



Your council working for you

Local Plan for South Kesteven

Statement of Community Involvement

Consultation 2018



Statement of Community Involvement

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1 Introduction

1.1 What is a Statement of Community Involvement

1.1.1 The purpose of the Statement of Community Involvement (SCI) is to set out how the community, businesses and others with an interest in the development of the District can engage with the planning system.

1.1.2 The SCI outlines how organisations and individuals can be involved in the plan making process and the consideration of planning applications. It also sets out standards and arrangements as to how the Council will consult and report back to those engaged in the process.

1.1.3 Having clear arrangements for carrying out consultation will help to establish a two way process between the community and the Council. It will provide the community with opportunities to help shape their local areas and create a transparent, fair and open planning process.

1.1.4 The SCI contains:

- Background information to provide context for the SCI
- Information on when, who and how we will consult when drafting planning documents
- Information on when, who and how we will consult on planning, listed building and other types of application

1.1.5 The SCI sets out the techniques available and likely to be used, as it is important to retain a degree of flexibility so that methods can be appropriately tailored to the planning document in question, to allow for changes in the regulations or best practice guidance, and to reflect that new methods of communication and engagement may become available over the life of the document.

1.2 Legal Requirements and Duty to Co-operate

1.2.1 Local Planning Authorities (LPAs) including South Kesteven District Council are required to produce a SCI under section 18 (Part 2) of the Planning and Compulsory Purchase Act 2004.

1.2.2 The minimum requirements for consultation on planning policy documents and planning applications are set out in The Town and Country Planning (Local Planning) (England) Regulations (the Local Planning Regulations) ⁽¹⁾ in the case of planning policy documents and the Town and Country Planning (Development Management Procedure) Order (DMPO) ⁽²⁾ for planning applications.

1 [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#)

2 [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)

Duty to Co-operate

1.23 In addition to the legal requirements identified above, Section 110 of the Localism Act 2011 sets out a 'Duty to Co-operate'. It is a requirement that LPAs engage with neighbouring authorities and other statutory bodies to consider joint working arrangements on strategic planning matters. The Council is committed to meeting this duty and intends to work closely with neighbouring authorities and other partner organisations and stakeholders. See Appendix 1 for a list of the Duty to Co-operate bodies.

1.3 Why is a Review Needed

1.3.1 The Council adopted its first SCI in April 2006 and a revised SCI was adopted in 2014. This revision is the third version of the SCI. This revision is needed due to publication of revised legislation since the adoption of the last SCI.

3 <http://www.southkesteven.gov.uk/index.aspx?articleid=5232>

2 Planning Policy Documents

2.1 South Kesteven Local Plan

2.1.1 The Local Plan is a framework for the location and design of development (such as homes, shops, offices) and for protecting the natural and built environment. It is a “spatial” plan, because it deals with the location and layout of developments and activities and how these affect people and their environment.

2.1.2 The Local Plan for South Kesteven currently comprises the following Development Plan Documents (DPDs):

- Core Strategy (2010)
- Site Allocation and Policies DPD (2014)
- The Local Plan (1995 – Saved Policies, Grantham Only)

2.1.3 The Council is in the process of producing a new Local Plan which will replace the above documents. The timetable for producing the new Local Plan can be found in the current Local Development Scheme on the website. The Local Plan will be a single document, although it can consist of a number of separate Development Plan Documents (DPDs).

2.1.4 The new Local Plan will be subject to examination by an Inspector appointed by the Secretary of State. In addition LPAs may also, where these can be clearly justified, prepare Supplementary Planning Documents (SPDs) to provide further guidance on policies. SPDs are not subject to examination.

2.2 Development Plan Documents - When Do We Consult?

2.2.1 The key stages for the preparation of DPDs are set out in the Local Planning Regulations. The following section provides a summary of the main stages a DPD has to go through. More detail on each of these stages in terms of how the Council will undertake consultation and engagement is provided in Appendix 2.

Stage 1 – Preparation of a Local Plan (Regulation 18)

2.2.2 At this early stage, the Council must notify certain ‘specific’ (identified in the Local Planning Regulations) and ‘general’ (identified by the Local Authority) consultation bodies, as well as residents and businesses within the area, of the intention to prepare a Local Plan and invite representations about what the Local Plan ought to contain. The key aim of this consultation and engagement is to encourage public involvement at an early stage of the plan process.

2.2.3 During the development of the plan the Council will undertake informal and on-going engagement with the public and stakeholders: this may be focused on a particular issue or policy area or more wide-ranging, for example on a draft version of the Plan.

2.2.4 At this stage, a Sustainability Appraisal Report (SA) will also be prepared to help direct and influence the plan. The SA will identify and consider likely significant effects of the plan on social factors, the environment and the economy and potential mitigation measures to reduce them. Each iteration of the Local Plan will be informed by an updated and revised SA, which will be published alongside the Local Plan.

Stage 2 – Publication of a Local Plan (Regulation 19)

2.2.5 After careful consideration of the representations received from the previous stage, the Council will produce the proposed submission Local Plan. This will be the final version of the Local Plan that the Council intends to submit for public examination.

2.2.6 The submission Local Plan will be published for a minimum of six weeks and representations invited against the tests of soundness i.e. is the plan justified, effective, consistent with national policy and positively prepared. This is effectively the last stage when representations can be made to the Council about the Plan.

2.2.7 The government is currently consulting on a revised NPPF and any future DPDs will need to meet the tests of soundness set out in the new NPPF (once it has been published and in place for six months).

Stage 3 – Submission of a Local Plan (Regulation 22)

2.2.8 At this stage a copy of the Submission Local Plan and supporting information will be submitted to the Secretary of State for independent examination. The supporting information will include the formal representations made to the Submission Plan including a summary of the main issues raised.

Stage 4 – Examination of a Local Plan (Regulation 24)

2.2.9 An Inspector, appointed by the Secretary of State, will examine the document and consider the issues raised in the representations made. Anyone who has made a formal representation when the Submission Plan is published will be notified of the examination process. The right to appear and be heard at examination hearings is limited to those persons who have made representations seeking a change to the Plan. However, the Inspector is not precluded from inviting anyone to appear and be heard at a hearing session(s) where they think that person is needed to enable the soundness of the Plan to be determined.

2.2.10 The Inspector will consider whether the plan has met the appropriate legal and procedural requirements, including being prepared in accordance with the SCI. If the plan is considered legally compliant the Inspector will then consider if the document is 'sound'.

2.2.11 The Inspector may invite the Council to make modifications to its Local Plan in order to make it sound. Further consultation is normally required in relation to these modifications. Consultation responses at this stage are considered by the Inspector and not the Council.

2.2.12 The Inspector will publish a written report with a recommendation to adopt the Local Plan, either with or without modifications, or recommend that that the plan should be withdrawn.

Stage 5 – Adoption of a Local Plan document (Regulation 26)

2.2.13 The Council will consider the findings of the Inspector's Report. If the Plan is recommended for adoption, then it will need to be approved by Full Council. On adoption the Council will notify anyone who has requested this. An adoption statement will also be published.

2.3 Supplementary Planning Documents - When Do We Consult?

2.3.1 Supplementary Planning Documents (SPDs) expand on the policies set out within DPDs. They provide further planning guidance rather than policy. They are therefore only viewed as a material consideration within the planning decision making process. They are not subject to independent examination, and have fewer required stages in their production.

2.3.2 The key stages for the preparation of SPDs are set out in the Local Planning Regulations. The following section provides a summary of the main stages which a SPD has to go through. More detail on each of these stages is provided in Appendix 3.

Stage 1 – Public participation (Regulation 12 & 13)

2.3.3 During the preparation of the SPD the Council will undertake informal engagement with relevant stakeholders and the public. The SPD will then be published and formal representations invited. This will be for a minimum of 4 weeks.

Stage 2 – Adoption of supplementary planning documents (Regulation 14)

2.3.4 The Council will consider all the representations made and decide whether to adopt the Plan unchanged or with revisions to address issues raised in the representations.

2.3.5 On adoption the Council will notify any person who has requested this. An adoption statement will also be produced and made publicly available (on the Council's website).

2.4 Who Do We Consult

1 Introduction

2.4.1 Depending on the type of planning document being prepared there are a number of bodies that the Council is required to consult and invite to comment.

2.4.2 The Local Planning Regulations set out the requirements for who must be consulted at defined key stages of plan production. These are known as the 'specific consultation bodies' and are listed in Appendix 1.

2.4.3 The Council also has discretion to identify a number of other bodies who represent certain interests and may be appropriate to consult at key stages. These are known as the 'general consultation bodies' and are also listed in Appendix 1.

2.4.4 It should be noted that these bodies may change as a result of amendments to the Local Planning Regulations and/or the Council amending/updating the list of general consultation bodies.

2.4.5 In addition to the 'specific' and 'general' consultation bodies, the Council is committed to involving a wide range of other individuals and organisations including members of the public, residents associations, local businesses, developers/agents, landowners, local community/voluntary groups and 'hard to reach' groups in the preparation of a Local Plan. Some of the identified 'hard to reach' groups are listed in Appendix 1.

2.4.6 The Council maintains an address database of individuals, groups and other interests wishing to be informed when documents are published. The database is updated regularly and any individual or organisation can be added to the database at any time by contacting the planning policy team.

2.5 How Do We Consult

2.5.1 There is a distinction between 'formal stages' of plan production (where the nature of consultation is governed by the Local Planning Regulations) and 'ongoing consultation' with the community as part of the development and assessment of emerging options. The type of consultation method to be used will vary depending on the stage of production.

2.5.2 The minimum legal requirements concerning how a LPA must consult on Local Plans are set out in the Local Planning Regulations. These require the LPA to inform certain consultation bodies of each of the consultation stages and to make documents available at defined locations. These locations are the Council's principal offices in Grantham and its area offices, local libraries and on the Council's website.

2.5.3 The Local Planning Regulations allow for documents and notices to be sent by electronic communication. Paper copies of documents will be made available for inspection in the locations identified above. However, use of electronic communication is an efficient and quick way of circulating information. Where groups and individuals have provided an email address, information will normally be sent electronically.

2.5.4 The Council intends to use a range of methods to inform and consult with the community in preparing Local Plan documents. The following table illustrates key methods of consultation which may be used, their main benefits and potential consultee groups which they would be appropriate for.

2.5.5 Further details of how these methods will be applied to DPDs or SPDs are outlined in Appendices 2 and 3 respectively.

Method	Benefit	Main groups to be consulted (lists not exhaustive)
Make documents and supporting information available at Council offices and public libraries for inspection	Consultation documents and information are available free of charge in a variety of locations during opening hours	General public (including hard to reach groups)
Make documents, supporting information and electronic methods of responding available on the Council's website	Information is easily accessible from people's own homes and businesses, 24 hours a day Comments can be submitted to the Council quickly, at any time and with no cost	Anyone with suitable internet access
Drop in sessions	Publicises information in a user friendly way, in a variety of locations	General public (including hard to reach groups)
	Provides an opportunity for individuals to raise and discuss issues directly with Council staff	
Information in the Council's newsletter	Information is circulated to all households in the District using an existing communication channel	All residents within the District
Press releases to local newspapers and/or local radio	Provides information to the local community	General public, local businesses and community/voluntary groups
Distribute information to Town and Parish Councils/Meetings to be displayed on village notice boards	Allows information to be displayed in public locations locally and also provides an opportunity for representatives of Town and Parish Councils/Meetings to raise and discuss issues	Town & Parish Councils and local residents/businesses
Stakeholder groups	Provides an opportunity for selected stakeholders to raise and discuss issues directly	Dependent on the group(s) selected

Method	Benefit	Main groups to be consulted (lists not exhaustive)
Dovetailing as an agenda item on another meeting	Uses existing bodies representing a wide range of community groups and stakeholders	Dependent on the meeting selected
Letters and e-mails to contacts on address database	Formal means of communication which ensures information has been received	Specific and general consultees and anyone else with interest in plan making

2.5.6 After each consultation stage the Council will prepare and publish on the website a schedule of the representations received and the Council's response to them.

2.6 Neighbourhood Planning

2.6.1 The Localism Act 2011 introduced a new right for local communities to draw up a neighbourhood plan for their local area. These plans can be very simple and concise, or go into more detail. Preparation of a Neighbourhood Plan should be led by a Parish Council or a Neighbourhood Forum in non-parished areas.

2.6.2 The level of detail and scope of the plan is for the Parish Council or Neighbourhood Forum to decide. They can allocate land for development and include policies to manage development. Any proposed plan would, however, have to be in conformity with the strategic objectives and policies of the South Kesteven Local Plan (Core Strategy).

2.6.3 As Neighbourhood Plans are not prepared by the Council, the SCI cannot prescribe what methods of community consultation they should undertake. However, as a minimum any Neighbourhood Plan must meet the requirements of The Neighbourhood Planning (General) Regulations 2012.

2.6.4 Although the Council is not responsible for the drafting of the plan, it is responsible for publicising Neighbourhood Plans, consulting upon certain applications to designate a Neighbourhood Area, organising referendums and 'making' Neighbourhood Plans.

2.6.5 Further information on how the Council will support neighbourhood plans is available on the Council's web site⁽⁵⁾.

5 www.southkesteven.gov.uk/index.aspx?articleid=4551

3 Planning Applications

3.1.1 The Council determines around 2,000 planning applications each year, most of which are received electronically, and which range from householder extensions and Listed Building Consents to major new residential, retail or office developments. As part of the process to determine these applications, it is important that the community and other stakeholders have the opportunity to get involved, to help shape the areas where they live, work and spend their leisure time.

3.1.2 Planning legislation sets out the minimum requirements for publicising and consulting the community and stakeholders on planning applications. This section sets out our interpretation of how we will meet those requirements through the development management process, through consultation at pre-application, application and appeal stages.

3.2 Pre-Application Advice and Consultation

3.2.1 The Council encourages pre-application discussions for certain types of development before making a formal application. The objective of these discussions is to establish whether the principle of the development is acceptable and to clarify the format, type and level of detail required to enable the Council to determine the application.

3.2.2 The Council has formal procedures in place for dealing with pre-application planning advice. This allows the Council to dedicate time with applicants to improve the quality of development schemes. Further guidance on pre-application advice is available on the Council's web site⁽⁶⁾.

Pre-Application Consultation by Developers

3.2.3 For major applications the Council would strongly encourage applicants, not already required to do so by other requirements of the Town & Country Planning Acts, to carry out their own pre-application consultation and seek involvement from stakeholders. This may take the form of a public meeting and/or exhibition in the locality of the proposal, a dedicated website providing information on the proposal, additional neighbourhood notification or press coverage but it should be effective in bringing draft proposals to the attention of the public, parish councils and other parties in the area that may be affected by the proposal.

3.2.4 Similarly, early engagement with key consultees is encouraged, allowing the opportunity for consultees to make comments on the proposal, and allowing key issues to be addressed prior to any planning application being submitted. Please note that some consultees have their own specific requirements relating to pre-application engagement.

3.3 Notification/Publicity of Planning Applications

3.2.1 Once a planning application has been received and validated by the Development Management team, there is a process of publicity and consultation that is undertaken to ensure that stakeholders and the community have the opportunity to have their say on the development proposed.

3.2.2 A significant proportion of the applications submitted to the Council are received electronically via the Planning Portal. The Council is committed to efficient and modern ways of working and communication, and places particular emphasis on the use of electronic means and technology. Most notification is done electronically wherever possible, and the Council maintains a website which hosts its formal planning register.

3.2.3 Notification and consultation of planning applications (of all types) are required by planning legislation, in particular by the Town and Country Planning (Development Management Procedure) (England) Order 2015. Some applications require special (or additional) publicity requirements due to their particular characteristics (eg applications accompanied by an Environmental Statement)

3.2.4 Appendix 4 sets out the Council's approach to the publicity/notification to be given for planning applications.

3.2.5 A degree of flexibility is required in order to fit the variety of application types received by the Council and to allow for an appropriate level of engagement.

Weekly list

3.2.6 Whilst not a statutory requirement, the Council produces a weekly list of planning applications it has received. This is made available on the Council web site ⁽⁷⁾ and is used as part of our consultation process.

Press notices

3.2.7 In addition to the above, for some types of application (see Appendix 4) a publicity notice outlining some basic details on the application will be placed in the local press covering the area for the application site.

Parish and Town Councils

3.2.8 All Parish and Town Councils are notified of relevant applications within their area. This is done electronically by email.

3.2.9 As all applications are made available to view on the Council's website, paper copies of applications are not provided to Parish and Town Councils. For the larger and most sensitive applications (defined as those submitted with an Environmental Statement - ES) the Council will endeavour to provide the Parish or Town Council with a paper copy of the documents. For other specific cases, Parish and Town Councils can request paper copies of an application subject to a charge reflective of the costs involved.

7 <http://www.southkesteven.gov.uk/index.aspx?articleid=9229>

Neighbouring owner/occupier Notifications & Site Notices

3.2.10 The requirement for notification of neighbouring owners or occupiers, and for site notices are set out within planning legislation. In most cases, the approach to notification is left to the discretion of the Local Planning Authority, and either requires notification or a site notice to be displayed. The Council's approach to these requirements is set out within Appendix 4.

3.2.11 The extent of neighbour notification is at the discretion of the case officer (especially in rural areas). In practice, this normally means those properties bordering an application site or which the case officer assesses as most likely to be affected by a proposal. The Council will only notify in writing the owner and occupiers of such properties. In circumstances where land adjoins the site and the owner is not known a site notice will usually be displayed.

3.2.12 Where a site notice is displayed, it will be located on or near to the land that is subject to the application, and multiple site notices may be displayed. Where a site notice is taken down, destroyed or defaced during the determination of the application; it is at the Council's discretion whether a replacement is displayed based upon the remaining extent of the consultation period or the determination period of the application and the extent of other forms of notification.

3.2.13 Formal notification is not a prerequisite to enable interested parties to comment on an application.

3.2.14 Interested parties are invited to inspect the application online via the Council's website ⁽⁸⁾, access to which is also provided at the Council Offices. In specific circumstances such as where an interested party is disabled or elderly and unable to get to the Council Offices or access the plans online we can provide them with a free copy of the plans. Such requests should be made to the Case Officer in the first instance. Copies of plans are available to others at a charge, reflective of the costs involved.

8 <http://www.southkesteven.gov.uk/index.aspx?articleid=8170#/>

3.3 Commenting on Planning Applications

3.3.1 Interested parties are invited to make comments within a specified period (the consultation period), usually within 21 days. We continue to accept comments until the application is determined, so in many cases this will be longer than 21 days. However, we cannot guarantee that comments received after the consultation period has closed and after production of the recommendation has been commenced, will be formally considered as part of the determination of an application. It is therefore important to ensure that any comments are received by the Council in a timely manner.

3.3.2 We encourage people to respond online through the Council's website. This allows interested parties to provide comments at a time which suits them and also allows us to receive and process comments more efficiently. Alternatively, comments can be submitted by email or post. We will not acknowledge comments received.

3.3.3 All comments must be made in writing and contain the name and address of the author. We cannot consider anonymous comments. Signatures are not required and in the interests of Data Protection you are encouraged not to supply them. A telephone number is sometimes useful in case the Council or an applicant/agent needs to make contact to discuss your comments, however, this is not essential. Additionally, you should note that it is not possible for us to respond directly to comments received. Details on how comments are considered within the determination process are set out below.

3.3.4 All comments received are public documents and will be made available to view by third parties (this includes providing copies of comments directly to them). Some information cannot be kept confidential, including the name and address of the author. Sensitive personal information (signatures, email addresses and phone numbers) is redacted. All comments received may be provided to other bodies, such as the Planning Inspectorate, should the application proceed to Appeal.

3.3.5 As a result of changes in Data Protection legislation and the introduction of the General Data Protection Regulations in May 2018, along with other factors relating to the commenting on applications and improvements to methods of working and electronic communication, the Council will be reviewing how parties comment on applications and how such information is retained and used. A further document dealing specifically data protection issues will be produced in due course alongside this document. This will be made publicly available, and will be regularly reviewed.

3.3.6 The Council will take into account all responses received as a result of its consultations on planning applications where the issues raised are material planning considerations. We will not re-publicise comments received in their totality within reports or recommendations, and will summarise all comments received and material planning considerations raised.

3.3.7 The Council can only consider objections or comments which raise relevant planning issues (also known as material planning considerations), for example loss of light or the effect a proposal might have on the character and appearance of the surrounding area.

3 Planning Applications

3.3.8 Some examples of material considerations and non-material considerations can be found below (this list is not exhaustive).

Material Considerations	Non-Material Considerations
National and local planning policies	Issues considered under Building Regulations
Planning history and previous appeal decisions	Land/boundary disputes, including rights of access
Case law	Opposition to business competition
Impact on sunlight, outlook, privacy and amenity	Loss of property value
Highways issues	Loss of view
Effect on listed building or conservation area	Opposition to principle of development if permission has been granted by an outline application or appeal decision

Source: RTPI Planning Aid

3.3.9 A considerable amount of negotiation takes place on a large number of applications, particularly major ones. Steering development towards a more acceptable form is a crucial part of the development management process. This dialogue between planning officers, developers and their professional advisors and the local community is something which the Government and the Council actively encourages.

3.3.10 In a number of cases, proposals will generate much public interest and letters of objection. Often planning officers will advise developers that amendments to their applications will result in a better quality of development, which may indeed overcome objectors' concerns. However, it is important to note that planning decisions are made on the basis of material planning considerations (many of which may be raised by objectors) but not the number of objections received.

Re-notification

3.3.11 In some instances, applications may be amended or additional supplementary information submitted to the Council during the life of the application. Where this happens and it materially alters a proposal, the Council will undertake a further consultation and notification exercise, commensurate with the type and size of amendments or the level of information submitted. Any additional publicity on changes to an application will be at the discretion of the case officer and will depend on the degree of change from the original submission. Any additional information received will be placed on the Council's website.

3.3.12 For listed building applications, or applications within conservation areas, significant amendments will be re-advertised.

3.4 Determination of Planning Applications

341 The majority of planning applications are determined by planning officers under delegated powers. However, some applications such as those which are larger scale, strategic or controversial in nature are determined by the Council's Development Management Committee.

342 Where a determination may be made under delegated powers, we will endeavour to do so. A report will be produced, and will be available to view online when the decision is issued. The report will clearly set out the reasons for the decision that has been made, along with the consideration of relevant factors including development plan policies, and other material considerations including any comments received.

343 Meetings of the Council's Development Management Committee are held approximately every 4 weeks. Where an application is required to be determined by the Council's Development Management Committee, a report will be included on the Committee agenda which is available to view on the Council's web site⁽¹⁰⁾ and is published one week prior to the Committee meeting.

344 Applicants and any other persons who have made representations on an application to be heard by Committee will be notified. The Council's policy on public speaking at the Development Management Committee is available on the Council's web site⁽¹¹⁾.

Role of Elected Members

345 One of the key purposes of the planning system is to manage development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the impact on adjoining land and development and the quality of their settings. It is important, therefore, that planning authorities make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons.

346 People affected by a planning decision or other planning proposals may often seek to influence it through an approach to their elected District Councillor or to a Councillor on the relevant decision making committee. This lobbying is normal and a part of the political process. However, elected Members must restrict themselves to giving procedural advice, including suggesting to those who are lobbying that they should speak or write to the relevant officer, in order that their opinions can be included in the officer's report to committee. Councillors are guided by Codes of Conduct.

10 <http://moderngov.southkesteven.gov.uk/ieListMeetings.aspx?CId=165&Year=0>

11 <http://www.southkesteven.gov.uk/index.aspx?articleid=9234>Notification of Decision on Planning Applications

3 Planning Applications

3.4.7 Planning Practice Guidance and planning legislation requires specific parties to be notified of planning decisions. The Council approaches this by providing all of its decisions on the website (whether or not it was determined by officers under delegated powers or at Committee). Decisions, if taken at Committee, are also publicised in the committee minutes, also available on the Council's website.

3.5 Planning Appeals

3.5.1 The planning system includes a right for the applicants to seek an Appeal to the Planning Inspectorate (PINS), acting on behalf of the Secretary of State.

3.5.2 An appeal may be submitted by the applicant where permission has been refused or permitted with conditions which the applicant considers to be unacceptable. There is also a right of appeal if the application has not been determined within the relevant time limit. **Third parties do not have the right to appeal planning decisions.**

3.5.3 All those who were notified of the original application or submitted comments will be notified in writing of the appeal and how to make their views known to the Planning Inspectorate (PINS). Comments received by the Council as part of the determination of the original application will also be sent to the Planning Inspectorate.

3.5.4 Further notifications may be undertaken by the Council on behalf of the Planning Inspectorate depending on the type and nature of the Appeal. For example, Appeals decided by public inquiry require publication in the press (indicating the date, time and location of the inquiry) and a site notice will be posted.

3.5.5 The determination of an Appeal is outside of the control of the Council. The processing requirements, including the timescales, for the Planning Inspectorate are set out within planning legislation. The Planning Inspector will consider the evidence and decide whether to allow or dismiss the appeal. They will inform the Council and interested parties of the outcome, and place a copy of the decision on the Planning Inspectorate website. Once received, a copy of the decision will be placed on the Council's website. This decision is binding on the Council (although it can be challenged on a point of law in the High Court).

3.6 Prior Approval Notifications

3.6.1 Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant Parts in Schedule 2 to the General Permitted Development Order. A local planning authority cannot consider any other matters when determining a prior approval application.

3.6.2 The Council can consider whether prior approval of certain details is required in advance of a formal decision being issued. There are multiple kinds of prior approval notifications, with different determination periods. If no information is requested by the Council within these timescales, the application is approved.

3.7 Designation of New or Amended Conservation Areas

3.7.1 Conservation area boundaries itself are a statutory designation, and there is a duty 'from time to time' to review them below sets out what below of what the

statutory requirements are and what the Council will do additionally.

3.7.2 Minimum statutory requirements

- Proposals for preservation and enhancement of conservation area must be submitted for consideration at a public meeting to the local area which it relates
- The LPA must give regard to any views expressed by those who attended the meeting
- Notify the Secretary of State and Historic England
- Publicise the intention to designate by a notice placed in the London Gazette and a local newspaper.
- (We must follow the same publicity procedures to vary or cancel a designation as required to designate.)

3.7.3 Additional consultation

- 6 weeks consultation
- Consult properties in existing and proposed boundaries
- Publish on website
- Consult Heritage and community organisations
- Public meetings/exhibitions

3.7.4 Additional Notification

- Notify properties in new boundaries
- Notify Heritage and community organisations

3.8 Works to Protected Trees

3.8.1 Some trees are protected by Tree Preservation Orders (TPOs). Where trees are covered by TPOs, any works to them require statutory notification to the Council. Applications for works to TPO trees will be determined within eight weeks from the date of receipt. Delegated authority is available for officers to determine the application.

3.8.2 There are no requirements to undertake consultation in respect of applications for works, however, neighbours will be notified of applications at the discretion of the case officer.

3.8.3 Following a decision, the decision notice will be made available online for public inspection.

3.8.4 Proposals for works to trees in Conservation Areas will be determined within six weeks from the date of receipt and if consent is not appropriate, the Local Planning Authority will consider placing a TPO on the tree(s). We will follow the same approach

3 Planning Applications

with these applications as for works to a TPO tree as identified above.

3.8 Hedgerow Removal Applications

3.8.1 In some cases, the removal of certain hedgerows requires permission. Applications under the Hedgerow Regulations 1997 will be determined within six weeks of receipt of a removal notice.

3.8.2 Consultation letters will be sent out to the Parish Council, and any other relevant bodies at the officer's discretion.

3.9 Enforcement

3.9.1 Most enforcement cases arise following a referral from a member of the public. All referrals are treated confidentially. There is no consultation with the public on enforcement cases. Cases are investigated in accordance with the Council's planning Enforcement policy, and take into consideration national legislation and policy, case law and best practice. Many cases can be resolved or regularised through the submission of a planning application which is then determined in the normal way as identified by earlier sections of this document.

3.9.2 We do not make Enforcement cases publicly available, save for those which form part of the Council's formal Enforcement Register, which relate to those where formal notices were produced.

3.9.3 Further information on enforcement is available on the Council's web site⁽¹²⁾.

12 <http://www.southkesteven.gov.uk/index.aspx?articleid=8171>

Appendix 1: Consultation Bodies

Duty to Co-operate

The Duty to Co-operate bodies (relevant to South Kesteven District) are:

- Environment Agency
- English Heritage (Historic Buildings and Monuments Commission for England)
- Natural England
- Civil Aviation Authority
- Homes and Communities Agency
- South and South West Lincolnshire Clinical Commissioning Groups
- Office of Rail Regulation
- Highways Agency
- Lincolnshire County Council (as the Highway Authority)
- Greater Lincolnshire Local Enterprise Partnership (LEP)
- Greater Lincolnshire Nature Partnership

Specific Consultation Bodies

The specific consultation bodies (relevant to South Kesteven District) are:

- The Coal Authority
- Environment Agency*
- English Heritage*
- Natural England*
- Network Rail Infrastructure Ltd
- Highways Agency
- Any relevant local authority in or adjoining the District i.e. Parish, District/Unitary and County Councils
- Any relevant telecommunications companies
- South and South West Lincolnshire Clinical Commissioning Groups
- Any relevant electricity, gas, water and sewage undertakers
- Homes and Communities Agency

* the Council is required to consult with these bodies regarding the scope of Sustainability Appraisals

General Consultation Bodies

The general consultation bodies are:

- Voluntary bodies whose work benefits any part of the District
- Bodies which represent the interests of different racial, ethnic or national groups in the area
- Bodies which represent the interests of different religious groups in the area
- Bodies which represent the interests of disabled persons in the area
- Bodies which represent the interests of persons carrying out business in the area

Hard to Reach Groups

The following groups have been identified as the District's hard to reach groups. A number of these have local or national bodies which represent them and which are included in the Council's consultation database as general consultation bodies:

- Young people
- People from ethnic minority backgrounds
- People with disabilities
- The elderly
- Rural communities
- Traveller communities
- The homeless

Appendix 2: Summary of Development Plan Document Preparation

Stage	Minimum consultation requirements	Additional consultation methods which may be used
Preparation of a local plan (Reg 18)	<p>To notify (via letter or email) and invite representations about the scope of the local plan from:</p> <p>specific consultation bodies; general consultation bodies; and residents or other persons carrying out business within the area where appropriate</p> <p>Those considered to have an interest will be informed by email or letter regarding:</p> <p>the consultation period; and how the plan can be viewed and commented on</p> <p>Depending on the complexity of the Local Plan there may be more than one consultation period during the plan preparation stage, normally with a minimum consultation period of 6 weeks (up to a maximum of 12 weeks)</p>	<p>Press release to local newspapers</p> <p>Public notice in local newspapers</p> <p>Drop in sessions</p> <p>Stakeholder group meetings</p> <p>Summary leaflets</p> <p>Use of social media</p>
Publication of a local plan (Reg 19) and Representations relating to a local plan (Reg 20)	<p>Make copies of the proposed submission document and supporting information available:</p> <p>at the Council's principle and area offices; other places considered appropriate (e.g. local libraries); and on the Council's website.</p> <p>Make available a statement of the representations procedure which states:</p>	<p>Press release to local newspapers</p> <p>Public notice in local newspapers</p> <p>Drop in sessions</p> <p>Stakeholder group meetings</p> <p>Summary leaflets</p> <p>Use of social media</p> <p>Notice circulated to Town and Parish Councils and Meetings for public display</p>

Appendix 2: Summary of Development Plan Document Preparation

Stage	Minimum consultation requirements	Additional consultation methods which may be used
	<p>where the submission documents can be viewed; and the period the documents will be made available for.</p>	
	<p>Set a statutory period of at least 6 weeks for any person to make a representation on the proposed local plan.</p>	
Submission of Plan to Secretary of State (Reg 22)	<p>The plan and required accompanying documents to be sent in paper form and electronically to the Secretary of State.</p>	<p>Press release to local newspapers Public notice in local newspapers Use of social media</p>
	<p>The plan and accompanying documents will be made available at the Council offices, libraries and published on the Council's website.</p>	
	<p>A statement will be placed on the Council's website and made available at the Council offices and Libraries setting out where the plan and accompanying documents are available and the times at which they can be inspected.</p>	
	<p>All those notified at the plan preparation and publication stages will be notified that the plan has been submitted and where it can be inspected. Anyone else who has specifically asked to be notified when the plan is submitted will also be contacted.</p>	

Stage	Minimum consultation requirements	Additional consultation methods which may be used
Independent Examination (Reg 24)	<p>At least 6 weeks before the opening of the examination hearing any person who made a representation in accordance with Regulation 20 will be notified about the examination and given the opportunity to appear before and heard by the Independent Inspector</p> <p>A public notice to be placed on the Council's website and a hard copy placed on display in the Council's offices setting out the date, time and place where the hearing(s) will be held and the name of the Inspector appointed to carry out the examination</p>	<p>Press release to local newspapers</p> <p>Public notice in local newspapers</p> <p>Use of social media</p>
Proposed modifications	<p>Modifications will be published on the website</p> <p>Notification of the publication will be made to all those who made representations on the Local Plan</p>	<p>Press release to local newspapers</p> <p>Public notice in local newspapers</p>
Publication of Inspector's recommendations (Reg 25)	<p>The Inspector's Report will be made available at the Council offices and published on the Council's website.</p> <p>Any persons who requested to be notified of the publication of the report will be informed that the recommendations are available.</p>	<p>Not applicable</p>
Adoption of a local plan (Reg 26)	<p>As soon as reasonably practicable after the Council adopts a plan, the plan and accompanying documents will be made available at the Council offices and Libraries and on the Council's website. Details of where the plan is available for inspection and the places and times will also be publicised.</p>	<p>Press release to local newspapers</p> <p>Public notice in local newspapers</p> <p>Use of social media</p>

Appendix 4: Publicity for Planning Applications

Stage	Minimum consultation requirements	Additional consultation methods which may be used
	A copy of the adoption statement will also be sent via letter or email to the Secretary of State and to anyone who has specifically asked to be notified.	

Appendix 3: Summary of Supplementary Planning Documents Preparation

Stage	Minimum consultation requirements	Additional consultation methods which may be used
Public participation (Reg 12) And Representations on supplementary planning documents (Reg 13)	<p>Specific consultees, general consultees and those considered to have an interest will be informed by email or letting regarding:</p> <ul style="list-style-type: none"> • the consultation period; and • how the document can be viewed. <p>The draft document will be made available at the Council offices, Libraries and published on the Council's website.</p> <p>There will be one formal consultation period during the preparation, normally with a minimum consultation period of 4 weeks.</p>	<ul style="list-style-type: none"> • Press release to local newspapers • Public Notice in local newspapers • Public meetings and/or exhibitions • Stakeholder group meetings • Summary leaflets • Use of social media
Adoption of supplementary planning documents (Reg 14)	<p>An adoption statement, together with the SPD, will be made available at the Council offices, Libraries and published on the Council's website.</p> <p>A copy of the adoption statement will also be sent via letter or email to anyone who has specifically asked to be notified.</p>	<ul style="list-style-type: none"> • Press release to local newspapers • Public Notice in local newspapers • Use of social media

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Appendix 4: Publicity for Planning Applications

Appendix 4: Publicity for Planning Applications

Nature of Development	Publicity/consultation	Regulations
For applications accompanied by an Environmental Impact Assessment	Public Notice in local press Site notice	Town and Country Planning (Development Management Procedure) Order 2010 Article 15 (2) (a) (DMPO) (or as amended) & The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Part 5 (or as amended)
Proposals that depart from the Development Plan	Public Notice in local press Site notice	DMPO 2010 Article 15 (2)(b) (or as amended)
Development affecting a Right of Way	Public Notice in local press Site notice	DMPO 2010 Article 15 (2)(c) (or as amended)
Major Development 10 or more dwellings or site area of 0.5 hectares or more 1000 sq m or more of floorspace Development carried out on a site having an area of 11 hectares or more	Public Notice in local press Site notice or Notification to adjoining land owners or occupiers	DMPO 2010 Article 15 (4) (or as amended)
All other 'Planning Applications'	Site Notice or Notification to adjoining land owners or occupiers	DMPO 2010 Article 15 (5) (or as amended)

Lawful Development Certificate (for proposed development)	None required, Notification sent at officer discretion	n/a
Non-material amendments		
Discharge of conditions		
Certificates of Appropriate Alternative Development		
Hazardous Substances Consent		
Advertisement Consent		
Adjoining Authority Consultation		
Lawful Development Certificate (for existing development)	None required, Notification to Parish Councils and neighbours at officer discretion	n/a

Appendix 4: Publicity for Planning Applications

Nature of Development	Publicity/consultation	Regulations
Works to trees protected by Tree Preservation Order/within a Conservation Area	None required, Parish notified of decision	n/a
Hedgerow Removal Notices	Notification to Parish Councils	The Hedgerows Regulations 1997 (or as amended)
Listed Building Consent Application	Public Notice in local press Site notice (unless works are wholly internal on a Grade 2 listed building)	Regulation 5(a) of The Planning (Listed Buildings and Conservation Areas) Regulations 1990 (or as amended)
Development affecting the setting of a listed building	Public Notice in local press Site notice	Section 67 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or as amended)
Development affecting the character or appearance of a Conservation Area	Public Notice in local press Site notice	Regulation 5(a) of The Planning (Listed Buildings and Conservation Areas) Regulations 1990 (or as amended)
Prior notifications for proposed development (includes home extensions, agricultural buildings, telecoms etc.)	Due to the number of different types of prior notification with various publicity requirements, they will not all be listed here. All prior notifications will be dealt with as specified by the GPDO	The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (or as amended)

Glossary and List of Abbreviations

Glossary

Conservation Area - areas of special architectural and/or historic interest, the character of appearance of which it is desirable to preserve or enhance

Core Strategy – sets out the long-term spatial vision and spatial objectives for the district and strategic policies and proposals to deliver that vision

Development Plan Documents (DPDs) - They are spatial planning documents that are subject to independent examination. There is a right for those making representations seeking change to be heard at an independent examination

Duty to Cooperate - created by the Localism Act 2011 it places a duty on local authorities to 'engage constructively, actively and on an ongoing basis' with certain specified bodies to maximise the effectiveness of Local Plan preparation relating to strategic cross boundary issues

Examination - the purpose of the Examination is to determine if the Local Plan is sound. Most representations to the Examination will be written representations but in some cases the Inspector may decide the issues raised should be dealt with at hearing sessions

General Consultation Bodies - organisations defined by The Town and Country Planning (Local Planning) (England) Regulations 2012 that are required to be consulted at key stages of plan production. They include bodies which represent the interests of different racial, ethnic, religious or national groups, disabled persons and business in the LPA's area

Hard to Reach Groups - Groups of people or organisations within the community that have traditionally been more difficult to engage in the planning system. They include older people, religious, disabled and ethnic minority groups

Localism Act 2011 - Government legislation containing wide range of reforms to the planning system

Local Development Scheme (LDS) - sets out the programme for the preparation of local development documents.

Local Enterprise Partnership - local partnerships between local authorities and businesses set up to determine local economic priorities and undertake activities to drive economic growth and the creation of local jobs. There is a Greater Lincolnshire Local Economic Partnership

Local Plan – The new term for the suite of Development Plan documents. It may consist of a single or number of Development Plan Documents

National Planning Policy Framework (NPPF) – sets out the Governments planning policies. Replaces all previous Planning Policy Statements and associated Guidance

Glossary and List of Abbreviations

Neighbourhood Development Plans - The Plans are prepared by a parish council or neighbourhood forum for a particular neighbourhood area (made under the Localism Act 2011) and have to be in general conformity with the district plan, undergo Examination and a Referendum. After adoption they are used (alongside other policy documents) to determine planning applications

Planning Inspectorate (PINS) - an independent Government agency that processes planning and enforcement appeals and holds inquiries into development plan documents

Specific Consultation Bodies - organisations defined by The Town and Country Planning (Local Planning) (England) Regulations 2012 that are required to be consulted at key stages of plan production. They include neighbouring and parish councils, key service providers, Government departments and non-government organisations

Statement of Community Involvement (SCI) - sets out the standards which the plan-making authority intends to achieve in relation to involving the community in the preparation, alteration and continuing review of all planning policy documents and in development management decisions

Supplementary Planning Documents (SPDs) - these cover a wide range of issues on which the plan making authority wishes to provide guidance to supplement the policies and proposals in development plan documents. They do not form part of the development plan and are not subject to independent examination

Sustainability Appraisal (SA) - a tool for appraising policies to ensure they reflect sustainable development objectives (i.e. social, environmental and economic factors)

Tree Preservation Order (TPO) - an Order made by a Council in respect of a tree(s) because the tree is considered to bring amenity value to the surrounding area. The order makes it an offence to cut down, uproot, prune, lop or damage the tree in question without first obtaining the Council's consent. A TPO can apply to a single tree, a group of trees or a woodland

List of Abbreviations

DPD - Development Plan Document

LEP - Local Enterprise Partnership

LDS - Local Development Scheme

LPA - Local Planning Authority

NDP - Neighbourhood Development Plan

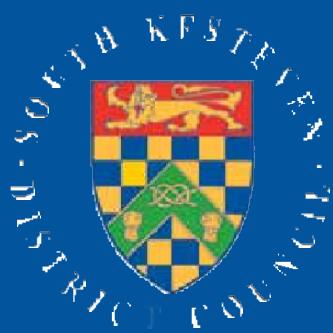
PINS - Planning Inspectorate

SA - Sustainability Appraisal

SCI - Statement of Community Involvement

SPD - Supplementary Planning Document

TPO - Tree Preservation Order



South Kesteven District Council
Council Offices
St Peter's Hill
Grantham
Lincolnshire
NG31 6PZ

t: 01476 40 60 80
e: pr@southkesteven.gov.uk
w: www.southkesteven.gov.uk

South Kesteven District Council

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