee on planning applications, as it is also in regard to Kent County Council's role as minerals and waste planning authority or (in some cases) relating to its own premises. Because these are dealt with separately, those wishing to look at or comment on such applications should consult either:

- The Ebbsfleet Development Corporation's planning website at <http://applications.ebbsfleetdc.org.uk/online-applications/>
- Or the Kent County Council's planning applications website at <https://www.kentplanningapplications.co.uk/Disclaimer?returnUrl=%2F> .

11.27 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 form part of the Council's publicly accessible register, published on the Council's website.

11.29 Whilst a developer may wish to alter an application following submission, there is only limited scope to do so, and amendments will only be accepted at the discretion of the case officer. These may be accepted where it leads to a more satisfactory outcome but only where they do not significantly alter the character or description of the proposal.

11.30 There are no general statutory requirements to re-consult on an amended planning application and the Council will not re-consult on every amendment proposed. Rather the case officer will make an assessment of the proposed amendment having regard to the nature and scale of the proposed alteration in order to determine whether further consultation is required.

11.31 In those situations where the council considers re-consultation is necessary, a reduced time period may be allowed to make further representations. Copies of the amended plans will be available to view on the council's website and the proposal description normally has the text "REVISED PLANS" annotated on the planning application description

granted upon entry of a site in Part 2 of a Council's Brownfield Land Register - <http://www.legislation.gov.uk/ukxi/2017/403/contents/made> ; and the Town and Country Planning (permission in Principle) Order 2017 for consequential amendments to the 2015 Order - <http://www.legislation.gov.uk/ukxi/2017/402/made/data.pdf>

Decision Time Frames

11.32 The statutory time limit for the Council to determine most planning 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 (EIA)⁴³. These time limits may be extended with the agreement of the applicant. Applications such as ‘Prior Approvals’ often have different, and reduced timeframes.

11.33 In addition to the ability of landowners to gain ‘Permission in Principle’ to develop sites by inclusion on Part 2 of the Council’s Brownfield Land Register, it is now possible to apply for such a permission in the case of development comprising nine residential units or less, with less than 1,000 m² commercial floorspace and/or on a site of less than 1 hectare.⁴⁴ This is a two stage process where once an applicant is granted ‘Permission in Principle’, a subsequent ‘Technical Details Consent’ application has to be submitted for approval.

11.34 The scope of a planning ‘Permission in Principle’ is limited to the location, land use and amount of development that may be acceptable on a site, with all other details to be agreed at the ‘Technical Details Consent’ stage.

11.35 The statutory time limit for the Council to determine applications for a ‘Permission in Principle’ application is 5 weeks, unless a longer period is agreed with the applicant. Because of the reduced time-frame compared to normal planning applications, there are also reduced requirements in relation to publicity.

11.36 Further publicity and consultation is required at the ‘Technical Details Consent’ stage. Unless otherwise agreed with the applicant, the statutory time limits for determining applications for ‘Technical Details Consent’ are 10 weeks for major development⁴⁵ and 5 weeks for other forms of development – unless the application is subject to Environmental Impact Assessment, in which case the normal 16 week time period applies.

Decision Making

11.38 Once a planning application has been determined, the applicant / agent is informed of the outcome and a decision notice posted on the Council’s website as part of the

⁴³ Only proposals likely to have a significant environmental impact require Environmental Impact Assessment, as set out under Regulations issued by the Government – see <http://www.legislation.gov.uk/ukxi/2017/571/contents/made> . Under certain circumstances, Appropriate Assessment may also be required under the Habitats Regulations, where a potential significant impact on international designated areas of nature conservation importance cannot be ruled out – see <http://www.legislation.gov.uk/ukxi/2017/1012/contents/made> .

⁴⁴ The Council has not, as yet, progressed Part 2 of its Brownfield Land Register but details of the process should it chose to do so and the form consultation would take is set out earlier in this document under Section 8 above. Further information on applications for Permission in Principle and subsequent Technical Details Consent are available on the Government’s Planning Policy Practice website at <https://www.gov.uk/guidance/permission-in-principle> . This also sets out the restrictions which apply to the granting of ‘permission in principle’ where there is potential for significant impacts on qualifying ‘European Sites’ designated for their international nature conservation importance and Habitats Regulation considerations apply.

⁴⁵ In this context, ‘major development’ is defined as residential schemes for 10 or more dwellings or for a site of 0.5 hectares or more; or a commercial scheme of 1,000m² of floorspace or for a site of 1 hectare or more. For full definition, see Glossary and definition under Article 2 of the Town and Country Planning (Development Management Procedure) Order 2015 at <http://www.legislation.gov.uk/ukxi/2015/595/contents/made> .

application documentation. As explained above, lists of all planning application decisions can be viewed on a weekly and monthly basis online. In addition, reports to Regulatory Board include lists of applications determined under delegated powers.

11.39 Planning appeals

10.40 Applicants have the right to appeal against a refusal of a planning application (and other forms of application) or against any conditions imposed by the Council or if the Council does not make a decision on an application within the statutory timeframe and no extension has been agreed with them. There are no provisions for third parties, including objectors, to appeal against a decision on the merits of the proposal. The statutory requirements for appeals are set out in planning Regulations issued by the Government and these vary according to the type of application subject of the appeal.⁴⁶

11.41 The appeals process is managed by the Planning Inspectorate in accordance with the Regulations and their published procedural guidelines. An appeal may be dealt with in three main ways – written representation, informal hearing or public inquiry.

11.42 Details of current and determined appeals in Gravesham are available by searching on the Council's planning website at

- https://plan.gravesham.gov.uk/online-applications/?_ga=2.222037083.2127015937.1559040276-1390412748.1531306374

and on the Planning Inspectorate website at

- <https://acp.planninginspectorate.gov.uk/CaseSearch.aspx> .

11.43 Those making representations on planning applications that are subsequently refused, or not determined and then subsequently appealed will be notified of the fact that an appeal has been made in order that they can choose to further engage in the process. Where required under the Regulations, notices will also be posted on the Council's website, on site and in the local press. In reaching its decision, the Planning Inspector will take account of all comments previously considered by the Council in regard to that application.

11.44 Planning Enforcement

11.45 The Council has powers to take enforcement action within its area of jurisdiction against unauthorised development that requires planning permission, or a breach of planning conditions attached to a planning permission. The Ebbsfleet Development Corporation is responsible for planning enforcement within its own area, whilst Kent County Council is responsible for enforcement relating to minerals and waste development.

11.46 The Council's power to enforce is discretionary, although the duty to consider, and where necessary investigate breaches of planning control is not. In deciding whether or not

⁴⁶ Further information on appeals is available of the Government's Planning Practice Guidance website at <https://www.gov.uk/guidance/appeals> and at the Planning Inspectorate website at <https://www.gov.uk/government/organisations/planning-inspectorate>

enforcement action should be taken, the Council will have regard to policies set out in the development plan; the Council's planning enforcement policy; Government Guidance on Ensuring Effective Enforcement; and other material considerations⁴⁷.

11.47 The Council will attempt to negotiate a solution to any breach of planning control first but, should this not be possible, formal enforcement action may be taken. Steps that may be taken include the issuing of:

- An enforcement notice
- A stop notice
- A temporary stop notice
- A breach of condition notice.
- A planning enforcement order

In the most serious cases, consideration may be given to applying for a legal injunction requiring that the breach cease with immediate effect.

11.48 It is a criminal offence on summary conviction to breach a formal enforcement notice. An appeal against an enforcement notice can be made to the Planning Inspectorate before the notice takes effect. The Planning Inspectorate will decide on any such appeal and has the power to grant planning permission for all or part of the development. Undertaking unauthorised works to a Listed Building which require Listed Building Consent is in itself an offence that may result in prosecution.

11.49 Community involvement in planning applications

11.50 Appendix 1 to this document sets out the minimum statutory requirements for consultation with the public on planning and other applications, which the Council will meet, and normally seek to exceed where considered necessary on a case-by-case basis.

11.51 Details of statutory consultees required to be consulted under the Town and Country Planning (Development Management Procedure)(England) Order 2015 (as amended) in respect of different types of application can be found on the Government's Planning Practice Guidance website under Table 2 at <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>

⁴⁷ Government Guidance of Ensuring Effective Enforcement is available on-line at <https://www.gov.uk/guidance/ensuring-effective-enforcement> . The Council's Planning Enforcement Policy document is in preparation and will be consulted on separately. Further details on how the Council enforces against unauthorised development and how to report breaches of planning control are available on the Council's website at <http://www.gravesham.gov.uk/home/planning-and-building/planning-enforcement/overview>

12. Reviewing and updating this Statement of Community Involvement

12.1 The Council will include a section in its annual Authority Monitoring Report (AMR) on consultations undertaken in the previous year and the effectiveness of those consultations in engaging with the local community. In so doing, responses received will be taken into account in determining whether the approach being taken at the time should be modified. In any event, this SCI will be subject to review every five years having regard to any changes in legislation or Government guidance.

12.2 In the interim, the on-line version of this SCI will be updated as necessary to ensure that minor changes to consultation arrangements introduced by legislation and binding on the Council are reflected in the text. Any such changes will be fully referenced with a link to the legislation or guidance that brought them about.

12.3 Links to websites have also been provided so that members of the community can easily find further information on the planning system and its operation. These too will be updated, where it is found that the links have changed.

Appendix 1 - Publicity requirements for planning and other related applications

An additional day for publicity will normally be given where there is a Bank Holiday falling within the consultation period. The minimum time periods given for responses to publicity relate to when application was publicised by that means and not subsequent re-publication/consultation. Whilst the table below refers to the minimum 14 days allowed for response to a notice on the Council's website or in a local newspaper, a 21 day (the statutory 21 days is in addition to bank holidays, where applicable) period may be allowed where this coincides with the expiry period of other publicity. Representations received after the expiry date and prior to determining any application will normally be taken into consideration if received in a timely manner. References to the 2015 Order in the table that follows should be taken to mean those Regulations as amended.

Type of application/nature of development	Type of publicity and consultation timescale	Additional publicity (at discretion of planning officer)	Statutory provision
<p>Planning application for Major Development (outline or full)</p> <p>'Major Development' means development involving any one or more of the following</p> <p>(a) The winning or working of minerals or use of land for mineral-working:deposits;</p> <p>(b) Waste developments;</p> <p>(c) The provision of dwellinghouses where –</p> <p style="padding-left: 20px;">i. The number of dwellinghouses to be provided is 10 or</p>	<ul style="list-style-type: none"> • Council's website (21 days) • Press notice in local paper (21 days) • Site notice (21 days) • Serving notice by letter/e-mail to any adjoining owner/occupier (21 days) • Serving notice on Parish Council, in parished areas (21 days)⁴⁸ • Serving notice on infrastructure manager, where site is within 10 metres of relevant railway land (21 days) • Serving notice on statutory 	<p>Unless otherwise agreed between the applicant and the Council, the time period for determining an application for Major Development is 13 weeks.</p> <p>The Council will give consideration to wider publicity for proposals involving Major Development on a case-by-case basis depending on the scale of the proposal, sensitivity of the site and surroundings, and potential for impact.</p> <p>The Council will also encourage</p>	<p>Town and Country Planning (Development Management Procedure) (England) Order 2015</p> <p>See http://www.legislation.gov.uk/uksi/2015/595/contents/made</p>

⁴⁸ For the purposes of this table, the same consultation provisions applicable to Parish Councils apply to Neighbourhood Forums where these have been constituted to draw up Neighbourhood Development Plans. In areas with Parish Councils, these would be the Neighbourhood Forum in any event.

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Type of application/nature of development	Type of publicity and consultation timescale	Additional publicity (at discretion of planning officer)	Statutory provision
<p>more; or</p> <p>ii. The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i)</p> <p>(d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or</p> <p>(e) Development carried out on a site having an area of 1 hectare or more.</p>	<p>consultees in accordance with Schedule 4 to the 2015 Regulations (21 days)</p>	<p>the applicant to undertake pre-application consultations with the local community of major development schemes, including engagement methods such as exhibitions, consultation events and leaflet drops.</p> <p>Applicants intending to submit proposals for schemes involving Major Development are also advised to take advantage of the Council's pre-application advice service.</p>	
<p>Planning application for Minor Development (outline or full)</p> <p>(i.e. proposals at a smaller scale than Major Development set out above)</p>	<ul style="list-style-type: none"> • Council's website (21 days) • Serving notice by letter/e-mail to any adjoining owner/occupier (21 days) • Serving notice on Parish Council, in parished areas (21 days) • Serving notice on 	<p>Unless otherwise agreed between the applicant and the Council, the time period for determining an application for Minor Development is 8 weeks.</p> <p>The Council will give consideration to wider publicity for proposals involving Minor Development on a</p>	<p>Town and Country Planning (Development Management Procedure) (England) Order 2015</p>

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Type of application/nature of development	Type of publicity and consultation timescale	Additional publicity (at discretion of planning officer)	Statutory provision
	<p>infrastructure manager, where site is within 10 metres of relevant railway land (21 days)</p> <ul style="list-style-type: none"> • Serving notice on statutory consultees in accordance with Schedule 4 to the 2015 Regulations (21 days). 	<p>case-by-case basis depending on the scale of the proposal, sensitivity of the site and surroundings, and potential for impact.</p> <p>The Council may also/or as an alternative display a site notice (21 days) where the identity of adjoining owners/occupier is unclear or the site is in an isolated position.</p> <p>Those proposing to undertake Minor Development are encouraged to discuss their schemes with owners and occupiers of adjoining properties to establish context and potential impact. Once again, the Council's pre-application advice service is available for those wishing to discuss their schemes.</p>	
<p>Householder applications (i.e. proposals to alter or enlarge a single house, including works with the boundary/garden of the</p>	<ul style="list-style-type: none"> • Council's website (21 days) • Serving notice by letter/e-mail to any adjoining owner/occupier (21 days) • Serving notice on Parish 	<p>Unless otherwise agreed between the applicant and the Council, the time period for determining a Householder Application is 8 weeks.</p>	<p>Town and Country Planning (Development Management Procedure) (England) Order 2015</p>

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Type of application/nature of development	Type of publicity and consultation timescale	Additional publicity (at discretion of planning officer)	Statutory provision
<p>property, such as:</p> <ul style="list-style-type: none"> • Extensions; • Conservatories; • Loft Conversions; • Dormer Windows; • Garages, car ports and outbuildings. <p>Please note that permitted development rights may apply in some cases where a separate grant of planning permission is not required. Please check before commencing works or seek a Certificate of Lawfulness of Proposed Development.</p>	<p>Council, in parished areas (21 days)</p> <ul style="list-style-type: none"> • Serving notice on infrastructure manager, where site is within 10 metres of relevant railway land (21 days) • Applications may be viewed on the Council’s website. 	<p>The Council will give consideration to wider publicity for proposals involving householder development on a case-by-case basis depending on the scale of the proposal, sensitivity of the site and surroundings, and potential for impact.</p> <p>The Council may also/or as an alternative display a site notice (21 days) where the identity of adjoining owners/occupier is unclear or the site is in an isolated position.</p> <p>Those proposing to undertake such developments are encouraged to discuss their schemes with owners and occupiers of adjoining properties to establish context and potential impact. Once again, the Council’s pre-application advice service is available for those wishing to discuss their schemes.</p>	

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Type of application/nature of development	Type of publicity and consultation timescale	Additional publicity (at discretion of planning officer)	Statutory provision
<p>Applications subject to Environmental Impact Assessment which are accompanied by an Environmental Statement</p>	<p>In addition to the normal requirements regarding publicity and consultation set out above, both press and site notices will be used to inform the public/consultees that the application is subject to Environmental Impact Assessment, giving a minimum 30 days to respond.</p> <p>Applications may be viewed on the Council's.</p> <p>The applicant must set out an address in the locality of the application site where the application and Environmental Statement will be available for inspection.</p>	<p>Unless the applicant has decided to provide an Environmental Statement of its own accord, the need to provide one is normally established via a Screening Opinion issued on request by the Local Planning Authority having regard to comments received from statutory consultees. Similarly, the content of an Environmental Statement and its area of coverage are determined within a Scoping Opinion issued by the Local Planning Authority.</p>	<p>Town and Country Planning (Development Management Procedure) (England) Order 2015</p> <p>Town and Country Planning (Environmental Impact Assessment) Regulations 2017</p>
<p>Applications that do not accord with the development plan for the area or affecting a public right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies.</p>	<p>In addition to the normal requirements regarding consultation and publicity set out above, any such proposal will be advertised on:</p> <ul style="list-style-type: none"> • The Council's website (14 		<p>Article 15 and 33 of the Town and Country Planning (Development Management Procedure) (England) Order 2015</p>

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Type of application/nature of development	Type of publicity and consultation timescale	Additional publicity (at discretion of planning officer)	Statutory provision
	<p>days);</p> <ul style="list-style-type: none"> • By press notice (14 days); and • by site notice (21 days) <p>Applications may be viewed on the Council's website.</p>		
<p>Listed Building applications and applications affecting the setting of a Listed Building.</p>	<p>In addition to the normal requirements regarding consultation and publicity set out above, any such proposal will be advertised on:</p> <ul style="list-style-type: none"> • The Council's website; • By press notice; and • by site notice <p>Allowing 21 days to respond in the case of works affecting the exterior of a Listed Building or the interior of a Grade 1 or II* Listed Building..</p> <p>Applications may be viewed n the Council's website.</p>		<p>Articles 5 & 5A Planning (Listed Building and Conservation Areas) Regulations 1990 (as amended).</p>
<p>Development affecting the character or appearance of a Conservation Area.</p>	<p>In addition to the normal requirements regarding consultation and publicity set out above, any such proposal will be</p>		<p>Article 5 Planning (Listed Building and Conservation Areas) Regulations 1990 (as amended).</p>

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Type of application/nature of development	Type of publicity and consultation timescale	Additional publicity (at discretion of planning officer)	Statutory provision
	<p>advertised on:</p> <ul style="list-style-type: none"> • The Council's website; • By press notice; and • By site notice <p>Allowing 21 days to respond.</p> <p>Applications may be viewed on the Council's website</p>		
<p>Permission in Principle (PIP) Application</p>	<p>For details of what may be applied for under a PIP, see the main text of this SCI. Such applications are intended to be a fast-track and low cost means of determining whether development relating to a specific (mainly housing) use would be acceptable on a site and the scale that would be appropriate.</p> <p>The Regulations only require that such applications be publicised by site notice and on the Council's website for a period of 14 days. Other consultees are also required to be consulted, where required by the Regulations.</p>	<p>Unless otherwise agreed between the applicant and the Council, the time period for determining Permission in Principle application is 5 weeks.</p> <p>The Council will use its discretion to consult neighbours or owners/occupiers of adjoining properties as appropriate within the timescale allowed for determining any such application.</p> <p>This may mean that less than the normal 21 days would have to be allowed for responses.</p>	<p>The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 see http://www.legislation.gov.uk/uksi/2017/1309/article/4/made</p> <p>See also the Government's Planning Practice Guidance website at https://www.gov.uk/guidance/permission-in-principle#consultation-and-notification</p>

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Type of application/nature of development	Type of publicity and consultation timescale	Additional publicity (at discretion of planning officer)	Statutory provision
	<p>There is no statutory requirement to consult neighbours or owner/occupiers of adjoining properties.</p> <p>Applications may be viewed on the Council's website.</p>		
<p>Technical Details Consent</p>	<p>Technical Details Consent is the next stage where Permission in Principle (PIP) has been granted either by application or by inclusion of a site on Part 2 of the Council's Brownfield Land Register.</p> <p>The fact that PIP is granted does not automatically mean that a Technical Details Consent would follow, as the application still has to be determined in accordance with both local and national policy, having regard to any other material considerations.</p> <p>The form in which such an application is made is the same as an application for full planning permission but with the details of</p>	<p>Unless otherwise agreed between the applicant and the Council, the time period for determining Technical Details Consent application for Major Development is 10 weeks, or for applications not involving Major Development, 5 weeks.</p>	<p>See Articles 15 and 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Government's Planning Practice Guidance website at https://www.gov.uk/guidance/permission-in-principle#consultation-and-notification</p>

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	<p>the PIP included in the description.</p> <p>21 days is allowed for responses to any on-line notice and 21 days for the site notice.</p> <p>Applications may be viewed on the Council's website.</p>		
<p>Works to Protected Trees and Hedgerow Applications</p>	<p>There are no statutory requirements to publicise applications for works to protected trees (Tree Preservation Orders); trees in conservation areas; or important hedgerows in the countryside considered to fall under the Hedgerow Regulations 1997.</p>	<p>The Council will use its discretion to consult neighbours or owners/occupiers of adjoining properties as appropriate (using letters or site notices) within the timescale allowed for determining any such application.</p>	<p>Details of how individual trees and trees in Conservation Areas are afforded protection are available on the Government's Planning Practice Guidance website at https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas and on the application of the Hedgerow Regulations 1997 at https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management</p>
<p>Applications relating to an advertisement</p>	<p>Not all advertisements require advertisement consent but it is an offence to display one that does without consent. The system of control operates differently from normal planning controls with the</p>	<p>The Council will give consideration to wider publicity for proposals for Advertisement Consent on a case-by-case basis depending on the scale of the proposal, sensitivity of the site and surroundings, and</p>	<p>The control of advertisements is governed by the The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) – see</p>

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Type of application/nature of development	Type of publicity and consultation timescale	Additional publicity (at discretion of planning officer)	Statutory provision
	<p>Council only able to refuse an application on the grounds of public safety and in the interests of amenity. The Council will consult on advertisement applications in accordance with statutory requirements as set out in the relevant Regulations.</p> <p>Applications for Advertisement Consent may be viewed both on the Council's website and at the Council's offices.</p>	<p>potential for impact in terms of highway safety and local amenity.</p>	<p>http://www.legislation.gov.uk/ukxi/2007/783/contents/made</p> <p>Further guidance on how this aspect of the planning system operates is available of the Government's Planning Practice Guidance website at https://www.gov.uk/guidance/advertisements</p>
Hazardous Substances Consent	<p>The responsibilities of the applicant and the Council in publicising and consulting on any application for Hazardous Substances Consent under the Planning (Hazardous Substances) Act 1990 are laid down in the relevant Regulations.</p>		<p>For the Planning (Hazardous Substances) Regulations 2015 at http://www.legislation.gov.uk/ukxi/2015/627/contents/made</p>
<p>For Permitted Development where Prior Approval or Notification is required, applications will be publicised as set out in the relevant Regulations (Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).</p>			
<p>There is no statutory requirement to consult or notify neighbours / publicise on the following types of application:</p> <ul style="list-style-type: none"> • Certificates of Lawfulness of proposed use or development 			

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Type of application/nature of development	Type of publicity and consultation timescale	Additional publicity (at discretion of planning officer)	Statutory provision
<ul style="list-style-type: none"> • Certificates of Lawfulness of existing use or development • Approval of details/discharge of conditions – Publicity is generally not appropriate, but will be at the discretion of the Council, having regard to the sensitivity of the site and potential impacts arising from the detailed matters to be assessed. • Non-material amendments to permitted schemes. 			

Appendix 2 – Glossary

Term	Definition
Affordable housing	Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which falls within one of the categories set out in the Glossary to the National Planning Policy Framework (NPPF, 2019) at https://www.gov.uk/government/publications/national-planning-policy-framework--2
Authority Monitoring Report (AMR)	A report published by the local planning authority showing progress with local plan preparation, any activity relating to the duty to cooperate, and information collected which relates to indicators in the plan.
Brownfield Land	See previously developed land
Brownfield Land Register	Registers of previously developed land that local planning authorities consider to be appropriate for residential development, having regard to criteria in the Town and Country Planning (Brownfield Land Registers) Regulations 2017 .
Conservation Area	Areas designated by a local planning authority which are considered to be of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. Conservation area designation introduces a general control over the demolition of unlisted buildings and provides a basis for planning policies whose objective is to conserve all aspects of character and appearance, including landscape and public spaces that define an area's special interest. The local planning authority may also withdraw some permitted development rights using an Article 4 direction to secure this objective. Information on Conservation Areas in Gravesham is available on line at https://www.gravesham.gov.uk/home/planning-and-building/heritage-and-conservation/conservation-areas
Development Plan	Is defined in section 38 of the Planning and Compulsory Purchase Act 2004 , and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.
Environmental Impact Assessment (EIA)	The aim of Environmental Impact Assessment (EIA) is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely

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	<p>significant effects, and takes this into account in the decision making process. Not all applications for planning permission require EIA . The requirement to undertake EIA and the process to be followed is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017</p>
Habitats Regulation Assessment (HRA)	<p>European designated sites, such as Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites, are afforded strict protection under the Conservation of Habitats and Species Regulations 2017, otherwise known as "the Habitats Regulations". A local planning authority has a legal obligation to consider the impacts of any plan or project likely to have an adverse effect on a European designated site, including the granting of consents or permissions for any such plan or project. The process by which this is assessed is known as a Habitats Regulations Assessment (HRA). An applicant is required to submit sufficient information to allow a HRA or Appropriate Assessment to be undertaken.</p>
Habitats Site	<p>Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.</p>
Listed Building	<p>A Listed Building is a building, object or structure that has been judged to be of national importance in terms of architectural or historic interest and has been included on a special register, called the List of Buildings of Special Architectural or Historical Interest compiled by the Department for Culture, Media and Sports (DCMS) under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. Details of Listed Buildings in Gravesham are available on the Historic England website at https://historicengland.org.uk/</p>
Local Plan	<p>A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.</p>
Major Development	<p>For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p>
National Planning Policy	<p>The Framework sets out the government's planning policies for</p>

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Framework (NPPF)	England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. It must be taken into account in preparing the development plan, and is a material consideration in planning decisions – although the development plan remains the starting point. The NPPF is available on line at https://www.gov.uk/government/publications/national-planning-policy-framework—2
National Significant Infrastructure Project (NSIP)	Large scale development proposals which meet criteria laid down by Government under Regulations which are deemed to be important in terms of driving growth at a national level. These are dealt with under separate legislation (the Planning Act 2008) to normal planning applications and, if successful, are granted planning permission by the relevant Secretary of State by the issuing of a Development Consent Order. Further details on process and NSIP projects affecting this area are available on line at https://infrastructure.planninginspectorate.gov.uk/
Neighbourhood Development Order	An Order made by a local planning authority (under the Town and Country Planning Act 1990) through which parish councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development.
Neighbourhood Plan	A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004 .
Permission in Principle (PIP)	A form of planning consent which establishes that a site is suitable for a specified amount of housing-led development in principle. Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed.
Planning Condition	A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.
Planning Obligation	A legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.
Planning Performance Agreement (PPA)	A planning performance agreement is a project management tool which the local planning authority and applicant can use to agree timescales, actions and resources for handling particular applications. Normally used in the context of large or complex schemes, PPAs are voluntary agreements whereby the applicant may charge for additional administrative costs involved in implementing the agreement, to the extent that it goes beyond the authority's statutory responsibilities. A PPA does not commit the Local Planning Authority to any particular

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	outcome and applications stand to be determined in the normal way.
Planning Practice Guidance (PPG)	Supplementary guidance issued by Government to assist in the interpretation and implementation of policies set out in the National Planning Policy Framework (NPPF, 2019) see https://www.gov.uk/government/collections/planning-practice-guidance
Previously Developed Land	Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
Sustainability Appraisal/Strategic Environmental Assessment (SEA)	A sustainability appraisal is a systematic process that must be carried out during the preparation of a Local Plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. Sustainability appraisal of local plans is a requirement of section 19 of the Planning and Compulsory Purchase Act 2004. This incorporates the parallel requirements of the Environmental Assessment of Plans and Programmes Regulations 2004) in terms of assessing the likely significant effects certain plans and programmes may have on the environment.
Self-build and Custom-Build Housing	Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.
Supplementary Planning Document (SPD)	Documents which add further detail to the policies in the development plan. They can be used to 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.