Getting Involved:

Report on the Draft Statement of Community Involvement Consultation

November 2010

Kent County Council
| 1 Introduction                                                                 | 1 |
| 2 The Draft Statement of Community Involvement consultation                   | 1 |
| 3 The Final Statement of Community Involvement                                | 2 |
| Appendix A: Draft Statement of Community Involvement consultation comments    | 5 |
| Appendix B: Consultee notification email/letter                                | 16|
1 Introduction

1.1 Town & Country Planning Regulations require planning authorities to prepare a Statement of Community Involvement (SCI) to set out how they intend to engage the community in development planning activities (both the preparation of development plans and development management).

1.2 The current SCI was adopted by the county council in 2006. Several factors necessitated the revision of the adopted document including recent changes to the Minerals and Waste Development Framework Scheme, national planning regulations and a move towards ‘e-planning.’

1.3 An initial Scoping consultation took place over an eight week period between 5th June and 31st July 2009; it set out our approach to community involvement in planning. The event was widely publicised to encourage members of the public and stakeholders to contribute their views and highlight particular areas of interest. The report produced on the Scoping consultation concluded that “the responses received have confirmed support for the scope of the Statement of Community Involvement as proposed.”

2 The Draft Statement of Community Involvement consultation

2.1 The views submitted to the Scoping consultation were used to inform the development of consultation draft of the SCI. The Draft Statement of Community Involvement was open for consultation for eight weeks between 24th May and 19th July 2010.

2.2 We directly notified all 900 plus consultees on our database via email and letter about the Draft SCI consultation. This includes all statutory (specific) and general consultees as required as well as ‘other’ consultees as appropriate. Other consultees included minerals and waste industry operators, landowners and members of the public who have previously expressed an interest in either the Statement of Community Involvement or the Minerals and Waste Development Framework. See Appendix B of the SCI for further information. Our database is always open for interested members of the public or other organisations to register to receive notifications for our consultation events.

2.3 The Draft document and associated questionnaires were made available in main county council offices and all Kent libraries and Gateways. Our aim was to reach the wider community and provide an accessible opportunity for all interested people to give their views.


2 Under the 2004 Local Development (England) Regulations (as amended by the 2008 and 2009 Regulations).
2.4 The consultation was given a high profile on our website and all documents were available online on the Planning Policy consultation portal (http://consult.kent.gov.uk). Online responses were encouraged. Other responses received via email and post were also published online.

2.5 To prompt consultation responses the Draft document was published with an accompanying questionnaire. The questionnaire asked consultee views on the following:

- The scope and principles of the SCI.
- Consultation and involvement opportunities with the MWDF.
- The county council’s role in planning applications.
- Consultation on planning applications.

2.6 The questionnaire consisted of straightforward yes or no answers with space for additional comments. Online consultees had the opportunity to comment on any part of the document and/or to fill in the questionnaire. A total of 32 comments were received from 17 external consultees.

2.7 As many respondents only chose to answer specific questions or comment on a particular area of interest, a full statistical analysis of the questionnaire is unlikely to provide meaningful results. The representations on the draft document indicated no major objections to the proposed scope and principles of the SCI or our consultation procedures.

2.8 Appendix A of this report sets out all comments received on the document and our response and/or proposed action as appropriate.

3 The Final Statement of Community Involvement

3.1 The amendments made in response to the Draft consultation comments and other changes in planning are summarised below:

Legislative and County Council Changes

- Changes were implemented by the Department of Communities and Local Government (CLG) in line with the Coalition Government’s intentions. The most significant was the abolishment of the regional tier of the planning system and the expected replacement of the Infrastructure Planning Commission (IPC).

- The new Minerals and Waste Development Scheme 2010-13 came into effect on 24 September 2010; it reflects a new 20 year plan period for the MWDF to 2030.

Minor amendments were made to the types of engagement we can offer following country-wide changes to Local Government budgets.

Contact options and publicity information were updated to include the county council’s text phone service and social media accounts (twitter).

3.2 The adopted version of the SCI is up to date with government changes as of October 2010. The current planning framework may change with the implementation of the Decentralisation and Localism Bill due in 2011.

3.3 Since the final version of the SCI was produced, residential property developer Cala Homes have successfully challenged the decision to abolish Regional Spatial Strategies (RSS) in the High Court. In Kent the RSS is the South East Plan. Currently the letter issued by CLG\(^{(3)}\) stating the intention to abolish the RSSs remains a material consideration for planning decisions, however the ‘weight’ of this letter as a material consideration is currently the subject of a second legal challenge by Cala Homes.

Other Content Changes

- Clarification of the following matters raised in the consultation comments:
  - The importance of submitting views at the Scoping and Directions consultation stages.
  - At the Development Plan Document Submission stage consultees will be notified but **not** invited to make representations.
  - Clearer distinction and further detail on the types of planning applications the county council and the district/borough councils in Kent separately deal with.
  - Details of consultation procedures for planning applications.

- Additional Appendix on the statutory development management consultees (Appendix C of the adopted SCI).

- Emphasis the use of online consultation options to reflect our priorities and the introduction of the new online planning applications system.

---

• Minor changes to language and sentence length in line with Plain English good practice.

• More footnotes to explain planning terms or link to further information.

Presentation Changes

• Alteration to Chapter 4 to replicate the same structure used across the rest of the document.

• The consultation involvement table information in section 3.2 has been redesigned into a checklist diagram. This will shorten the final document (as requested) and limit repetition of information.

• Removal of non-essential ‘statement’ boxes to reduce document length.

• The final version of the SCI is now 51 pages long, which is a reduction of 12 pages.
## Appendix A: Draft Statement of Community Involvement consultation comments

### The Draft Statement of Community Involvement consultation comments

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Consultation point</th>
<th>Comment</th>
<th>Our Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kent Downs AONB Unit</td>
<td>Draft Statement of Community Involvement</td>
<td>The KDAONB Unit would like involvement at all stages of the preparation of the Minerals and Waste Core Strategy and DPD. We would have particular interest in the Scoping Consultations and formulation of Strategy and Policy Directions and Beauty (AONB) Management Unit will be consulted and involved at all stages of the MWDF, including overall objectives that should guide the plans and stakeholder events. As regulation 25 indicates that involvement with individual meetings with KCC and development plan document being produced, both AONB Management Units in Kent are included as ‘Other’ consultees for the MWDF.</td>
<td>Comment noted.</td>
</tr>
<tr>
<td>Kent Downs AONB Unit</td>
<td>Draft Statement of Community Involvement</td>
<td>We would also welcome future consultation on any SPDs /SGs.</td>
<td>Comment noted.</td>
</tr>
<tr>
<td>Kent Downs AONB Unit</td>
<td>Draft Statement of Community Involvement</td>
<td>We would refer you to our protocol as set out above (see attachment). We would consider all waste disposal and mineral applications in the AONB to merit consultation on the basis alone of scale, impact and precedence. However as set out above we are concerned also about the impact of developments outside the boundaries of the AONB in the setting’. We would refer you to our Management plan policies LLC2, LLC8, SDT5. We would therefore request that you consult us on any application, for permission or for approval of</td>
<td>Comment noted.</td>
</tr>
<tr>
<td>Dover Town Council</td>
<td>Draft Statement of Community Involvement</td>
<td>I feel the documentation is rather lengthy (draft SCI is 62 pages long) and the consultation document perhaps too detailed.</td>
<td>In response to this comment we will look at ways of reducing then length of the document.</td>
</tr>
<tr>
<td>Kent Wildlife Trust</td>
<td>Draft Statement of Community Involvement</td>
<td>I am writing in support of the document and welcome the inclusion of Kent Wildlife Trust within the non statutory consultees list.</td>
<td>Comment noted and welcomed.</td>
</tr>
<tr>
<td>Brenchley Parish Council</td>
<td>Draft Statement of Community Involvement</td>
<td>1. The proposed scope of the document is clear - but it could be more concise. The Parish Council believes that the length of the text may well deter people from reading it - which would be counter productive if one of its aims is to enhance community involvement. 2. There are no other matters that need to be addressed. 3. The principles identified to guide community involvement in KCC's planning activities are well-founded. 4. The opportunities for consultation and engagement in the preparation of the Minerals and Waste Development Framework are clear. 6. The opportunities for consultation and engagement in the preparation of Supplementary Planning Documents (SPD) and Supplementary Guidance (SG) are clear. 7. The nature of the County Council's responsibilities for particular classes of planning applications is clear. 8. The proposals in the draft SCI for consultation with the community on planning applications determined by the County Council strike the right balance between opportunity for involvement and taking decisions in a timely and efficient manner. However, the Parish Council believes that the test will come in the way that the</td>
<td>In response to this comment we will look at ways of reducing then length of the document.</td>
</tr>
<tr>
<td><strong>KCC Planning Applications</strong></td>
<td><strong>Draft Statement of Community Involvement</strong></td>
<td>Little mention of waste water proposals and how we engage with statutory undertakers. Statement 10 should also refer to wastewater proposals.</td>
<td>Waste water will be mentioned under the types of applications dealt with by county council (including statement 10) and consultation with stakeholders and industry we will also refer to statutory undertakers.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Minster-on-Sea Parish Council</strong></td>
<td><strong>Question 2: Scope of the SCI</strong></td>
<td>Subject to the condition that Parish and Town Councils are included as key stakeholders.</td>
<td>All Kent Parish Councils, and Parish Councils bordering the county council authority area, will be consulted as Specific Consultees according to the 2004 Local Development (England) Regulations (as amended by the 2008 and 2009 Regulations). A full list of the bodies we will consult are listed in Draft SCI Appendix B - Involving Our Community; Our Consultees.</td>
</tr>
<tr>
<td><strong>KCC Planning Applications</strong></td>
<td><strong>Chapter 2: Community Involvement</strong></td>
<td>Statement 5 refers to both arms of planning (policy and development management) but paragraph 2.1.6 is specific to the MWDF. Is it not clear whether the remainder of the chapter applies equally to development management, or if the reader should be directed to Chapter 4.</td>
<td>While paragraph 2.1.6 is specific to the MWDF, the rest of chapter two does apply equally to development management and planning policy - although there is an emphasis on policy arrangements.</td>
</tr>
<tr>
<td><strong>Minster-on-Sea Parish Council</strong></td>
<td><strong>Questionnaire Question 3: SCI Principles</strong></td>
<td>Although we agree with the principles, we believe that these principles are not all being followed; under point 2.1.3 organisations are not given.</td>
<td>Kent County Council follows the Kent Compact guidelines of a minimum eight week consultation period. Letters can be sent by 1st class post to ensure none of the consultation period is lost. Alternatively, consultees can opt to be contacted electronically (by email). To avoid extra costs on the taxpayer the county council does not provide all consultees with a paper copy of consultee documents. However, paper and electronic copies are available as follows:</td>
</tr>
</tbody>
</table>
Policy consultation

Paper copies of policy consultation documents will be on deposit at main county council offices and all Kent Libraries and Gateways. For the key Minerals and Waste Development Framework consultations a limited number of paper copies may be available on request. Alternatively, specific consultees (which includes parish councils) may receive a CD copy of the consultation documents.

Development Management consultation

At the moment paper copies of all valid planning applications are available to view at our office (Invicta House, Maidstone) and the relevant district/borough council office. The new e-planning service will allow consultees and members of the public to view and comment on planning applications and associated documents online. Following the introduction of this service, it is our intention to send electronic copies of planning applications to district/borough councils. This service is expected to be live by early 2011.

Paragraph 2.1.13: Our approach to community involvement in planning: timeliness

CPRE Protect Kent welcome the intention to accommodate a minimum consultation period of 8 weeks for MWDF documents. However, where the length of time required in the legislation by two parallel consultations on documents is to be 9 weeks. To extend this further, as suggested, would cause major delays to the MWDF plan making programme and would need a major revision to undertake (as is proposed in the Draft Minerals and Waste Development Scheme 2010-13) 8 week programme and would need a major revision to understand and consider a potentially large amount of technical and site specific information in relation to three MWDF documents at the same time. We would suggest that paragraph 2.1.13 be amended to explain that the aim will be to allow 8 weeks when

eight weeks is normally insufficient to allow respondents to properly understand and consider a potentially large amount of technical and site specific information in relation to three MWDF documents at the same time. We therefore consider that eight weeks is insufficient to allow respondents to properly understand and consider a potentially large amount of technical and site specific information in relation to three MWDF documents at the same time.
### Sevenoaks Town Council

#### Engaging with the community

Paragraph 3.2.26

Stakeholder Workshops It is stated that the stakeholder workshops provide an opportunity for more in-depth discussion and dialogue with individual sectors of the community or a cross section of interests. Please could you advise us if it is intended to hold a stakeholder workshop in Sevenoaks and if the Town Council would be invited to participate.

All parish and town councils are Specific consultees (see Draft SCI Appendix B for details) and will be invited to our stakeholder events. Workshops were held on the Minerals and Waste Core Strategy issues document in September 2010 with one day arranged specifically to engage with parish and town councils. Future events will be publicised on the website and stakeholders will be notified. Locations for the events are open to suggestion.

#### Statement 8: Working Together: Community Engagement

Working in partnership with all levels of local government in Kent (County/ District/ Parish)... including: Neighbourhood Forums Local Engagement Forums Local Boards. The Town Council would be interested in receiving more information on these topics and how the Town Council can take part.

As above, stakeholders will be notified about our engagement events in due course.

### CPRE Kent

#### Chapter 3.2: When and How Can Communities Get Involved?

Table 3: Information, Consultation and Involvement in the Minerals and Waste Development Framework

At Regulation 30 stage for the respective documents no mention is made in Table 3 as to the scope of, and means of securing, the representations on the submitted document as explained in paragraph 3.2.11.

As a result of this comment, the following will be more clearer in the final SCI: At the Submission (Regulation 30) stage, we are required by the Town and Country Planning (Local Development) (England) (Amendment) Regulations...
| **Southern Water** | 2008 to make copies of the submission documents available for inspection at our offices, libraries, Gateways and online, publicly advertise and notify consultees about the submission of the document. A summary of representations made at the previous consultation stages (Regulations 25 and 27) will be considered with the submission document by the Secretary of State. **We are not inviting representations at this stage.** This emphasises the importance of taking the opportunities to send us your views during the earlier consultation stages. |
| **Table 3: Information, Consultation and Involvement in the Minerals and Waste Development Framework** | **Chapter 3.2: When and How Can Communities Get Involved?** | **Thank you for the opportunity to comment on the Statement of Community Involvement. Following review of the document Southern Water supports the level and method of consultation and the guidance on consultation and involvement listed in table 3. Southern Water would also support early consultation on major planning applications, as some applications could affect our assets and the provision of water and wastewater services. These early consultations could take the form of one to one meetings, topic based stakeholder meetings and receipt of written consultation documents. Early engagement is essential to ensure that negative impacts are avoided or reduced.** |
| **CPRE Protect Kent** | **3.2.9: How and when can the community get involved: Pre-submission consultation** | **CPRE Protect Kent agrees with the statement made in paragraph 3.2.9 that it is in the preparation stage that respondents will have the greatest opportunity to shape the content of a DPD. Having made this statement, though, we consider it would be appropriate for the paragraph to go on to say that it is the intention of the Council to ensure that this** |

Comment noted.
<table>
<thead>
<tr>
<th>CPRE Protect Kent</th>
<th>3.2.11: How and when can the community get involved: Independent Examination</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This paragraph proposes that representations will be invited on the submitted document, i.e. the document actually submitted for examination. This seems to be in addition to the representations sought on the pre-submission document (under Regulation 27). CPRE Protect Kent welcome the intention to seek further representations at this stage, but would note that this is not provided for in the Development Plan Regulations. Whilst we see some merit in seeking further representations on any changes made to the pre-submission document, we do not think it is unnecessary to seek further representations on the whole submitted document. This will potentially be seen as consultation over load and lead to confusion as to the status of the representations made at the Regulation 27 stage. Also, details of what this stage will involve is not included in Table 3.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minster-on-Sea Parish Council</th>
<th>Chapter 4: Community Involvement and Planning Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Regarding part 4.0.8 (p.43) we question the quality of decision in terms of how they reflect the interests of the community. This relates to how KCC deal with applications that affect local schools. In Minster C.P Schools case, despite this Parish Council’s suggestion that KCC invest in land for additional parking, this advice was ignored resulting in increased congestion of all the adjoining roads. Also regarding St. Georges School (Chequers Road), Minster, again despite Minster-on-Sea Parish Council’s raised concerns about the need for</td>
</tr>
</tbody>
</table>

After reviewing the requirements of the regulations (Section 30 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008), we agree that we will not be inviting comments on the submitted document. This change will be included in the final version of the SCI.

All development management decisions are carefully considered with appropriate weighting given to all material considerations, which includes any potential impacts on local communities.
| Edenbridge Town Council | Question 7: KCC's Role in Planning Applications Is the nature of the county council's responsibilities for particular classes of planning applications clear? | It is not clear which planning applications will not be dealt with by District Councils. |
| KCC Planning Applications | Chapter 4: Community Involvement in Planning Applications 4.04 Nationally Significant Infrastructure Projects | The abolished Infrastructure Planning Commission (IPC) is to be replaced. |
| Edenbridge Town Council | Question 8: Consultation on planning applications Do the proposals in the draft SCI for consultation on planning applications strike the right balance? | Timeliness and efficiency may lead to poor or rushed local consultation. |
| KCC Planning Applications | 4.1 When and how you can get involved with planning applications Policy 5: E-planning for Development Management | The main advantage of e-planning is that it enables greater public engagement with reducing costs over the longer term. It cannot change the statutory periods for publication of applications, nor reduce the requirements for consultation and therefore is |

Information on the applications to be processed by either Kent County Council or the Kent district councils will be presented together in a clearer form, such as a table. Plus further detail on the application types with examples.

This section will be updated with the details of the intended replacement regime for nationally significant proposals.

Comment noted.
| KCC Planning Applications | 4.1 When and how you can get involved with planning applications  
Paragraph 4.1.4 | Planning Officers are more than willing to offer help but are not available all the time.  
This section will highlight that an appointment for assistance/viewing applications is necessary. |
|---|---|---|
| KCC Planning Applications | 4.1.1 Pre-application stage  
Paragraph 4.1.1.1 | We should reconsider talking about 'optimising the potential of a site'; it sounds as though we should be looking to get as much as possible on a site. Negotiation at the pre-application stage would usefully lead to a scheme accommodating and safeguarding natural interests as well as finding a good planning solution to the site’s proposed development.  
The 'optimising the potential of a site' part of the quote from the Planning Advisory Service will be removed and more appropriate wording used.|
| KCC Planning Applications | 4.1.1 Pre-application stage  
Paragraph 4.1.1.3 | States that timely involvement of local people before an application is made can achieve 'better quality development', I would suggest this is re-worded to say 'development that better takes account of local interests and needs.'  
Comment noted.|
| KCC Planning Applications | 4.1.1 Pre-application stage  
Paragraph 4.1.1.4 | It may be better not to comment on charging at this point in time.  
Comment noted.|
| KCC Planning Applications | 4.1.1 Pre-application stage  
Statement 11: Planning Performance Agreements | These are far more likely to be utilised by the District Councils for major complex mixed use development schemes. They have been heavily criticised as creating collusion between planning authorities and developer.  
References to Planning Performance Agreements will be removed. |
<table>
<thead>
<tr>
<th>KCC Planning Applications</th>
<th>4.1.3 Publicity and consultation</th>
<th>There is no mention of consultation practices (statutory consultees).</th>
<th>A list of consultees for planning applications will be added in an Appendix to the main document.</th>
</tr>
</thead>
<tbody>
<tr>
<td>KCC Planning Applications</td>
<td>4.1.4 Determining a planning application</td>
<td>The purpose of site visits is generally to allow Members of the Planning Applications Committee to view the site and better understand the proposal. Public Meetings are more often the arena for members of the public to address their concerns to the Committee.</td>
<td>Comment noted.</td>
</tr>
<tr>
<td>KCC Planning Applications</td>
<td>4.1.4 Determining a planning application</td>
<td>We do not always share conditions with applicants prior to issuing decisions so it may be advisable to qualify this sentence.</td>
<td>Comment noted.</td>
</tr>
<tr>
<td>KCC Planning Applications</td>
<td>4.1.5.3 Post Decision Stage</td>
<td>The frequency of liaison meetings can vary (sometimes only twice a year) as can need for attendance of planning officers.</td>
<td>Comment noted.</td>
</tr>
<tr>
<td>KCC Planning Applications</td>
<td>4.1.4 Determining a planning application</td>
<td>To clarify we meet the statutory requirements by posting sites notices and we exceed them by carrying out neighbourhood notification.</td>
<td>Comment noted.</td>
</tr>
<tr>
<td>CPRE Protect Kent</td>
<td>Question 10: Any Other Views?</td>
<td>CPRE Protect Kent generally supports and welcomes the draft SCI, but please see our specific additional comments.</td>
<td>Comment noted.</td>
</tr>
<tr>
<td>Tandridge District Council</td>
<td>Appendix B: Involving Our Community: Our Consultees</td>
<td>It is noted that Appendix B in the document indicates the Specific Consultation Bodies to be consulted for the Kent Minerals and Waste Development Framework and that the list of these Bodies includes Adjoining Local Authorities and Parish Councils neighbouring Kent. It is considered that the document should also include an appendix showing a list of Specific Consultation Bodies to be</td>
<td>An appendix listing the statutory consultees for Planning Applications will be included in the final SCI.</td>
</tr>
</tbody>
</table>
consulted on planning applications and that the list similarly includes Adjoining Local Authorities and Parish Councils neighbouring Kent.
Appendix B: Consultee notification email/letter

May 2010

Dear Sir/Madam

Kent County Council: Environment, Highways and Waste Directorate:

Statement of Community Involvement: Draft for Consultation

KCC is preparing a new Statement of Community Involvement (SCI). This will set out how and when communities can most effectively get involved with the town and country planning issues that concern them and for which KCC has responsibility.

In mid 2009 we consulted on the approach to be taken in preparing the SCI and invited organisations and individuals across Kent to let us know what they would like to see in it. We have now prepared a full draft of the revised SCI for consultation prior to its adoption later this year. The consultation period runs for 8 weeks between 24th May and 19th July 2010.

The draft SCI consultation document and accompanying questionnaire are available on our consultation portal (http://consult.kent.gov.uk) and we would strongly encourage responses submitted through this route. Copies are also available for inspection at Sessions House, County Hall in Maidstone, at all District and Borough Council main offices and at Kent Gateways and libraries.

If you prefer, you can email your comments on the SCI and/or responses to the SCI questionnaire to us at mwdf@kent.gov.uk or write to us at:

MWDF Project Team
Integrated Strategy and Planning Division
Environment, Highways and Waste Directorate
Kent County Council
Invicta House
Maidstone
Kent ME14 1XX

Tel 01622 696815

We hope that you can take time to look at the draft SCI and let us have your views on its proposals, including how you would like to engage with us on the planning matters for which we are responsible. The consultation period ends at midnight on 19th July 2010. We look forward to hearing from you.

If you would like any further information please visit our website (www.kent.gov.uk/mwdf) or contact us at the address above or by email (mwdf@kent.gov.uk).

Yours faithfully

Kent County Council
Draft Statement of Community Consultation Report
Richard Feasey
Planning Policy Manager
Strategy and Planning Division
Environment, Highways and Waste