

Agenda Item No: 13
Report To: Cabinet
Date of Meeting: 27 February 2020
Report Title: Update to the Statement of Community Involvement
Report Author & Job Title: Will McKane - Policy Planner
Portfolio Holder Cllr Shorter
Portfolio Holder for: Planning & Development



Summary: An update to the Statement of Community Involvement (SCI) is required every five years or prior to the formal examination stages of development plan documents. The SCI sets out how the planning department will engage and consult with the community through both the plan-making and planning application processes.

Updates have been made to the document in accordance with revised legislation and the changing function of the planning service with regard to community planning issues and cooperation with other public bodies.

Key Decision: YES

Significantly Affected Wards: All

Recommendations:

- I. Agree the content of the updated Statement of Community Involvement (SCI)
- II. Recommend that Full Council adopt the updated SCI.

Policy Overview: The council is required by the Planning and Compulsory Purchase Act 2004 (as amended) to prepare and maintain the Statement of Community Involvement (SCI). The SCI sets out how, when and by what means the planning department intends to consult members of the public and organisations on planning policy and development management matters. This includes the preparation of Local Plans and Supplementary Planning Documents, planning applications received by the council and the subsequent decisions made on those planning applications.

Financial Implications: The proposed SCI changes would be met within existing budgets.

Legal Implications The Planning and Compulsory Purchase Act 2004 (as amended) requires the council to have an up-to-date SCI in

place. The update to the SCI is required prior to the consultation and examination stages of forthcoming development plan document preparation.

The Courts have ruled that clear promises and assurances in Statements of Community Involvement can be legally enforced (by judicial review), therefore it is important that the Statement does not contain clear promises or assurances that the Council is not willing or able to honour in every case; where necessary, clear caveats or exceptions should be included. It is also important to avoid ambiguous or unclear statements of the Council's approach, since these may be misunderstood and lead to complaints of maladministration by those who feel they have suffered injustice as a result of unmet understandings.

Equalities Impact Assessment

Yes – please see attached.

Other Material Implications:

None

Exempt from Publication:

NO

Background Papers:

Draft Statement of Community Involvement 2020

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Report Title: Update to the Statement of Community Involvement

Introduction and Background

1. An update to the Statement of Community Involvement (SCI) is required every five years to progress development plan documents to formal consultation and examination stages. The SCI, in short, sets out how the council will consult the community in relation to the planning process. The SCI focuses on both consultations throughout plan-making stages and also those on individual planning applications. The SCI serves as a standard for community engagement and participation throughout the planning process.
2. The council's original SCI was adopted in August 2006. The current SCI is from 2013 and was drafted with the localism agenda and Ashford Local Plan 2030 consultation stages in mind. Since the adoption of the Local Plan, an update to the document is required to set out our current and proposed consultation processes ahead of forthcoming development plan document consultations and examinations.

Current Position and Proposed amendments

3. This update reflects key changes in planning legislation and provides an opportunity to address the changing functions of the planning service particularly with a focus on community-led and neighbourhood planning initiatives. The SCI will also highlight the ways in which the community can use digital devices to keep up-to-date with wide-ranging planning consultations.
4. This review has also given the council the opportunity to remove inaccurate practices stated within the planning application and decision consultation process.
5. The proposed amendments to the 2013 SCI include:

Introduction section:

- Highlighting the new corporate-level customer care policy in place of the now deleted corporate consultation policy
- Emphasising the requirement to be socially inclusive of 'hard to reach' and 'easy to overlook' groups and the ways in which we want consultations to be accessible to all
- Updating references to outdated regulations

Local Plan/policy section:

- Updated adopted development plans section to include ALP 2030 and made Neighbourhood Plans
- An updated table expressing the legal requirements for consultation on Local Plans
- Updated list of potential consultation methods for Local Plan and SPD consultations
- New neighbourhood and community planning section to highlight consultation procedures and council/parish council responsibilities for producing a Neighbourhood Plan
- Updated section relating to masterplanning procedure, following the recent review of Wye Masterplanning
- Updated section on Duty to Cooperate and new requirements for Statement of Common Ground on strategic matters
- Deleted full list of specific consultees/duty-to-cooperate bodies as these are set out in legislation and specific contact details may change over time.

Planning applications section:

- Updated information on pre-application advice process and major sites charter/Chilmington Protocol
- All other requirements for advertising such as adverts remain as legislation requires
- Greater promotion of the application portal and residents registering for area alerts and/or weekly lists
- Paper copy availability of all documents being available at Civic Centre has been amended to reflect current practice of making appointments for specific document viewing and/or the ability to use reception computers to view plans where residents have no personal digital access
- The site notice barcode section has been removed as this is no longer active
- The new SCI will no longer include the detailed information about how to speak or lodge late information to a Planning Committee meeting as the existing SCI does. Instead it will refer readers to a webpage that will contain the relevant information in line with the Council's Constitution. No changes are being made to the Constitution as part of this review of the SCI.

As set out in the introduction section, the SCI sets a standard for the council to follow in its statutory plan-making and decision-taking functions in the planning process. The updated SCI therefore emphasises how the council will make consultations more accessible to residents, while setting out how residents and community organisations can follow consultations and planning application progression more comprehensively.

Implications and Risk Assessment

6. The risk of not conforming to the regulations and adopting an up-to-date SCI could mean that future Local Plan documents are found 'unsound' for

procedural reasons for not being consistent with the SCI. This would have major implications for the council both financially (in terms of time and resources spent on the preparation documents) and for the future planning of the borough.

Equalities Impact Assessment

7. An equalities impact assessment is appended to the report.

Consultation Planned or Undertaken

8. The SCI is not a document that is legally required to be subject to formal public consultation. Although still an option for the council, as the large majority of the amendments from the previous version are simply reflecting what is now current practice or the current requirements of regulations, it is not felt that consultation is necessary on this occasion. This approach was taken for the previous SCI update in 2013 and considered acceptable.

Other Options Considered

9. To meet requirements of the Planning and Compulsory Purchase Act 2004 (as amended) an SCI must be prepared. Therefore, the only other option would be to retain the existing 2013 SCI. However, the 2013 SCI is out of date and would not be relevant to the consultations we intend to carry out for the forthcoming consultations of development plan documents such as the Gypsy and Traveller Local Plan. The current SCI includes out-of-date practices, web links and consultee details.

Reasons for Supporting Option Recommended

10. The SCI requires an update in accordance with relevant legislation in order to progress forthcoming development plan documents in consultation and at examination.
11. This recommendation has been made so that consultations remain sound and free from the grounds of a legal challenge that would have financial implications for the council. An out-of-date SCI would also not stand up to the rigours of the public examination process of forthcoming development plan documents.

Next Steps in Process

12. If the Cabinet approve the attached version of the SCI, it will go forward to full Council for adoption.

Conclusion

13. In accordance with the regulations pertaining to updating the council's SCI, it is considered that the proposed alterations are proportionate to the relevant legislative changes.
14. The updated SCI is more accurate, concise and accessible than the 2013 version and meets the requirements of current legislation, the NPPF and government guidance more generally.

Portfolio Holder's Views

15. Ashford Borough Council takes responsibility for Community Consultation and engagement seriously and conscientiously. It is important that the views of our local communities across the various sectors are appropriately represented and reflected in the Planning Policy and associated processes that inform and guide development across the borough.
16. The report outlines the detail of the review of our Statement of Community Involvement outlining our commitment to a continued and effective dialogue with our communities across the borough. I recommend this report to Cabinet for their approval in order to allow it to proceed to full Council for adoption.

Contact and Email

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Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Armed Forces Community

9. As part of the council's commitment to the Armed Forces Community made through the signing of the Armed Forces Covenant the council's Cabinet agreed in November 2017 that potential impacts on the Armed Forces Community should be considered as part of the Equality Impact Assessment process.

10. Accordingly, due regard should also be had throughout the decision making process to potential impacts on the groups covered by the Armed Forces Covenant:

- Current serving members of the Armed Forces (both Regular and Reserve)
- Former serving members of the Armed Forces (both Regular and Reserve)
- The families of current and former Armed Forces personnel.

Case law principles

11. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or

service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Lead officer:	Will McKane
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	Update to the Statement of Community Involvement (2020) <ol style="list-style-type: none"> Agree the content of the updated Statement of Community Involvement (SCI) Recommend that Full Council adopt the updated SCI.
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	27 February 2020
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>The SCI is an existing planning policy document, with the three previous versions being produced in 2006, 2009 and 2013 respectively. The SCI 2020 is a review of existing policy, but has been updated extensively to reflect the changes to national planning policy guidance and the new planning regulations.</p> <p>The SCI sets out how the council intends to achieve community involvement, participation and cooperation in the preparation of their Local Plan and on Supplementary Planning Documents (SPDs), as well as setting out how it intends to involve the public when consulting on planning applications. In short, the aim of the SCI is to ensure that all sections of the public and community, including local groups and organisations, are actively represented and involved throughout the planning process.</p> <p>The SCI currently has, and would continue to have, a borough-wide impact on the way in which we consult the community and statutory bodies through the planning process. Members of the public, including community groups and organisations would benefit. The SCI creates a standard for planning employees to follow alongside legislative requirements.</p>
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. 	<p>The updates to the SCI have been made in accordance with changes to relevant regulations/legislation and planning practice guidance.</p> <p>The updates regulations include the Planning and Compulsory Purchase Act 2004, planning practice guidance (as found at www.gov.uk) and the NPPF.</p>
Consultation: <ul style="list-style-type: none"> • What specific consultation has occurred on this decision? 	Due to changes to the Regulations there is no longer a requirement to consult stakeholders and members of the public on the SCI. However, consultation has been undertaken internally at the Council to gauge the views of

<ul style="list-style-type: none"> • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>different policy users, to see if it is fulfilling aspirations and working as policy.</p> <p>The results of the internal consultation was generally positive in relation to the current planning application notification procedure and therefore no changes in this regard are proposed.</p> <p>Minor changes are made in accordance with updated regulations for development plan consultations. These are in relation to how the council can involve 'hard-to-reach' groups, make consultations more accessible while including neighbourhood planning groups and new statement of common ground requirements.</p> <p>In relation to the 'digital inclusivity agenda' the SCI intends to emphasise how digital functions can be utilised to promote the council's consultation function to a wide audience with regard to 'hard-to-reach' groups as specified in legislation.</p>
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Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	High	Positive (Major)
Middle age	Medium	Positive (Minor)
Young adult	High	Positive (Major)
Children	None	Neutral
<u>DISABILITY</u> Physical	High	Positive (Major)
Mental	High	Positive (Major)
Sensory	High	Positive (Major)
<u>GENDER RE-ASSIGNMENT</u>	None	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	None	Neutral

<u>PREGNANCY/MATERNITY</u>	None	Neutral
<u>RACE</u>	High	Positive (Minor)
<u>RELIGION OR BELIEF</u>	Medium	Positive (Minor)
<u>SEX</u> Men	None	Neutral
Women	None	Neutral
<u>SEXUAL ORIENTATION</u>	None	Neutral
<u>ARMED FORCES COMMUNITY</u> Regular/Reserve personnel	None	Neutral
Former service personnel	None	Neutral
Service families	None	Neutral

Mitigating negative impact: Where any negative impact has been identified, outline the measures taken to mitigate against it.	No negative impact identified.
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Is the decision relevant to the aims of the equality duty?	
Guidance on the aims can be found in the EHRC's Essential Guide , alongside fuller PSED Technical Guidance .	
Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	Yes
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Yes

Conclusion: <ul style="list-style-type: none"> Consider how due regard has been had to the equality duty, from start to finish. 	The scope of the SCI does not include material changes to the planning application notification procedure going forward. In line with updated regulations however, the council's SCI has to consider 'hard-to-reach' groups in terms of their accessibility to consultations run by the planning department. The updated SCI
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<ul style="list-style-type: none"> • There should be no unlawful discrimination arising from the decision (see guidance above). • Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified. • How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported? 	<p>therefore discusses how consultations will be made with accessibility considerations in-mind in its own dedicated section.</p> <p>The SCI has introduced a section called ‘accessible consultations’. This highlights the numerous consultation formats on offer and that venues will be chosen by their apparent</p> <p>The Annual Monitoring Report will be used each year to measure the effectiveness of public consultation on Local Plan documents. Where issues have been identified they will be addressed in the next monitoring year.</p> <p>The procedures for monitoring planning application consultation practices, is run through the Acolaid planning application crystal reporting system. Reports can be run which set out who has been consulted, when they responded, whether they support or object and when their comment was acknowledged. These reports can be analysed as and when to assess the effectiveness of consultation practices.</p>
<p>EIA completion date:</p>	<p>3 February 2020</p>

Executive Summary

1. This document details how the community can get involved in the planning process.
2. The council's planning department is committed to ensuring that members of the public and community organisations can have their say in the preparation of local plans and guidance and in the decisions made on planning applications.
3. To do this we propose to:
 - Seek people's views as early as possible
 - Have consultations easily available online and in hard copy where appropriate
 - Involve all members of the community regardless of gender, faith, ethnicity, disability, sexuality, age, social deprivation or rural isolation
 - Keep people informed of future stages of consultation
 - Produce clear, concise and accessible documents that avoid jargon wherever possible
 - Hold public meetings exhibitions or workshops where appropriate
4. This document details how we intend to achieve these objectives, who we plan to consult with, and how we will do it.

The Regulations for producing an SCI

5. The Planning and Compulsory Purchase Act 2004 (as amended) requires the planning department to prepare and maintain the Statement of Community Involvement (SCI). An SCI must set out how the council intends to achieve community involvement, public participation and cooperation in the preparation of their Local Plan, including any Supplementary Planning Documents (SPDs), as well as setting out how they intend to involve the public when consulting on planning applications. In short, the aim of the SCI is to ensure that all sections of the public and community, including local groups and organisations, are actively involved in the planning process and are notified of plans that may affect them.
6. Local planning authorities are required to update their SCI every five years and prior to the consultation of any development plan document.

Unless otherwise stated the 'Regulations' referred to in this SCI are: 'The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)'.

The council's community involvement policy

7. Ongoing community involvement is of continuing importance to Ashford Borough Council. Comprehensive, successful participation and consultation involving numerous community groups and local people has been carried out on council strategies and plans in the past. For example, the recently adopted Ashford Local Plan 2030 resulted in many responses, all of which were taken into consideration by the planning department. Consultations included online surveys, public exhibitions and bespoke workshops with local community groups, schools and youth clubs.
8. Every day we receive many representations on individual planning applications from neighbours, community organisations and statutory bodies. Corporately, we have a customer care policy which sets out our commitment to working with 'hard to reach' groups to ensure that we are socially inclusive. [View the customer care policy here.](#)
9. In addition, the council provides a corporate online consultation portal where all on-going consultations across different council services are displayed and consulted on. This portal is called '**Have Your Say**' and has already been extensively utilised by the planning department when consulting on Local Plan documents (the portal is available at www.ashford.gov.uk/consult). In accordance with the Regulations on electronic communications¹ the consultation portal can notify stakeholders and members of the public when a consultation is due to begin, provides the opportunity to view documents and plans online and also enables people to submit comments on a consultation electronically at any time of the day.
10. Similarly, the council's website is the most comprehensive register of documents relating to individual planning applications. The vast majority of documents being considered for any planning application will be available for the public to view. This part of the website also provides neighbours and consultees and online form to submit their responses to individual planning applications.
11. The government has put an emphasis on the council's requirement to involve 'hard to reach' or 'easy to overlook' groups in planning issues. The council will aim to ensure that these groups are identified and take appropriate and proportionate measures to involve these groups in all consultation events

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012- Regulation 3 'Electronic Communications'

Development plan documents

What are the council's current adopted development plan documents?

12. In February 2019, the council adopted the Ashford Local Plan 2030 with full development plan status weight. The plan has been formed and influenced through consultation with partners, stakeholders, community groups and residents of Ashford.
13. The Ashford Local Plan 2030 superseded the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
14. As of February 2020, the development plan for the borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016). However, the list of adopted documents will change over time as neighbourhood plans and other development plan documents are made or adopted by the council.
15. We also have a number of adopted supplementary planning documents (SPDs) that support the development plans by way of providing guidance and clarity in relation to adopted policies. SPDs are used as material considerations when assessing planning applications (for a full list of current SPDs, please visit the council's website at <https://www.ashford.gov.uk/other-planning-guidance/>).
16. The government has made it clear that local choices should guide local plans and commenced neighbourhood planning in early 2010s. Since the previous SCI, numerous neighbourhood planning bodies have been formed and several neighbourhood areas designated across the borough. Three neighbourhood plans have been adopted, within the parishes of Wye Pluckley and Rolvenden and more are progressing through relevant consultation, drafting and examination stages. This SCI outlines the council's roles and responsibilities to the neighbourhood planning bodies and the formulation of their plans.
17. The Regulations stipulate how local plan documents should be prepared. The stages (referred to in legislation as 'regulations') are set out in the table below:

Regulation 18	Notification of and early engagement with public and specified bodies on the subject matter and scope of plan to be prepared
Regulations 19 & 20	Publication of submission plan documents with opportunity to make representations (under regulation 20) Minimum consultation is six weeks

Regulation 22	Submission of plan documents and background information to the Secretary of State for Independent Examination
Regulations 23 to 25	Consideration of representations made, Independent Examination of plan, and publication of recommendations of the appointed Inspector
Regulation 22	Adoption of plan - made publicly available with supporting documentation

Please note that regulation stages are different for neighbourhood planning process.

Who we will consult

18. As well as the general public, the Regulations set out a list of ‘specific’ consultees that must be consulted. There are also potential ‘general’ consultation bodies that could be consulted on all of our plans. This may vary at different stages of plan preparation (both Local Plan and SPDs). Currently, the Council holds a database of ‘specific’ consultation bodies and a database of ‘general’ consultation bodies relevant to the Ashford borough. Both of these databases are updated where appropriate and in all instances comply with the most up-to-date regulations.
19. We recognise that within any area, communities are made up of many different interest groups, and effective involvement cannot happen without a good understanding of the make-up, needs and interests of these different groups and their capacity to engage in community involvement. For example, it is important to identify the key target groups to be involved in plan preparation so that consultation arrangements can be tailored accordingly, for example, ensuring people are consulted on topics where they may have a particular interest and locating events in accessible locations. The needs of “hard to reach” groups such as the young, disabled and ethnic minorities will be considered thoroughly, so that they have the best opportunity to have their voice heard. We also plan to continue our extensive consultation work with the large rural community, through the parish councils.

How we will consult

20. We will use a variety of different methods to involve the community in the drafting stages of development plan documents. These are listed below and are varied to reflect the range of voices we want to hear from.
21. In accordance with the current regulations, when the submission version of a Local Plan is submitted to the Secretary of State for an independent examination, a consultation statement setting out what consultation techniques have been undertaken will be prepared and made public. Wherever possible, consultations will be undertaken in tandem with other council initiatives and strategies to allow the best use of resources. We will also work with existing community groups, for example, parish councils, urban forums and local interest and stakeholder groups to combine resources.

22. At appropriate stages of plan-making, such as early engagement at Regulation 18 stages, we will not just share information for people to read. We will aim to design participation events for the community so that we can explain ideas and strategies with the public who can then contribute in an open workshop or exhibition environment, for example.

23. The methods that we employ to notify and involve stakeholders in the consultation process include those listed below. Consultation methods may change depending on the type of document of being prepared. The choice of method may change to best suit the audience that we wish to communicate with. These methods will include, where appropriate:

- contacting statutory bodies including Ward Councillors, Parish Councils, and other relevant organisations and individuals directly;
- publicising consultations by methods such as website updates, social media, press releases, visual displays, leafleting, radio advertising;
- placing formal notices in the local media, as required by legislation;
- placing consultation documents at the Civic Centre and local libraries for people to view in person;
- consulting with community groups and local organisations who have registered an interest to participate in the local planning process through registration on the council's local plan consultation data base;
- organising events such as exhibitions, stakeholder meetings or workshops, including place-shaping workshops, where appropriate.

24. The nature of consultation will be determined by the nature of the issue and those likely to be affected. For example, if the particular issue concerns a specific site, a consultation will be focused within the area of the borough most likely to be affected. For each consultation the council will ensure that consideration is given to the most effective way of communicating the particular issue and the methods engaged are proportionate.

When we will consult

25. Where a formal consultation is carried out, this will be for a minimum of six weeks for development plan documents (DPDs), including Local Plans, and minimum four weeks for supplementary planning documents (SPDs). Should a consultation fall within a holiday period, the council will consider extending the consultation period to accommodate bank holidays and those who may be away at these times.

26. Current regulations state that there must be a minimum of two consultation periods for development plan documents (including local plans). The first consultation relates to the subject matter that the local development document should contain (known as Regulation 18), and the second consultation should take place prior to the submission of the local development document to the Secretary of State to carry out a public examination of the documents (known as Regulation 19)

Accessible consultations

27. It is crucial that the consultations undertaken are accessible to all. For example, to ensure that everyone has the opportunity to comment during a formal consultation period, we will accept representations online via the Consultation Portal and by written representation form².

28. In addition, we offer large print documents, a document reading service, braille versions and a translation service for all key materials we produce on request³ and will work with local groups on other steps needed to make sure that all members of the community can access material. We will ensure the documents are as jargon free as possible, and include a glossary to explain references, FAQs and guidance notes on how to complete comment forms where necessary. Events and exhibitions will be planned at venues that are fully accessible for everyone regardless of their mobility.

29. A significant proportion of the borough's residents live in rural areas, and therefore they may have limited access to public transport and other services. The council will endeavour to fully engage rural communities in consultation on the proposals that affect them as well as those communities that live in or near the town centre, or urban areas. For example, an exhibition in a town centre shopping centre on a weekend if the subject matter is regarding the Town Centre, a community workshop held in a rural village hall in the evening if the subject matter is regarding rural issues, or an event with a community forum on an evening or weekend for urban issues.

30. We will choose accessible consultation venues and hold events at convenient times of the day and week. We will also be clear about the aims and scope of engagement so that people understand when and how they can participate and the rules for doing so. This will help to manage expectations.

31. Information about how to obtain hard copies of documents will be provided at the start of each consultation period. Document viewing locations are listed on the council's website at <https://ashford.gov.uk/document-viewing-locations/>

² Hard copy representation forms are available by telephoning 01233 330229

³ Alternative versions can be made available by calling the Planning Policy team on 01233 330229.

Feedback on consultations

32. The council acknowledges that an important part of community engagement is to report back to those who have taken the trouble to be involved in a consultation, and to let them know how their comments and suggestions have been taken on board. Therefore, if a representation has been made at any formal consultation stage, feedback will be provided in accordance with the Regulations in place at the time. At present, the council list all the comments made and reply to them in one report, which is then submitted with the submission version of the plan for examination. If comments and feedback have been made via an informal method of consultation, the council may provide feedback via the website. In the case of the Local Plan, individual responses will be published on the council's website in accordance with the relevant regulations.
33. After consultation meetings or workshops with parish councils or other local groups are held, officers will write a report of the event, and send it to the lead officer of the group or organisation. Where required, the policy team will return to a group and give verbal feedback of the results and explain the next steps in the process.
34. A detailed list of all the consultations carried out on the Local Plan/s and SPDs, including workshops and exhibitions, are recorded annually in the Authority Monitoring Report, which is publicly available on the council's website www.ashford.gov.uk/timetables-and-monitoring.
35. After the close of a consultation, all comments received will be considered by the Planning Policy team and the document in question will be revised as appropriate. A consultation statement will be prepared which will be made available online and will detail:
- Compliance with the duty to co-operate;
 - Who was consulted and how;
 - A summary of the main issues raised from the comments;
 - The Council's response to these; and how the comments have been taken into account in any revisions to the document, if appropriate.

The Duty to Co-operate on Strategic Matters

36. In addition to public consultation on plans, local planning authorities are required to cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters. This "duty to co-operate" is set out in the Localism Act (2011) and described in the National Planning Policy Framework and [PPG on plan-making](#). The 'duty to co-operate' is not defined as consultation, but ensures that the council works effectively with neighbouring authorities and other public bodies to address strategic issues that affect local plans and cross local authority boundaries. Our duty to cooperate bodies include

37. In addition, the NPPF sets out in paragraphs 24-27 'Maintaining effective cooperation' that on cross-boundary matters neighbouring local authorities and the county council should maintain statements of common ground to address cross boundary matters. Planning practice guidance establishes the council's responsibilities further (please visit <https://www.gov.uk/guidance/plan-making> for more information).
38. In accordance with regulations, the council includes details of what actions have been undertaken in accordance with the duty to co-operate in the Authority Monitoring Report (AMR) published annually, and will produce Statements of Common Ground with relevant parties when relevant.

Neighbourhood and Community Planning

39. Community-led plans can take a variety of forms and can be produced solely by the community or in partnership with the council. The type of community-led plan being produced will determine the level of consultation work that should be undertaken by the council.
40. Village design statements and masterplans are undertaken by the local community, but are supported by the council. They can help guide development in a local community area, or influence the design of new development. The local community will be expected to lead on consultation initiatives, but will be assisted by the council wherever possible, for example through the facilitation of workshops or use of the corporate consultation portal. Once completed, the parts of the plans relevant to planning can be adopted by the council as supplementary planning documents or informal planning guidance. To be considered for adoption, the relevant part(s) of the document must be guidance based on existing adopted local plan policy.
41. We will provide advice and support to any community wishing to prepare a community-led plan, including advice on appropriate consultation methods and techniques to ensure constructive and informative feedback.

Neighbourhood Planning

42. Neighbourhood planning was introduced by government to provide increased opportunities for local communities to shape development within their area. Introduced through the Localism Act 2011, a parish, community group or neighbourhood forum may prepare a neighbourhood plan, neighbourhood development order or a community right to build order.
43. The onus on ensuring community engagement will be placed on the neighbourhood plan group that wishes to produce the plan. However, the council will provide support in accordance with the Neighbourhood Planning (General) Regulations (2012). In contrast to community-led planning,

Neighbourhood Plans, once made (adopted) by the council become part of the council's statutory development plan.

44. We will support and guide all communities undertaking neighbourhood planning by sharing information and evidence base that we hold. We will appoint a dedicated officer/s who will be a point of contact for any neighbourhood planning group. These officers will meet the neighbourhood planning group early on and will assist the group at regular intervals throughout the process. They will also direct you to any relevant helpful resources and will be a contact to provide guidance in relation to consultations and the potential scope of the plan.
45. A summary of the council's and neighbourhood planning group's roles and responsibilities are outlined below.

The Council's roles and responsibilities are as follows:

- Provide a dedicated contact officer for the neighbourhood planning group who will provide informal advice and guidance throughout the plan-making process.
- Produce a dedicated webpage on the councils website
- Make decisions on neighbourhood area applications promptly and publicise the application and decision as required by legislation
- Share relevant background evidence at the earliest opportunity
- Check compliance of draft neighbourhood plans against relevant legislation, basic conditions and the council's statutory development plan informally and offer guidance and advice on these matters prior to submission of the plan
- Undertake Screening Reports for Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) stages
- Publicise and consult on the submitted Neighbourhood Plan (Regulation 16 version) for a period of six weeks and collate responses
- Arrange and pay for the examination and publish the examiner's report
- Consider the examiner's recommendations and publicise the examiner's report and a decision statement
- Check compliance with 'basic conditions' and regulations
- Arrange and manage the 28 day referendum
- Formally adopt the neighbourhood plan as a development plan document and produce the required adoption statement/s (subject to the result of the referendum)

The neighbourhood planning group's roles and responsibilities are as follows:

- Advise ABC of their intention to designate a neighbourhood area and to make a plan and apply for neighbourhood forum designation where necessary.
- Define the neighbourhood planning area and make any relevant application to the council

- Provide project plans, timescales and regular updates for expected key stages of the Neighbourhood Plan production to the council so that they can assist and act in a timely manner when required
- Apply for funding and manage the budget and finances for the NP
- Draft and finalise the evidence base for and the neighbourhood plan and undertake an appropriate community and statutory consultation on the contents of the plan at Regulation 14 stage. Undertake a Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulation Assessment on the NP (if required)
- Prepare a 'Basic Conditions' statement and consultation statement to submit with the NP to ABC
- Finalise the plan, and all required supporting documentation and submit to ABC for consultation at Regulation 16 stage.
- Prepare the required documentation and statements for the Examination
- Respond to written representations and appear at any public hearing concerning the plan at Examination stages

The Neighbourhood Plan group may wish to seek the assistance from a planning consultant for assistance with more technical areas of evidence gathering and policy drafting.

46. A Neighbourhood Plan needs to be in general conformity with the borough council's strategic planning policies, and if adopted, would form part of the local plan for the borough.

47. There are currently a number of parishes undertaking neighbourhood plans, with several adopted. The link below provides an update on the status of each Neighbourhood Plan in the borough:

www.ashford.gov.uk/neighbourhood-plans

48. Any parish council or community group wishing to draft a neighbourhood plan should contact the Planning Policy team: planning.policy@ashford.gov.uk .

Masterplanning and design

49. Masterplanning is a process where the council, developers and community stakeholders put forward a framework to shape development proposals for a specific site. Masterplans often site specific proposals such as the scale and layout of development, mix of uses, transport and green infrastructure. The aim is to set out the vision and implementation strategy for development with all concerned parties involved. The council believes that it is important for all

sections of the community to be involved throughout this process. If we conduct a consultation, we will publish representations in a transparent way.

50. A review of the council's existing approach to the masterplanning engagement process took place in autumn 2019. The recommendations aim to ensure that community stakeholders are appropriately informed and engaged throughout the process in a cooperative way. The recommendations will ensure, among other ways that masterplanning exercises are carried out in a collaborative manner between all parties with clearly defined scopes and timeframes, independent facilitators, with clearly defined terms of reference for all actors within the process.

Monitoring and Development Update

51. The SCI is updated in accordance with changes to government legislation and at least every five years. We may also update or review the SCI in accordance with technological changes or forthcoming development plan consultations.
52. In addition, we produce an annual Authority Monitoring Report (please visit <https://www.ashford.gov.uk/timetables-and-monitoring>). This document sets out how the Local Plan policies are performing.
- 53.
54. The council produces a development update leaflet annually to inform members of the public, key stakeholders and planning consultees how forthcoming planning policy documents are progressing. The update also provides information on significant planning applications and progress being made with them. The development update is published on the council's website; please visit www.ashford.gov.uk/development-update.

Planning applications

Our consultation procedure through the planning application process from start to finish

Before applications are submitted

55. Ashford Borough Council strongly supports pre-application discussion. Details of the services we provide are available on our website <http://www.ashford.gov.uk/pre-application-advice> and the major new development pages which includes our 'Charter' for strategic and major development proposals (viewable here: <https://www.ashford.gov.uk/planning-and-building-control/major-new-developments/major-sites-charter/>). This charter has the commitment of all the local agencies involved in the development process, and sets in place a structured toolkit which aims to encourage and quickly facilitate major planning applications from submission to determination.
56. For applications at Chilmington Green there is a separate protocol, the Chilmington Green Pre-Application, Application Handling and Delivery Protocol. Please email planning.help@ashford.gov.uk for further information about the charter or Chilmington Green protocol.
57. The council also works hard to inform and involve the wider community in helping to create better quality developments and "place-making". The council encourages potential major developers to undertake pre-application consultation with the local community on significant applications. This process can serve to inform interested parties about the nature and scale of the proposal and local people have an opportunity to comment before proposals reach an advanced stage. Some major developments will also be subject to a design panel review. This is where experienced urban designers will provide feedback and improvements on the design principles of the proposed scheme.
58. As part of the council's response to the 'localism agenda' we look to involve local communities more in the early stages of some planning applications. We do this by inviting parish and community councils or neighbourhood forums to take part in some pre-application discussions. This initiative builds on our track record of working with local communities to improve design quality in the built environment, for example through village design statements and the local plan workshops which enabled local people to lead the identification of future development sites through the development plan.
59. For the larger sites allocated in more rural areas we seek to involve the local community at an early stage and therefore look to set up design workshops with parish councils and local communities to help shape more detailed proposals before planning applications are submitted.
60. In addition we will also look to involve parish councils and community forums in pre-application discussions on significant or highly sensitive schemes within

the villages. Such schemes are likely to be within conservation areas, where the potential impact on the quality of the village scene is greatest. We can only do this where the applicant agrees and, because of the limited resources we have available, we will have to focus on the most sensitive sites. Further details of this initiative are available in the Parish Council Protocol at <https://www.ashford.gov.uk/parish-council-protocol/>.

61. There are many pre-application consultation techniques currently being used by the council. Not all these methods will be suitable for each pre-application consultation, it is essential to match the consultation methods with the individual planning proposal.

The council uses a combination of the following:

- Public meetings and exhibitions (these would normally be advertised by the applicant or developer)
- Workshops or surgeries
- Design Panel reviews
- Development briefs

62. The next sections set out we make information on planning applications available to the public and how comments can be made throughout the application stages.

Consultations when applications are received

63. We undertake statutory publicity in accordance with current legislation. The government may change the statutory publicity requirements at any time and our future approach will reflect any changes that are made. You are encouraged to comment on all planning applications you consider yourself to be affected by, no matter what the scale of development proposed. For some major or strategic schemes, we will seek to publicise applications in additional ways over and above the statutory publicity requirements.

64. Depending on the type of the application and the legislation pertaining to such an application, consultation includes the following methods:

Letters to neighbours and statutory consultees

65. Neighbours will be notified by neighbour letter of most planning and listed building applications being considered.
66. Neighbour letters are sent to the occupiers of individual premises in the immediate vicinity of the site, but not on unbuilt land, in accordance with the principles set out in (figure 1) below.

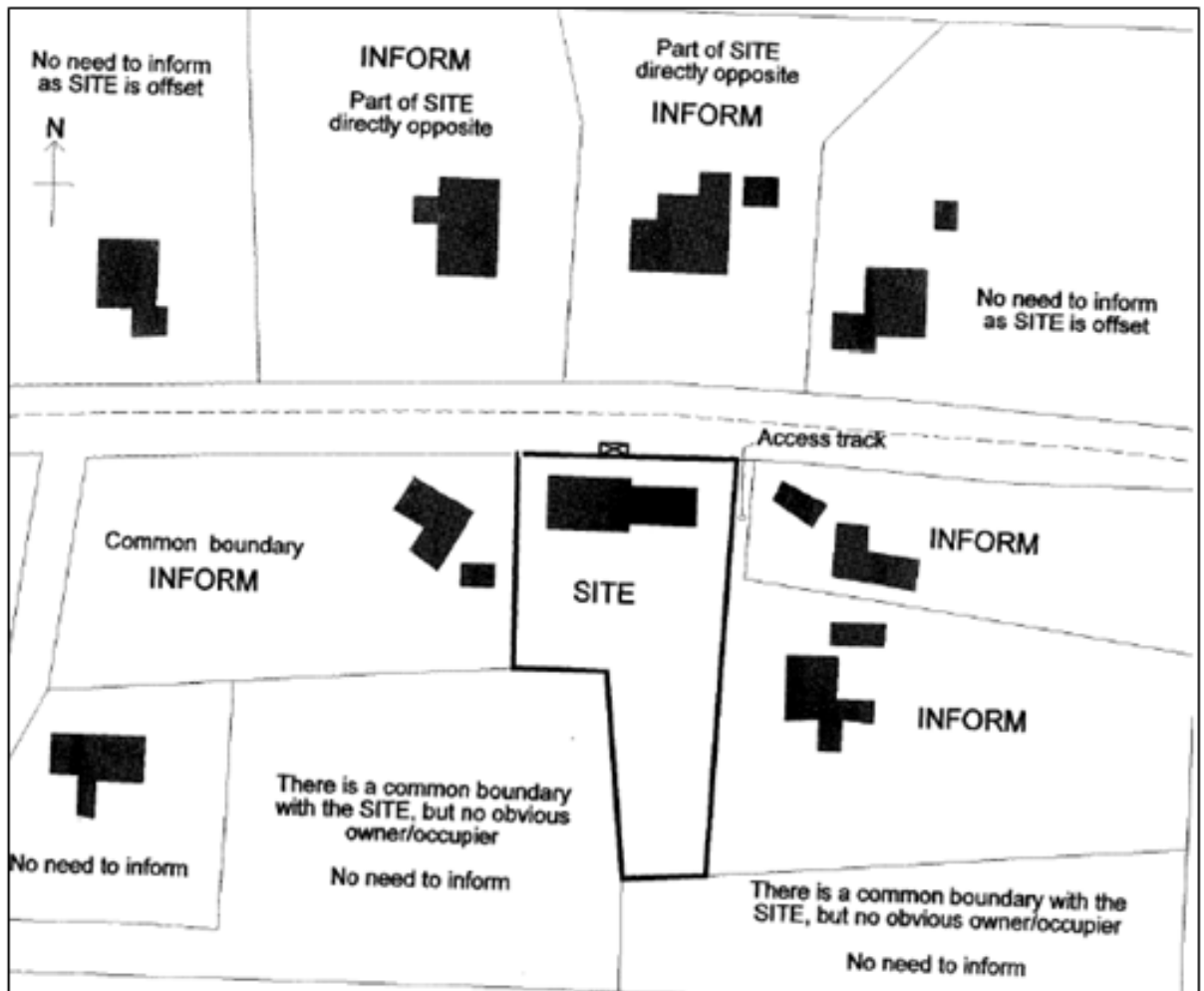


Figure 1 - Neighbour letter consultation procedure

67. As well as neighbour letters, notification correspondence will also be sent to organisations invited to comment on proposals in accordance with current legislation. Borough councillors will also be notified of applications in their ward. Notification of most planning and listed building applications will also be sent to the relevant parish or community council and responses will be invited within 24 days of the date of notification (or where longer periods of time are prescribed by different legislation). Notification methods will indicate the date that comments are expected to be received by the council.

Site notices

68. For some application types (such as those with heritage considerations, those for prior approval, major developments and those not in accordance with the development plan) site notices are displayed.

69. Site notices are clearly visible, printed on yellow paper and usually attached to lampposts, telegraph poles, or boundary treatments on, or adjacent to, the

application site. Site notices may also be placed further afield, on village centre notice boards for example to catch a wider audience.

70. Site notices will indicate the date that comments are expected to be received by the council. The application reference is also clearly stated, so all plans and documents can be accessed on the council's website (please see website section below).

Local Press

71. Some applications are also advertised in the local newspaper. This applies in accordance with current legislation, if the application is for major development or affects a listed building, a conservation area, or a public right of way, or departs from the development plan, or if the application may have a substantial impact on an area.

Website

72. All copies of applications and plans are available for inspection on the ABC website (at <https://planning.ashford.gov.uk/>), usually within four working days of being registered. These are found using the search function of the planning section of the website. Weekly lists of applications, decisions and appeals are also available. If you are unable to access applications online, please visit the Civic Centre where all live applications and accompanying plans can be viewed.
73. We are encouraging households to sign up to the '**Applications Near Me**' feature on the council's website. You will then be notified by email of any planning applications being considered near where you live. This service provides email updates on applications, appeals and decisions for postcodes, wards or parishes as specified by the user.

Please visit <https://planning.ashford.gov.uk/AppsNearMe/default.aspx?new=true> to sign up to the 'Applications Near Me' feature on the council's website.

How to make a comment

Anyone may comment on an application even if they have not been notified by the council. All comments are considered carefully.

74. The council receives and handles comments on planning applications by conventional post and email or by our online comments form on the council website. Making comments online is the easiest method for making comments and allows us to protect your personal data more easily. Comments must be received within the consultation deadline (usually about

four weeks from the application being registered by the council) to be certain of being taken into account.

75. The council does not respond to each comment made individually, due to the large number it receives. However, comments are summarised in the planning officer's report for each application. Officer's reports become public information found on the council's website following the application decision.
76. Care should be taken when making comments to the council to ensure that no personal data is included and that the information provided is relevant to the planning merits of the application only. Your comments, including your name and address, will be viewable on the website whilst the application or any subsequent appeal is being considered (your telephone number and e-mail address will not be viewable on this website). Personal data may be retained for up to 3 years and used for further consultation should revised or new applications for the same site be submitted in future. Although the council reserves the right to remove inappropriate comments from the website as necessary, such comments may still be viewable prior to any removal and viewable online and by visitors to the Civic Centre.

It is therefore your sole responsibility to ensure you do not include defamatory remarks in your comments as you could be held legally responsible for them in the future.

77. Subsequent correspondence received from the applicant or third party will be added to the website where this does not involve administrative matters or confidential information. This allows the public to track the progress of an application.
78. In some specific circumstances public comments may not be published on the council's website. This is usually when comments either contain sensitive information about the applicant or person making the comment, or the comments are of an inappropriate nature bearing no relevance to the planning process.

Amendments to planning applications

79. Sometimes changes are made to 'live' planning applications. These changes may require a second round of consultation to ensure that the community can have their say on the changes.
80. If there are any significant amendments to the planning application during consideration, any relevant consultees will be notified. The period for commenting on amended plans will normally be 24 calendar days but this may be reduced to no less than 10 calendar days if circumstances such as the date of a planning committee dictate. In addition to consulting any relevant consultees, notification will be sent to the relevant ward member and to people who have already written in with comments.

How representations are considered by the council

81. Decisions on planning applications are made by the council's planning committee or decided by delegated authority to the Development Management Manager and other senior planning officers in accordance with the council's constitution.
82. The case officer determining the planning application should have all the necessary information they need to make a decision on the application after the close of the consultation period (the time when all public comments should be made). Any matters raised through representations from the local community will be acknowledged and considered in published officers assessment reports.
83. All decisions are made in relation to the statutory development plan for the borough and any other material planning considerations. To see how an officer came to a decision on any particular planning application, you can view the officer's assessment report on the council's website (at <https://planning.ashford.gov.uk/>) by quoting the case reference number.

Consultation on decisions

84. The majority of decisions are made by delegated authority daily. The planning committee also determines planning applications and meets on a broadly 4-week cycle, although occasionally special meetings may be called in addition. Planning committee is attended by elected members who determine major, complex or controversial planning applications. The committee agendas are available on the council's website www.ashford.gov.uk/committees and include reports on the individual planning applications being considered. For information about how to speak in favour or against an application at planning committee please visit <https://www.ashford.gov.uk/speaking-at-planning-committee/>.
85. Committee reports and the reports for applications decided by officers can be viewed on the council's website. Similarly all decision notices are also viewable on the council's website. At the time a decision is issued on any application the council will notify all those who have submitted written comments on the application, either by letter or email. We will say if the application has been granted or refused planning permission. Parish and community councils will be notified too and provided with an electronic link to a copy of the decision notice.

Consultation on appeals

86. When an applicant disagrees with the council's decision on their planning application, they can appeal to the Planning Inspectorate. An appointed government inspector will then make a decision on the appeal.
87. If we receive an appeal on an application, we will notify all those who commented on the original application either by letter or email. We will explain

what the appeal is about, how people can be involved in the appeal process and the timescales for being involved. The inspector will decide if a hearing or public inquiry is required where there may be more opportunities for you to put across your views.

88. However if the appeal is about a householder application, (typically those for extensions or alteration to houses) then we will only let people know the appeal has been received. New comments on these types of appeal cannot be made at this stage.

89. For more information about planning appeals please visit the website of the Planning Inspectorate at <https://www.gov.uk/planning-inspectorate>.