

King's Lynn and West Norfolk Borough Council

Statement of  
Community Involvement

Local Plan and  
Planning Applications

April 2016

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## **Introduction**

The Statement of Community Involvement (SCI) is a 'code of practice' describing how and when the Council intends to involve local communities in planning for the future of the borough through:

- The preparation of the Local Plan and other planning policy documents; and
- The determination of planning applications.

The Council adopted a Statement of Community Involvement (SCI) in 2006. This review of the Council's Statement of Community Involvement takes account of the recent changes in legislation and policy. Planning legislation sets out a number of statutory requirements with respect to consultation on planning policy documents and planning applications. The Statement of Community Involvement sets out how the Council will meet these requirements along with the additional activities the Council will undertake to involve people in the planning system.

The Localism Act 2011 also sets out a 'duty to co-operate'. It is a requirement that the Council engage with neighbouring Councils and other statutory bodies to consider joint approaches to plan-making. The Council is committed to meeting this duty and intends to work closely with neighbouring authorities, other partner organisations and stakeholders.

## **What is planning?**

The planning system affects everybody who lives in, works in or visits a place. It has to balance competing land uses, shaping places by setting out the vision for how communities will change. By achieving greater levels of community engagement in the planning process, local communities, stakeholders and other organisations can contribute more to the shaping of their local environment.

Most new buildings, major changes to existing buildings (including their use) or significant changes to the local environment need consent – known as planning permission. Without a planning system anyone could construct buildings or use land in any way they wanted, no matter what effect this would have on other people in the area.

King's Lynn and West Norfolk Borough Council, as your local planning authority, is responsible for deciding whether a development – anything from an extension on a house to a new shopping centre – should go ahead. In determining planning applications, the Government requires local planning authorities to have regard to the Local Plan. This is a collection of documents which set out the planning policies that will shape the future of King's Lynn and West Norfolk.

The King's Lynn and West Norfolk Local Plan is made up of the Core Strategy (adopted 2009), and the Site Allocations and Development Management Policies Plan (anticipated adoption Sept 2016). The subsequent review of the Local Plan will commence in late 2016.

## **The role of the Council**

### **Planning Policy Team**

This team is responsible for producing the documents, evidence base and studies that make up the Local Plan. They organise and lead consultation exercises on draft planning documents, consider responses and propose any subsequent amendments to the final documents. They also lead on Neighbourhood Plans, supporting the local communities in the production and adoption of their Plans.

### **Planning Control**

This team assesses planning applications in accordance with the adopted development plan, and other relevant material considerations such as the National Planning Policy Framework. This includes consultation responses and comments from the public. The Conservation Team are part of the Planning Control Team and are responsible for the protection and management of historic assets within the District, such as listed buildings. They are responsible for assessing listed building applications.

### **The role of Councillors**

Elected local Councillors have a key role to play in the planning process:

- Councillors attend committees and working groups to help review which planning policies the Council should pursue, ensure that they are carried out and monitor services provided to ensure that they are delivered in the most efficient and effective way.
- Planning Control Committee and Sub-Committees, made up of a number of Councillors, who make decisions on individual planning applications.
- Voicing support, commenting on, or raising objection to, planning applications in writing, or by speaking on the behalf of residents, at Planning Committees.
- Members will work together with officers in the preparation and development of any documents produced by the Council.

The role of local Councillors in representing the views and concerns of residents is very important in the planning process.

## **Our approach to community involvement**

When the Council involve you in preparing the Local Plan or consult you on a planning application the Council will:

- Ensure the process is simple by writing in plain English and explaining any planning terms that are used.
- Communicate clearly by explaining the reasons why the Council want to involve you and gather your comments.
- Make it easy for you to get involved by explaining when and where you can provide your views.
- The Council will make public events as accessible as possible for all

groups, taking into account the time and potential cost of attending, and making use of existing community involvement networks and groups.

- Share information with you on the Council's website, at Council offices and in local libraries.
- Use a range of cost effective delivery methods to ensure all individuals and groups have the opportunity to be involved.
- Be clear about the results by summarising the responses received and provide feedback on how these have been considered ensuring transparency and consistency.

### **General principles of planning consultation**

We will apply some general principles to our planning consultations:

- Involvement will be open to all regardless of gender, faith, race, disability, sexuality, age, rural isolation and social deprivation.
- Comments may be rejected where they are defamatory, obscene, racist or otherwise likely to cause offence.
- We will seek views of interested and affected parties as early as possible.
- We will select consultation processes by balancing cost and time constraints, community impact and our level of discretion on the outcome.
- Consultation publications will be clear and concise and avoid unnecessary jargon, without understating the complexities of any decision.

### **How can I be involved in the planning process?**

You can get involved in planning decisions affecting you and your community by:

- Having your say during public consultation periods for the Local Plan.
- Having your say on planning applications affecting your community.
- Reporting planning control breaches (such as a neighbour building a large extension to their home without planning consent).
- Taking part in any neighbourhood planning initiatives proposed by your Parish or Town Council.

**Benefits of community involvement**



## **2. Local Plan**

This section outlines how the Council will involve you in the preparation of planning policy documents such as the Local Plan.

The Local Plan forms the statutory development plan for the Borough and sets out the strategy and policies that guide development in the area. Planning applications for development must be in conformity with the Local Plan unless material considerations indicate otherwise. The Local Plan may consist of one document or a number of documents.

It is periodically reviewed or added to, in order to keep it up-to-date. The Council maintains a database of residents and other stakeholders who have asked to be kept informed on the Local Plan. From time-to-time we will contact you to see if you still wish to be involved. If we ask if you want to be kept on the database but receive no reply, then your details will be removed from the database. This is to make sure that we only consult interested parties.

Local Plans must be supported by evidence and generally accord with national policies. Current planning legislation sets out minimum requirements for a formal consultation process but does allow some flexibility for each Local Authority to decide how best to engage stakeholders. The Council is committed to wide community engagement, including working in close partnership with Parish Councils.

During the final stage of production, the documents are submitted to the Government and an independent Planning Inspector then carries out an Examination into the document, considering the views of interested people. The Inspector will produce a report making recommendations to the local authority.

### **Who we will consult**

- Statutory organisations including the County Council, neighbouring councils, infrastructure providers and government bodies as legally required or otherwise appropriate
- Organisations representing local geographical, economic, social and other communities or other relevant interests
- Local businesses, voluntary and other organisations
- Others who have expressed an interest in the subject matter
- The general public, via the Council's website

### **How we will consult**

The Council want to give everyone the chance to have their say on emerging Local Plan documents and other planning policy documents. A variety of consultation methods will be used during consultations, taking into consideration the issues being consulted on and the needs of the audience.

It is important that barriers which prevent people from taking part in public consultation are overcome, as some sections of the community may be difficult to reach using standard consultation techniques. The Council will continue to develop its understanding of different consultation techniques over time and learn from what works, and what doesn't. A variety of methods has and will be used during consultations, taking into consideration the issues being consulted on and the needs of the audience. The Council will endeavour in future consultations to increase the use of social media (e.g. Twitter) where possible to help access "hard to reach" groups, especially the younger population. The Council will also continue to use more traditional methods of consultation to include those without access to the internet.

The Council acknowledge the importance of making public consultation arrangements as extensive as possible to make sure the public can get their voice heard. However, it is not always possible or appropriate to undertake consultations using all the methods listed. The Council will endeavour to carry out consultation as appropriate to the nature of the plan/policy or proposal. Involvement will be open to all those who wish to be involved regardless of gender, race, disability, sexual orientation, age, rural isolation, social deprivation and social background. At any consultation stage the Council will comply with the minimum legal requirements for consultation but will seek to go beyond these requirements where time and resources allow. Consultation exercises need to gather the views of a cross-section of the local population so as many people as possible are encouraged to get involved. Local residents can offer unique knowledge and understanding of an area, including historic information for towns and villages and can be aware of important local issues.

The Council will make use of existing partnerships that already operate and engage effectively with important groups in the local area. This includes the valuable work of community and voluntary groups. Government Regulations also require that certain groups are consulted at key stages in the production of Local Plan documents; these include groups such as English Heritage and the Environment Agency. These are known as statutory consultees. In addition, the Council is required to invite comments from other general consultation bodies it considers appropriate. A list of the existing organisations the Council contacts at key consultation stages can be found in the Appendix 1.

Town and Parish Councils are key partners in the planning application and plan making process. Cooperation with these bodies represents an important element in the Council's approach to community involvement. The role of Town and Parish Council has become increasingly important through the introduction of Neighbourhood Planning. More details of Neighbourhood Planning can be found



on page 17 of this document and on the Council's website. We will endeavour to use a range of approaches as necessary. These are set out in the following list:

- Public exhibitions in accessible, community locations give the public the chance to look at plans and proposals and talk to planning officers in an informal environment.
- Emails and letters - If your details are held on our consultation database, we will inform you by e-mail or letter of upcoming consultations.
- Social media - Opportunities to use these methods will be explored further.
- Public notices and press releases.
- Public exhibitions
- Workshops - Workshops can provide an inclusive, interactive approach to gathering the views of a local community, helping to provide an opportunity to participate for those who prefer to discuss issues. Workshops can also be used to target specific groups such as young people or other hard-to-reach groups.

The Council will also endeavour to ensure that events such as workshops and public exhibitions will be held in accessible locations and at appropriate times.

- We will contact appropriate organisations and individuals directly
- All consultation documents will be made available for download on the Council's website: [www.west-norfolk.gov.uk](http://www.west-norfolk.gov.uk)
- We will publicise consultations using a range of methods which may include: local press advertisements, existing community groups, community events and joining with other consultations
- We will leave consultation documents on display at locations open to the public like council offices and libraries
- Copies of some consultation documents may be subject to a small charge, reflecting publication costs
- If asked we will provide copies of consultation documents to community groups, councils and other statutory bodies
- Where invited, we will seek to attend relevant meetings, e.g. Parish Council meetings and Neighbourhood Panel meetings
- We will publish comments received or a summary as soon as feasible and explain how comments have been taken into account when decisions are taken. A summary of comments will also be reported to Cabinet/ Council meetings.

### **When we will consult**

The preparation of planning policy documents is strictly regulated by planning law. The regulations require minimum levels of consultation at given stages of a document's preparation.

The regulations, however, do give flexibility on how to consult in the early stages of a documents preparation. Consultation events will normally take place in defined time periods. This will usually involve consultation on a written document

accompanied by a series of events such as workshops/exhibitions. Consultations on planning policy documents will usually last for 6 weeks. However, in the following circumstances the Council will aim to increase this period where it is not fixed by the regulations:

- a) Where the consultation period overlaps with either the Christmas, Easter, or August holidays. In such circumstances the consultation period will usually be extended to 8 weeks.
- b) Where there has been significant additional material included within the document between first publication of draft papers and formal consultation commencing. Again in such circumstances the consultation period will usually be extended to 8 weeks.

**Key stages required in the preparation of Local Plan documents (and other planning policy documents) and when you will be involved.**

A Local Plan has to be prepared in accordance with formal requirements set out in legislation. The following diagrams set out the key stages of preparation and when and how the Council will involve you-

- First, if appropriate, we will ask for ideas, views and information from appropriate organisations, individuals and local communities.
- We will then prepare and consult on a draft version of the SPD.
- After considering the responses to the draft, we will consider the need for further consultation and report to committee.
- Once we consider that there has been enough community involvement we will adopt the SPD.

The Council may also prepare a number of other Planning Policy documents which you can get involved in. These include:

Supplementary Planning Documents (SPDs)	Supplementary Planning Documents provide further advice on how Local Plan policies should be implemented. E.g. a development brief for a particular site, or practical guidance on how a policy should be interpreted and implemented in practice.
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Community Infrastructure Levy (CIL)	The Community Infrastructure Levy is a charge that local authorities can choose to collect on new development in their area. The money collected is used to fund infrastructure that has been identified as necessary, both by the Council and the local community, to support new development.
Evidence Base	The evidence base comprises a number of studies, reports and assessments that support the Council's emerging policies. This helps to ensure all future planning policies and decisions are based on robust, relevant and up-to-date information.
Local Development Orders	A Local Development Order allows certain developments to go forward in a specific area without the need for planning permission, as long as the type of development is covered by the order.
Neighbourhood Plans and Neighbourhood Development Orders are prepared by Parish and Town Councils and/or by Neighbourhood Forums.	
Neighbourhood Plans	Neighbourhood Plans form part of the statutory development plan for the district and are used to determine planning applications in the area the plan covers. Whilst the Council does not produce the Neighbourhood Plan there is a duty for it to provide advice and technical assistance to communities as work progresses.

	This includes having a specific role to play at certain statutory stages in the process.
Neighbourhood Development Orders	Similar to a Neighbourhood Plan, Neighbourhood Development Orders are prepared by Parish and Town Councils and Neighbourhood Forums. They have the same effect as a Local Development Order and can grant planning permission for specific types of development for a specific site or type of development in the neighbourhood area.
Community Right to Build Order	A Community Right to Build Order is a form of Neighbourhood Development Order that can be used to grant planning permission for small scale development for community benefit on a specific site. These are prepared by constituted community groups rather than a Neighbourhood Forum or a Parish/Town Council.

### **Register your details**

If you would like your contact details to be added to our mailing list, please e-mail: [ldf@west-norfolk.gov.uk](mailto:ldf@west-norfolk.gov.uk).

If you do not have internet access you can contact the Planning Team via the details provided in this document. Likewise, if you wish to remove your details from the list and not receive future notifications you can do this online or by contacting the team.

This database of individuals, groups and stakeholders has been developed, which the Council will continue to use to ensure the public is informed of the preparation of new planning documents. This database is continually updated and reviewed.

### **3. Community involvement in planning application decisions**

The Town and Country Planning (Development Management Procedure) 2010 sets out the minimum requirements for publicising planning applications. This Authority exceeds these requirements and this section sets out our current practice. The Council encourages meaningful community involvement in all planning applications.

#### **Types of planning applications**

Planning applications are classified as<sup>1</sup>:

Householder: extensions to dwellings, garages, etc.

Minor: Including development up to 10 dwellings, changes of use, commercial development up to 999m<sup>2</sup> floorspace.

Major: 10+ dwellings, sites of 0.5ha or more, or other uses where floorspace is more than 1000m<sup>2</sup>.

The extent of community involvement that we seek and/or undertake will depend upon the type of application that is being considered and more extensive consultation may be required for major applications or applications with a significant interest (e.g. likely to be controversial or have significant impacts).

#### **The role of the Council**

The Council operates a chargeable Pre-Application Advice Service. This scheme encourages developers to involve the community at the earliest stage of the planning application process, especially in the case of major/significant applications. Details of the service can be viewed at:

[www.west-norfolk.gov.uk/Default.aspx?page=26213#PreApplicationAdvice](http://www.west-norfolk.gov.uk/Default.aspx?page=26213#PreApplicationAdvice).

Planning applications are public documents and can be viewed on the Council website through the 'Public Access' system. Public Access allows the public to view plans and documents, monitor the progress of an application, submit comments about the application, search a list of applications received and decided each week and view details of historic applications. Public Access is available at: <http://online.west-norfolk.gov.uk/online-applications/>. They can also be viewed at the Council offices.

The Council publishes a weekly list of all planning applications on its website - <http://online.west-norfolk.gov.uk/online-applications/search.do;jsessionid=E4E75FBD747211B30CDB79ED297764C?action=weeklyList> and details of all applications are sent to Parish/Town/City Councils for their views.

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<sup>1</sup> The Council is required to give 'Prior Notification' of certain developments (e.g. agricultural buildings within size limits) and sometimes to make Non Material Amendments to previously approved planning applications. Neither procedure falls under the normal consultation procedures for planning applications.

An application maybe advertised in a local newspaper if:

- It is in a Conservation Area or for a Listed Building;
- It is a departure from the Local Plan;
- It affects a footpath or right of way;
- It requires an EIA (Environmental Impact Assessment);
- It is considered to be a major or significant application; or,
- It is of wider public interest.

The law requires that Council must either post a site notice, or consult all neighbours sharing a common boundary with an application site.

Therefore for planning applications (as defined above) a site notice, with a site map, will be erected close to the development site so that interested parties can comment. All site notices, newspapers advertisements and neighbour notifications will specify that all consultees with an interest in an application have 21 days to make written comments.

The Council's may also notify neighbouring properties of the submission of an application.

If amended plans are required/received depending on the extent and nature of the changes, a further written consultation may be carried out with the Parish Council/other consultees, although it should be noted that there is no legal requirements to do this.

Various statutory and non-statutory bodies (e.g. Highways, Natural England, the Environment Agency) may also be consulted in writing depending on the type of development proposed. References to written consultation include electronic consultations, which are the most efficient way of consulting on an application.

The Council encourages public participation in Planning Committee meetings and the right to speak is extended to supporters, objectors, the Parish Council and the Ward Councillors. The speaker list however, is limited and operates on a first come, first served basis. There are also restrictions on the time allowed to speak. Further details on speaking at Committee meetings can be viewed at: <http://www.west-norfolk.gov.uk/default.aspx?page=21859>.

### **The role of the applicant/agent**

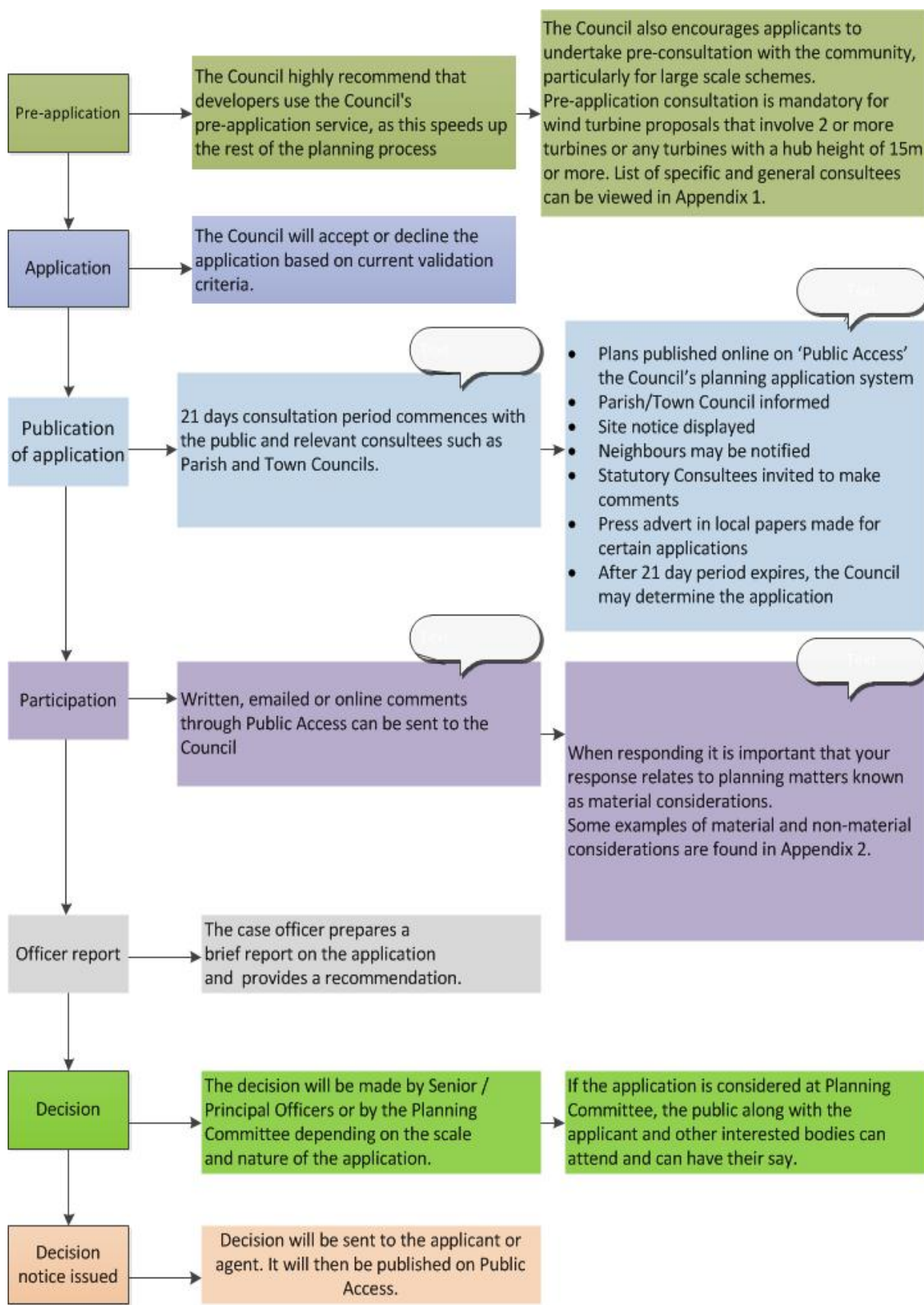
The role of the applicant is becoming increasingly more important in community involvement, and there are examples of good practice in the Borough where developers have undertaken a large amount of community involvement before and during, submission of an application. The Council would like to see this good practice become more widespread.

For major applications or applications with a significant interest, it would be helpful if developers carry out consultation before submitting a planning application, and failure to do this may slow the decision-making process down. Failure to consult may also lead to objections being made which could be important in the determination of an application. The format of this consultation may vary, but should look to include the following aspects:

- Discuss proposals with Parish/Town Councils and other local groups (e.g. Neighbourhood Forums)
- Working closely with the local community (particularly any directly affected parties) to evolve designs that take account of their views. Examples of how to do this could include:
  - Public exhibitions
  - Workshops
  - Preparation of a development brief
- Consider the consultation responses received, and take them into account before making their planning application.

Before making other types of planning application prospective applicants should consider people that are likely to be affected by their proposal. This might be as simple as talking over plans with a neighbour. Whilst the vast majority of pre-application publicity is voluntary, at present, it is mandatory for certain types of development, ie. wind turbines over a specified height.

## Planning application process





### **Decision making process**

Before a decision is made, the case officer will briefly explain the reasons for the decision, along with a recommendation. The report will consider the relevant planning issues and any representations made. The case officer will negotiate with applicants where appropriate in order to arrive at a balanced decision in the public interest.

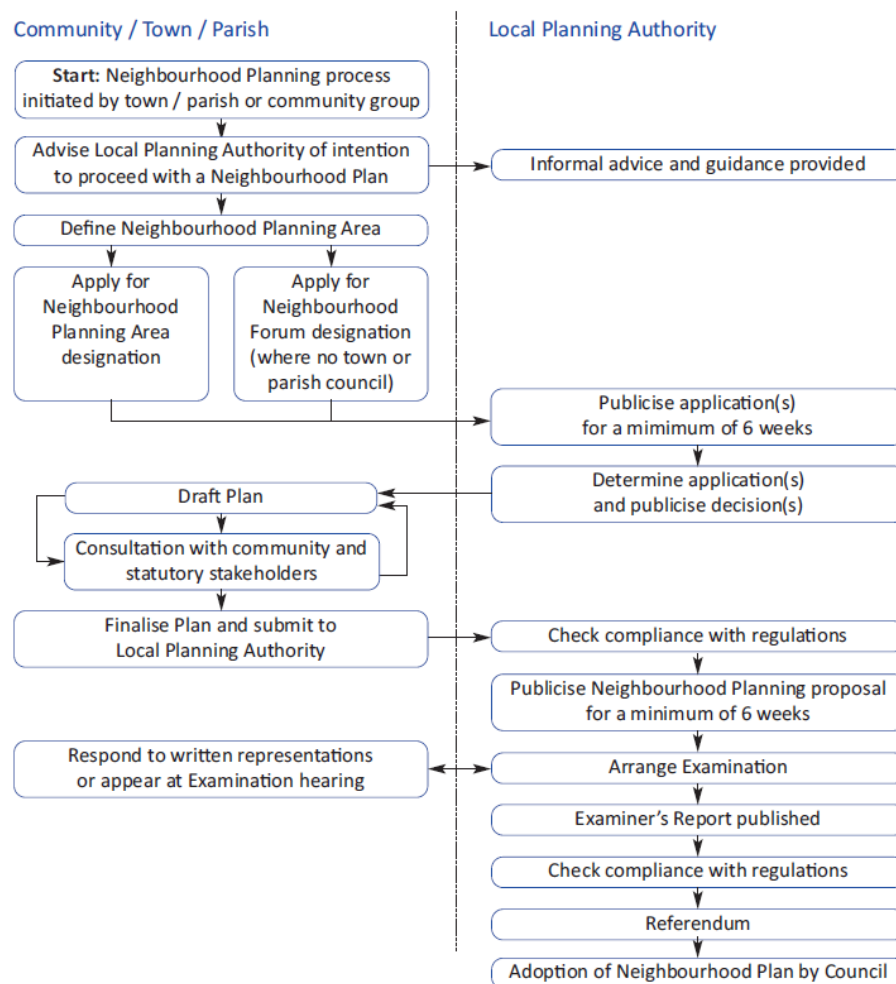
Delegated decisions	The Council enables the majority of planning applications to be determined by the Executive Director of Environment and Planning under delegated powers.
Committee decisions	If the application is to be determined by Planning Committee, the Planning Officer will write a report and make a recommendation covering all the relevant planning issues. The Council welcomes public speaking at the meeting in accordance with adopted protocol. Please see our website for further information:
Notification	Applicants (or their agents) will be sent a copy of the decision. Decision notices can be viewed on the Council's website. The reason for refusal will be given or the full text of conditions imposed where permission is granted.
Appeals	If the person who applied for planning permission does not agree with the decision that the Council has made to refuse their application, they may lodge an appeal with the Planning Inspectorate within a set timescale. No one else has the right to appeal the decision. However, when an application has been appealed, the Council does inform all parties that objected during the application stage. The Council advises of this as soon as it receives notification from the Inspectorate. All copies of letters and comments received during the application stage are also forwarded to the Planning Inspectorate.
Planning enforcement	The role of the Planning Enforcement Team is to investigate complaints into alleged breaches of planning control. You can report an alleged breach of planning control by: <ul style="list-style-type: none"> <li>• Completing and submitting our online</li> </ul>

	<p>Planning Enforcement Complaint Form which is available at: <a href="http://www.west-norfolk.gov.uk/Default.aspx?page=24451">http://www.west-norfolk.gov.uk/Default.aspx?page=24451</a></p> <ul style="list-style-type: none"><li>• Writing and posting your complaint to: Planning Control, Borough Council of King's Lynn &amp; West Norfolk, Kings Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX</li></ul>
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## 4. Neighbourhood Planning

The Localism Act introduced new rights and powers to allow local communities to shape new development by coming together to prepare neighbourhood plans.

Parish and Town Council's and Neighbourhood Forums are responsible for preparing Neighbourhood Plans and Neighbourhood Development Orders including carrying out continued engagement throughout the process with the local community. The Council has a duty to advise and support the preparation of these plans but also has some statutory responsibilities in their preparation. In particular, the Council is responsible for carrying out the formal stages of consultation, arranging the examination and referendum. The following diagram shows the process for preparing a Neighbourhood Plan or Development Order and where the District Council is required to get involved.



Parish / Town Councils who are interested in exploring neighbourhood planning are advised to contact Forward Planning at the Borough Council at an early stage in the process, for general advice and guidance.

## **Appendix 1 Consultation Bodies**

### **Specific consultation bodies**

In accordance with government regulations the following specific consultation bodies must be consulted where the Council considers that they may have an interest in the subject of the proposed planning document:

- The Coal Authority
- Environment Agency
- English Heritage
- Marine Management Organisation
- Natural England
- Network Rail
- Highways Agency
- Norfolk County Council
- Parish and Town Councils within and adjoining the borough
- Norfolk Constabulary
- Adjoining local planning authorities
- Anglian Water
- Essex and Suffolk Water
- Homes and Communities Agency
- Electronic communication companies who own or control apparatus in the Borough
- Relevant gas and electricity companies (UK Power Networks and Transco, National Grid)
- NHS England
- West Norfolk Clinical Commissioning Group

### **General consultation bodies**

In accordance with government regulations the following general consultation bodies must be consulted where the Council consider it appropriate:

- Voluntary bodies some or all of whose activities benefit any part of the Borough
- Bodies which represent the interests of different racial, ethnic or national groups in the Borough
- Bodies which represent the interests of different religious groups in the Borough
- Bodies which represent the interests of disabled persons in the Borough
- Bodies which represent the interests of persons carrying on business in the Borough
- Bodies which represent the interests of environmental groups in the Borough

**Duty to co-operate**

The Localism Act 2011 introduced a Duty to Co-operate, which is designed to ensure that all the organisations involved in planning work together on issues that are of bigger than local significance.

The authorities and agencies that the District Council will co-operate with is specified in Regulation 4 of the Town and Country Planning (Local Development) (England) Regulations 2012. The following bodies are designated as Duty to Co-operate stakeholders (*please note this list is not exhaustive*):

**Neighbouring Local Authorities and County Councils e.g those relevant to Kings Lynn & West Norfolk include:**

- Breckland Council
- North Norfolk Borough Council
- Fenland District Council
- South Holland District Council
- Forest Heath District Council
- Suffolk County Council
- Cambridgeshire County Council

**Other public bodies and infrastructure providers**

- Environment Agency
- English Heritage
- Natural England
- Civil Aviation Authority
- Homes and Communities Agency
- The Office of Rail Regulation
- Integrated Transport Authorities
- Highways Agency
- Anglian Water
- Essex and Suffolk Water
- Marine Management Organisation
- New Anglia Local Enterprise Partnership
- West Norfolk Clinical Commissioning Group
- NHS England
- Local Nature Partnership

## **Appendix 2 Material and non-material considerations**

### **Material Considerations**

Can be taken into account

- ✓ National and local policies
- ✓ Planning history and previous appeal decisions
- ✓ Case law
- ✓ Impact on privacy and amenity
- ✓ Highways safety/issues e.g. increased traffic movement
- ✓ Noise, smell or other disturbances
- ✓ Affordable housing
- ✓ Fear of crime
- ✓ Local economy
- ✓ Layout, density, design./appearance, character
- ✓ Effect on a listed building or conservation area
- ✓ Cumulative impact

### **Non-material Considerations**

Cannot be taken into account

- × Issues considered under Building Regulations
- × Land/boundary disputes, including rights of access
- × Loss of property value
- × Loss of private view
- × Moral objections
- × Change from previous scheme
- × History of the applicant
- × Matters covered by other legislation
- × Restrictive covenants
- × Opposition to the principle of a development if permission has been granted by an outline application or appeal decision
- × Work already done
- × Factual misrepresentation of the proposal