



South Lakeland Local Plan

(For South Lakeland District outside the Lake District and Yorkshire Dales National Parks)

Statement of Community Involvement



Adopted 31 March 2016

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1. What is a Statement of Community Involvement?

- 1.1 South Lakeland District Council ('the Council/District Council') is the local planning authority for those parts of South Lakeland outside the Lake District and Yorkshire Dales National Park. This area includes Kendal, Ulverston, Grange-over-Sands, Milnthorpe, Kirkby Lonsdale and surrounding rural areas. Within this area, South Lakeland District Council is responsible for preparing plans to guide new development and deciding whether or not to approve planning applications.
- 1.2 This **Statement of Community Involvement** (SCI) sets out how and when we will engage with the community and other key stakeholders when we prepare and revise Local Plan documents. It also explains how the community will be consulted on planning applications. This SCI provides a summary of how the Council will provide pre-planning application advice. Detailed pre-application advice, in terms of the principles, process, service and the cost, will be given in a forthcoming separate Council document. The Council's pre-application advice is subject to its own approval process. Keeping detailed pre-application advice separate from this SCI, allows the advice to be more readily updated.
- 1.3 This SCI updates and supersedes the existing SCI which was adopted in 2006 and amended in 2008, reflecting a changed local and national planning context, including the introduction of neighbourhood planning and the duty to cooperate. We will review and update the SCI as necessary to reflect any future changes. The Lake District and Yorkshire Dales National Parks Authorities' have their own SCIs that they use when they determine planning applications and prepare plans in the areas for which they have responsibility.
- 1.4 This Statement of Community Involvement is divided into six sections:
- part 1 is this **introduction**;
 - part 2 sets out the Council's **overall approach to community engagement**;
 - part 3 sets out the **national context** and external influences on **community engagement**;
 - part 4 sets out how the Council will engage communities in **the local plan process**;
 - part 5 sets out the consultation processes associated with planning applications and **development management**. Detailed pre – application advice is given in a separate Council advice document, which is referred to; and,
 - part 6 deals with the **resources** required to deliver the consultation methods proposed and how we will **monitor and review** our consultation approaches.
- 1.5 The consultation activities set out in this SCI are a minimum requirement. This document, gives an assurance to communities and other key stakeholders about what they can expect from us in terms of consultation and involvement. We may however, undertake additional consultation activities; if it is considered to be

necessary depending on the scale and impact of a particular project, proposal or document.

Consultation on the SCI

- 1.6 The Council publicly consulted on its draft SCI for a 6 week period between 6th November and 18th December, 2015. The received feedback/responses were taken into consideration and, where appropriate are reflected in this document.
- 1.7 A summary of these representations and the Council's response can be found in the relevant consultation statement, which is available to view on the Council's website at <http://tinyurl.com/mdk8tff>
- 1.8 This latest SCI was adopted by the Council on 31 March 2016.

2. The Council's approach to Community Engagement

- 2.1 Since the first SCI was adopted there have been significant changes in the way communities and the Council interact. Access to the internet has increased and there has been a shift towards online services and correspondence by email and social media. Through South Lakeland's Customer Connect Programme, the Council's single view of the customer will put them at the very heart of everything it does and enable them to have better access to services at times and channels that are more convenient to them. This statement embraces the principles of Customer Connect and ensures that community engagement on planning applications and local and neighbourhood planning reflects those principles.
- 2.2 Despite these changes, there are still a significant number of people that are unable to use electronic forms of communication and access to information, or prefer not to do so. As such, we will continue to ensure that consultation materials are available in a variety of formats and that there are varied ways of taking part in consultations to encourage the widest possible accessibility. This includes paper, electronic and large print and other formats on request.

3. Community Engagement and Planning

- 3.1 Community engagement in relation to planning is guided by national regulations and legislation including the Town and Country Planning (Local Planning) (England) Regulations 2012, which include basic requirements about who councils should consult and how and when in the planning process they should do it.
- 3.2 The Government requires us to consult "specific consultation bodies" and other interest groups which cover the whole range of voluntary, community, special interest, amenity and business interests, referred to as "general consultation bodies". Lists of both these groups as they apply to South Lakeland can be found at Appendix 1.

- 3.3 We seek to provide everyone who wishes to be involved in planning decisions and the development of their community with the opportunity to do so. This SCI sets out the ways in which we will do this.

National Planning Policy Framework (NPPF)

- 3.4 The Government's planning policies are set out in a document called the National Planning Policy Framework (NPPF) which was published in March 2012. The NPPF stresses the importance of a plan-led system and re-iterates the role of early and meaningful engagement and collaboration with local people, organisations and businesses to produce a Local Plan that reflects the vision and aspirations, and best meets the needs of local communities.

Localism and the Duty to Co-operate

- 3.5 It is important that the Local Plan is produced taking into account all the relevant strategies and plans that affect the District including those prepared by neighbouring councils. The Localism Act 2011 has introduced a new **duty to cooperate** that requires planning authorities and other public bodies to actively engage with one another and work jointly on strategic matters. There are a number of issues such as transport, employment and flood risk that have impacts that cross district boundaries. We will explore appropriate approaches to such issues with neighbouring authorities and other relevant organisations to ensure that strategic priorities and shared issues are reflected and addressed in the Local Plan.
- 3.6 In engaging with other duty to cooperate bodies, our approach will be:
- to have a process of on-going, constructive and active engagement on the preparation of local plans and other activities relating to sustainable development and the use of land, in particular cross-boundary and strategic matters;
 - where appropriate, to explore opportunities for joint working (specifically in the production of evidence base documents);
 - to maintain evidence of our engagement with other duty to co-operate bodies;
 - to use a standard template to document meetings (see example at Appendix 4); and,
 - to set out in the Council's Annual Monitoring Report (AMR) how we have taken forward the duty, on an ongoing basis.

4. Community Engagement in the Local Plan process

- 4.1 The Local Plan is made up of Development Plan Documents (DPDs), such as the Core Strategy and the Land Allocations document, and Supplementary Planning Documents (SPDs), such as Development Briefs.
- 4.2 There are also other documents that support the delivery of the Local Plan, such as the Community Infrastructure Levy (CIL) and the Infrastructure Delivery Plan (IDP).

- 4.3 Our Local Development Scheme (LDS) (which can be viewed on our website at <http://tinyurl.com/of9wzjl>) sets out details of all the Local Plan documents (including supporting documents) that we are or will be progressing. The preparation of each of these documents will provide important opportunities for communities to get involved in shaping the places in which they live.
- 4.4 The process of producing each DPD and SPD involves several stages; including two key opportunities for community involvement:
- **Determining the scope** of the document and assembly of evidence base;
 - **Informal consultation** with stakeholders on the key content and issues (this is no longer a formal requirement but is considered to be good practice);
 - **Consideration of consultation responses** and drawing up of draft document;
 - Publication of document for **formal public participation**;
 - **Consideration of consultation responses** and drawing up of final Document;
 - **Submission of document** to the Secretary of State (*if the document is a DPD*);
 - **Independent Examination** in Public (*if the document is a DPD*);
 - **Receipt of Inspector's report** (*if the document is a DPD*);
 - **Consideration of Inspector's recommendations** (*if the document is a DPD*);
 - **Adoption** by the Council; and,
 - Ongoing **monitoring and review**.
- 4.5 For documents we produce that are not DPDs or SPDs, there are different requirements for consultation. The CIL is subject to its own regulations (The Community Infrastructure Levy Regulations 2010, as amended), which include requirements for two stages of public and stakeholder consultation. The IDP is consulted on alongside the CIL.
- 4.6 A Sustainability Appraisal Report must accompany each of the DPDs and these will be consulted upon at the same time as the main DPD consultations.
- 4.7 More information about the Local Plan documents, supporting documents and what stage the Council is at in producing them, can be found on the Council's website or at our offices. For information about consultation and neighbourhood planning, please see paragraph 4.14.

Methods of community involvement

- 4.8 Based on our existing experience and practice, analysis of the South Lakeland community and the response to earlier consultations on Local Plan documents, there are a range of methods and approaches that we will use to facilitate community engagement in the Local Plan process.

- 4.9 A database containing contact details of the groups and organisations identified in Appendix 1 and individuals/members of the public who expressed a wish to be included was created in 2004. It has since been continually updated as consultations have taken place. There are currently over 7000 people and organisations on our database (Jan. 2016). This includes organisations that represent groups such as; the aged, the disabled, and religious and ethnic interests. Schools and colleges are also included. The database is linked to our online consultation response facility, which enables people to view all comments and representations made by themselves and others in response to consultations. The database is open for any group or individual to register and receive notifications of future Local Plan consultations. Interested parties wishing to be added to the Local Plan consultation database should email developmentplans@southlakeland.gov.uk
- 4.10 In addition to complying with the basic consultation requirements set out in the relevant regulations (see para. 3.1), the consultation methods the Council will use - or will consider using, – for each consultation, are set out below.

Methods	Actions
Documents made available for inspection	This is a minimum requirement as set out in the Regulations. Relevant documents will be made available for inspection during consultation periods at South Lakeland House, Kendal, at the Council's offices in the Coronation Hall, Ulverston, and libraries at Kendal, Ulverston, Grange-over-Sands, Milnthorpe, Kirkby Lonsdale and Arnside. The availability of these documents will be advertised. All locations are accessible to people with disabilities. Where DPDs or SPDs relate to a part of the District only, relevant documents will be made available for inspection at South Lakeland House, Kendal, at the Council's offices in the Coronation Hall, Ulverston, at Kendal library and other appropriate local libraries.
Website	Relevant documents will be made available on the South Lakeland District Council website and the primary method of responding to consultations is using the online response facility. Libraries in South Lakeland offer internet access and assistance to those who need it. There are also opportunities to respond to consultations via email and using electronic response forms.
Letters / emails to specific bodies, as listed in the regulations	Relevant bodies will be notified by letter or email at appropriate times during the preparation of each Local Plan document, including at the beginning of each consultation.
Emails	Many people have chosen to receive notification of consultations on Local Plan and other documents by email. This is quicker and more cost-effective than postal correspondence. We will notify people of consultations on documents in accordance with their expressed interests.
Media (local press, TV, radio)	At the formal consultation stages, a notice will be published in the local press, with details of where and when documents can be inspected. It will also detail how and when to respond to consultation documents.
Existing Channels & Networks	Full use will be made of existing channels of community representation and standing forums.
Key Stakeholder	We will liaise with key stakeholder groups at key stages in the plan

Groups	making process, to discuss issues and keep them informed of progress.
Questionnaires	Questionnaires may be used to focus comments and to help ensure that feedback relates to issues that are within the scope of the document being consulted upon.
Exhibitions, leaflets, posters	Exhibitions, displays or drop-in events may be used at key stages or for certain documents to illustrate proposals, invite participation from a community or area, and provide for direct feedback. These will be advertised using methods such as local media, posters and leaflets. Events will always be held in locations that are accessible to people with disabilities.
Focus Groups (and other Interactive Meetings)	A variety of other meetings provide for structured participation in formats such as 'Planning for Real', 'Charrettes', workshops and Focus Groups. Such participation techniques may also be used in larger public meetings or standing forms.
Newsletters	The Council sends South Lakeland News to all households three times a year. In addition, a Local Plan newsletter is produced as appropriate. We will use these to update the community on progress in preparing the Local Plan and opportunities to get involved.
Meetings with Communities	We will arrange meetings with local communities where proposals may have a significant local effect. We will respond positively to requests for other meetings, where time and resources allow. The media, posters and leaflets may be used to advertise public meetings.
Schools and Colleges	We will consult secondary schools and colleges on relevant documents, and work with them to explore how to best obtain the views of young people (and their parents).

4.11 Formal consultation periods during the local plan process provide an opportunity for anyone to submit representations to the Council in writing, by email, or by using the Council's online response facility. These formal public consultations take place:

- during **plan preparation** when the Council will consult publicly on the emerging plan for a 6 week period;
- on the **publication** of the Local Plan document and supporting documents, when anyone can make formal representations to the Council during a formal 6 week public consultation. The Council send these representations to the Planning Inspectorate when submitting the Local Plan document and supporting evidence for independent examination; and,
- at **independent examination**, those who submitted representations have the right to be heard by the planning inspector.

Conservation

4.12 The Council currently enables volunteers in local civic societies and preservation groups to undertake asset surveys of conservation areas, undertake heritage at risk audits and compile a list of locally important heritage assets in their areas. This information will be used to establish conservation area management plans and a district wide heritage strategy that will set out how the historic environment of the area will be conserved and enjoyed. We will consult publicly with the relevant communities when the individual management plans have been drafted - with the

parish or town councils initially and then more widely through a public participation event in each area. It is our attention that these management plans be adopted as Supplementary Planning Documents (SPDs) and therefore the statutory requirements for consultation and timescales for the submission of representations in preparing SPDs will be adhered to. Any work on new conservation area designations will follow the same format of public engagement and participation.

Reporting back

- 4.13 We are committed to reporting back on the responses to consultation. Following each public consultation we will:
- give full consideration to all representations received and engage in further discussions where this will assist in developing the document;
 - make all responses available on our website; and,
 - for each document, we will produce an interim and a final consultation report, detailing the comments we have received, explaining our response to them and how they have influenced the preparation of the document. These reports will be made available on our website, at Council Offices and local libraries.

Neighbourhood Plans and Development Orders

- 4.14 Unlike other Local Plan documents, Neighbourhood Plans (and Neighbourhood Development Orders) are prepared by communities themselves through parish and town councils (in areas that are parished, like South Lakeland) and with the support of the local planning authority. Neighbourhood plans can establish policies to guide development in a neighbourhood, including the allocation of sites for development. A neighbourhood plan can only be approved if the majority of voters in the neighbourhood give vote in favour of the Plan at referendum. Neighbourhood plans must be in conformity with the strategic policies in the Local Plan produced by the Council and with national planning policy.
- 4.15 The procedures for preparing and consulting upon Neighbourhood Plans and Development Orders are set out in the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012. They are similar to the procedures for preparing DPDs but with some key differences. Before preparing a neighbourhood plan or Order, the parish or town council must apply to the District Council to have the area to which they want the plan to cover designated as a Neighbourhood Area. When they receive this application, the District Council must undertake a consultation on the proposal. Once an area is designated, the parish or town council can prepare a neighbourhood plan or Order. As part of this process, parish/town councils are required to undertake public consultation themselves before submitting their plan or Order to the District Council, who must then publish the plan or Order for formal consultation. This is then followed by an independent examination and local referendum.
- 4.16 More information about this process and about neighbourhood planning in South Lakeland can be found on the Council's website and, for those communities within

South Lakeland that fall within the Lake District or Yorkshire Dales National Parks, information can be found on those authorities' websites.

- 4.17 SLDC has set out what communities can expect from us in terms of supporting the neighbourhood planning process in a Neighbourhood Planning Statement of Support to Communities. This can be found at Appendix 2.

5. Community Engagement in the Development Management Process (Planning Applications)

- 5.1 We have long-established and successful methods of dealing with and consulting on planning applications and these methods, and the overall approach, will continue to form the basis for future consultations. These include:

Pre-application discussions

- 5.2 Set out below is a summary of how the Council will provide pre-planning application advice. Detailed pre-application advice; in terms of principles, the process, service and cost, will be given in a separate forthcoming Council document.

Pre-application consultation

- 5.3 We would expect developers to discuss their proposals with planning officers before submitting an application. This can confirm whether the principle of development is acceptable and clarify the format, type and level of detail required to enable us to determine an application.
- 5.4 **Principles** - South Lakeland District Council recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better co-ordination between public and private resources and improved outcomes for the community.
- 5.5 Before submitting a planning application, we would expect developers to avail themselves of our pre-application services. The more issues that can be resolved at pre-application stage, the greater the benefits. In this respect, consultation with statutory consultees can be particularly helpful.
- 5.6 For the planning system to be effective and positive, we will encourage statutory planning consultees to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage.

- 5.7 The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations Assessment and Flood Risk Assessment). To avoid delay, we will discuss what information is needed by us and expert bodies as early as possible.
- 5.8 The Councils forthcoming separate pre-application advice document will set out the process; the principles against which, pre-application advice is offered, together with the six broad areas of advice offered.
- 5.9 The six broad areas of pre-application advice are:
- self-service;
 - heritage and trees;
 - correspondence offer;
 - standard pre-application advice and discussion;
 - specific pre-application advice and discussion; and,
 - planning performance agreement (PPA).
- 5.10 Full details (current advice - scope of the pre-application service, advice and costs), can be found on the Council's website using this link: <http://tinyurl.com/pnjya7k>

Publicising planning applications

- 5.11 A weekly list of all applications is sent to parish and town councils and councillors. It is available on our website and electronic copies can also be made available on request to members of the public. Where it is a necessary legislative requirement we will advertise relevant applications in the local press.
- 5.12 Individual notification consultation letters are sent to neighbours (even if in another district), who can be identified from a plan and have a contiguous boundary with the development site. Others, who are considered likely to be affected by a proposal, are also notified. A site notice is put up for each application and applications are also available to view on our website. Neighbouring councils are consulted where appropriate.
- 5.13 Where appropriate we seek the views of other organisations, advisory groups, local amenity societies and residents' associations. We consult the relevant parish/town council(s) and any other relevant statutory body, (i.e. Historic England, Natural England and the Environment Agency). All consultees have 21 days in which to respond to a standard application. Parish/town Councils have 28 days to respond to a major application.
- 5.14 Where applications would affect the character or setting of a listed building, or the character of a conservation area, or which in the Council's opinion are likely to have implications for more than the immediate neighbours, notices are published in the local paper.

- 5.15 The Council's Conservation Officer is consulted on important applications in conservation areas or affecting listed buildings. Notices will be placed on site and in the press for all listed building consent applications. Information on advertisements is also placed on the website. Significant applications will normally be accompanied by a full planning application upon which the appropriate scale of neighbour consultation will be undertaken.
- 5.16 In the case of applications for major infrastructure, consultation is to be undertaken by the developer. Our role in these cases is to provide advice and an assessment of the appropriateness and effectiveness of the consultation, which will be reported to the Planning Inspectorate (PINS).
- 5.17 Appendix 3 – 'Community Involvement in Planning Applications' sets out the Council's approach to consulting the community on planning applications.
- 5.18 Our Statutory Register of planning applications can be viewed online at www.southlakeland.gov.uk The Register includes forms, plans, drawings and reports accompanying the application and decision notices. Any comments received also form part of the Register and are made available online. Different documents are viewable at different stages of the application following guidance agreed by the Information Commissioners Office. Comments concerning planning applications are subject to certain principles in the 'Data Protection Act'. If planning applications are submitted to the Council and the submission includes confidential information (e.g. financial information or personal medical information), then that will be kept confidential on request. As a rule, all documents are open to scrutiny. Paragraphs 21 and 22 below, give guidance on how to comment on a planning application(s).
- 5.19 Planning applications and associated documents can be viewed online (including at South Lakeland House in Kendal and local libraries during normal opening hours without an appointment). Copies of documents may be purchased, (subject to copyright provisions).
- 5.20 Meetings with planning officers are now available on an appointment basis only. If you wish to see a planning officer, please phone (01539) 793330 to make an appointment.

How to comment

- 5.21 Comments may be made by anyone, regardless of whether they were consulted individually. We welcome any comments, whether in support of an application or objecting to it, although we can only take account of comments that relate to "planning considerations". These include matters like the effect on traffic or parking, the appearance of the proposal, overlooking or disturbance, loss of light or privacy, impact on the local environment and whether the proposed use is suitable. We cannot take into account matters such as loss of property value, private disputes between neighbours, matters covered by leases or covenants, the impact of

construction work, and competition between firms. The Council's planning web pages include guidance relating to commenting on planning applications (<http://tinyurl.com/j3z394t>). Comments must include: the planning reference number, name and address and the date. Comments and personal details forming part of the planning application file are public documents and are available for people to read. Before publishing, the Council will remove signatures, telephone number and email address. Name and address will not be removed. If the Council considers any comments to be malicious or abusive we will not publish them. Only 'material planning considerations' will be considered in responses.

- 5.22 We encourage all comments to be made within 21 days. Comments made electronically are encouraged. Comments received electronically will be acknowledged automatically. Postal comments will not be acknowledged. We aim to make all comments available to view on our website within 10 days of receipt.

Taking views into account

- 5.23 Many decisions have been delegated to officers by elected members, but if an application is to be decided by the Planning Committee, any officer comments are drawn to their attention before a decision is made. The Committee's agendas are published five clear working days in advance and can be read on our website and at South Lakeland House. Planning Committee meetings are held in public and there is also a right to speak. Further details can be found at <http://tinyurl.com/jhwfmhr> (See General Public Participation Scheme and Planning Committee Public participation Scheme).

Letting people know the outcome

- 5.24 It is not possible to respond individually to comments made on a planning application. The decision notice is available for public view on our website. The decision notice will show reasons for the decision and any conditions that have been placed on the permission.
- 5.25 Only the applicant can appeal against the decision but, if an appeal is made, consultees / neighbours will be notified and will then have the opportunity of making further representations to the Government Planning Inspector dealing with the appeal. Other parties can apply to have the decision judicially reviewed and you should seek urgent independent legal advice because there are time limits to making such applications.
- 5.26 Appeal decisions can also be inspected on our website and at South Lakeland House.

6. Resources, Monitoring and Review

- 6.1 This Statement of Community Involvement (SCI) is based on experience to date and an assessment of the likely availability of resources in forthcoming years. It is not

possible for the Council to resource large-scale, technologically advanced or more extensive community and stakeholder consultation. It has therefore sought to identify a community involvement approach that is effective, whilst being realistic and deliverable.

- 6.2 It is essential that sufficient resources are made available to implement the consultation measures set out in this SCI. The Council will be responsible for making appropriate resources available and it is envisaged at this stage that the proposed consultation measures can be met from resources within the Council itself. External facilitators will not be required to deliver the measures set out within this SCI, but if the future resource position changes, this position will be reviewed.
- 6.3 Over time, planning advice and practice changes and consultation techniques can be developed and refined further; for example, with technological advances and changes to legislative requirements or best practice advice, or where appropriate, by applying learning from consultation experience(s). There may also be changes in the resource position in future years. As a result, we will review the SCI when the degree of any changes that have taken place makes this appropriate, or when new policies or legislation requires it.
- 6.4 The measures proposed in this Statement of Community Involvement are the minimum measures to be undertaken. There are a number of other measures that offer significant benefits that we will seek to deliver, where possible, but cannot commit to due to resource constraints. Such measures include:
- employing external facilitators;
 - combining consultation exercises within other wider initiatives outside of the Council;
 - the use of computer modelling or other technology to present options, choices and consequences or provide alternative methods of responding to consultations; and,
 - the greater use of 'Planning for Real' (or similar) exercises and events which provide greater interaction for participants.
- 6.5 It is possible that through community involvement, either by developers of major schemes, or through regeneration initiatives, could offer the opportunity to trial some of these more advanced measures and give an indication of how useful they are in a local context.
- 6.6 We will seek feedback from consultees and will monitor the effectiveness and appropriateness of the approaches to consultation during and following each consultation undertaken. This will be reported in Consultation Statements/Reports. If monitoring reveals major omissions or problems with the approaches set out in this SCI, arrangements will be made to either review the document as a whole or in part. Additionally, where monitoring and assessment suggests that certain methods might be required in particular circumstances, such as for certain types of document or for certain stages of consultation, the Council will explore methods over and above those set out in this SCI to meet the needs of those particular consultations.

Appendices

Appendix 1: Specific and General Consultation Bodies

Specific Consultation Bodies

The Town and Country Planning (Local Planning) (England) Regulations 2012 define the following bodies as 'specific consultation bodies':

- The Coal Authority
- The Environment Agency
- Historic England (Historic Buildings and Monuments Commission for England)
- Marine Management Organisation
- Natural England
- Network Rail Infrastructure Limited
- Highways England.
- Adjoining Local Planning Authorities
- Relevant telecommunications companies
- Primary Care Trust or successor body
- Relevant electricity and gas companies
- United Utilities (Water and sewerage)

General Consultation Bodies

The Government has defined General Consultation Bodies as voluntary bodies some or all of whose activities benefit any part of the authority's area and other bodies who represent, in the authority's area, the interests of different racial, ethnic or national groups; different religious groups; disabled persons; and, business interests.

Our own consultation database includes groups, organisations and companies from the following categories:-

Types of Consultee
<ul style="list-style-type: none"> • Community Representation: <ul style="list-style-type: none"> – Councillors of South Lakeland District and Cumbria County Council (within the District); – Town and Parish Councils; – Local Area Partnerships; – Cumbria Association of Local Councils (CALC); – Members of Parliament; – Schools and Colleges; – Residents' Associations; • General public and local communities; • Statutory bodies; • Government Departments; • Councils (in or adjoining the Local Plan area); • Agencies and organisations; • Developers, landowners and agents; • Hard to reach groups; and, • Interests, (see below).

Interests

- Voluntary sector;
- Ethnic and religious;
- Disabled persons;
- Business, tourism and agriculture;
- Housing;
- Transport;
- Nature conservation and landscape;
- Historic conservation and amenity;
- Sport and recreation;
- Culture and art;
- Older and younger people;
- Residents and community groups;
- Parish plan groups;
- Health; and
- Crime reduction.

Appendix 2: Neighbourhood Planning Protocol

South Lakeland District Council Neighbourhood Planning Protocol:

Statement of District Council support to town and parish councils

(Outside the National Parks)

Purpose of this Protocol

Neighbourhood plans are normally led by the parish/town council or, outside of parished areas, neighbourhood forums (qualifying bodies). The whole of South Lakeland District is parished, so in most areas, neighbourhood plans will be led by the relevant town or parish council(s). There are however different arrangements for parish meetings¹. Neighbourhood plans need not be funded by the town or parish council - they can be funded in other ways, for example by a developer wishing to promote land through a neighbourhood plan.

Under the Localism Act, South Lakeland District Council (SLDC), as the local planning authority for the District outside the National Parks, has a statutory duty to provide advice and assistance to communities choosing to undertake a neighbourhood plan.

This protocol outlines the services that SLDC will offer to town and parish councils (or neighbourhood forums in areas covered only by parish meetings where relevant) in South Lakeland outside (or partly within) the National Parks, in order to fulfil this statutory duty and support and guide the preparation of neighbourhood plans. It also sets out what SLDC expect from town or parish councils (or parish meetings/neighbourhood forums where relevant) in the process.

Of particular importance is the need for any community that is considering taking steps toward preparing a neighbourhood plan to get in touch with our Development Plans Team as early as possible so that we can assist in deciding whether this is the right way forward for that community or whether other options might be more appropriate.

This protocol should be read in conjunction with the Parish Charter (<http://tinyurl.com/otvs3ca>) for South Lakeland (see page 7).

General Support

SLDC will:

- 1.1 Maintain a neighbourhood planning page on its website that identifies and provides links to key information and guidance about neighbourhood planning, including Neighbourhood Development Orders and other provisions of the Localism Act.
- 1.2 Provide advice and information to help communities understand the neighbourhood planning process and the funding, resources and skills that are available to support the process.
- 1.3 Offer advice on alternative options available to communities, such as Community Plans, to help local people decide which approach(es) is/are right for their area. We

¹ Some parishes in South Lakeland are not covered by parish councils, but are led by parish meetings. Parish meetings do not have the same status as parish councils and if they wish to undertake neighbourhood planning, would need to make arrangements to create a neighbourhood forum unless they are working jointly on a neighbourhood plan with a neighbouring parish led by a parish council.

recommend that communities interested in undertaking neighbourhood planning get in touch with SLDC's Development Plans Team at the earliest opportunity and prior to any neighbourhood area designation application being made, to discuss the issues and approach being considered.

- 1.4 Provide advice relating to effective consultation, including on questionnaire design and how to maximise responses from all groups in the community, including access to our online survey site. We will, where resources permit, attend consultation events, if requested.
- 1.5 Provide a GIS mapping service and the provision of electronic versions and up to five printed copies of key maps for use at consultation events and workshops and for inclusion within draft and final plan documents. Parish councils will need to be aware of the Ordnance Survey user agreement prior to this work.
- 1.6 Provide the most up-to-date available evidence base, including the Strategic Housing Market Assessment (SHMA) and other evidence information supporting the South Lakeland Local Plan, by making them available on the Council's website at <http://tinyurl.com/njtofvs>
- 1.7 Provide contact details of statutory consultees and other relevant groups.
- 1.8 Seek to foster a positive and ongoing relationship with town and parish councils throughout the neighbourhood planning process.

Supporting the Designation of Neighbourhood Areas/Business Areas

SLDC will:

- 2.1 Meet local communities who contact us expressing an interest in neighbourhood planning, in order to provide initial advice and information and discuss options. Wherever possible, this should take place in advance of a Neighbourhood Area application being submitted.
- 2.2 Check and confirm receipt of any neighbourhood area application it receives and advise the applying qualifying body of any requirements omitted.
- 2.3 Map neighbourhood area boundaries required for the designation of the neighbourhood area or business area.
- 2.4 Publicise, in accordance with the Neighbourhood Planning (General) Regulations 2012, the application for a neighbourhood area or business area in a manner considered likely to bring the application to the attention of people who live, work or carry on business in the area to which the application relates. This includes through; SLDC's website, local and social media, local libraries/inspection points and by writing to relevant organisations, businesses and individuals.
- 2.5 Carry out statutory consultation on the proposed neighbourhood area in accordance with the Regulations. This means we will consult for four weeks where the application falls entirely within one planning authority area and relates to a whole parish and six weeks in all other cases.

- 2.6 Consider, in accordance with the Regulations, the boundary of the proposed neighbourhood area. Where the boundary is not considered 'coherent, consistent and appropriate in planning terms'², as set out in the Regulations, SLDC will work with the town/parish council to come to a suitable resolution and a decision will be made at a scheduled meeting of the Council's Cabinet.
- 2.7 Determine the application within eight weeks where the application falls entirely within one planning authority area and relates to the whole area of the parish council, twenty weeks where the area straddles two local planning authorities and thirteen weeks in all other cases.
- 2.8 Publish details of all adopted neighbourhood plan areas or business areas on SLDC's website and through other appropriate means as soon as practicable following formal designation.

Supporting the Preparation of Neighbourhood Plans

SLDC will:

- 3.1 Provide advice on which issues are considered to be relevant planning matters and thus, are suitable for inclusion in neighbourhood plans.
- 3.2 Provide information on relevant European and national legislation and policies, and adopted and emerging Local Plan policies with which any neighbourhood plan will need to be in general conformity.
- 3.3 Share existing information and evidence base work held by the local planning authority as appropriate (subject to any data protection or confidentiality issues) and provide advice on any areas where new evidence may be required or beneficial to support the preparation of the Plan.
- 3.4 Help communities communicate with local partners and/or organisations where required.
- 3.5 Provide constructive comments on the emerging plan and other supporting documents prior to formal submission.
- 3.6 Carry out screening / scoping to identify and provide an opinion and advice on the need for a Strategic Environmental Assessment, Sustainability Appraisal or Habitats Regulations Assessment, except where consultants have been employed to prepare the neighbourhood plan.

SLDC will not:

² This might be where areas of the parish have a more of a connection such as, but not exclusively, catchment area of services and facilities, location of main settlements or areas of population, physical connections, transport links with a neighbouring parish or where parts of the parish fall within a neighbouring urban area whilst others are rural, but there are many possible permutations and any such issues can be discussed at an early stage.

- 3.7 Undertake consultation exercises, distribute consultation questionnaires, collect, collate or analyse responses on behalf of communities for consultation arising from requirements placed on qualifying bodies in the Regulations.
- 3.8 Provide project management services for the production of the neighbourhood plan.
- 3.9 Draft the neighbourhood plan or any part or policy therein, although we can identify examples in which similar plans or policies have been prepared and which may be helpful points of reference and can provide advice on wording.
- 3.10 Undertake the Strategic Environmental Assessment, Sustainability Appraisal, Habitats Regulations Assessment or Appropriate Assessment, even if these are required. Consultants will be expected to undertake these.

Independent Examination

SLDC will:

- 4.1 Validate a neighbourhood plan on receipt, checking that all of the necessary supporting documents have been submitted.
- 4.2 Review the plan to ensure that it is in general conformity with the Local Plan and offer comments and suggestions as appropriate.
- 4.3 Publicise the neighbourhood plan on the Council's website for a minimum of six weeks in line with the regulations.
- 4.4 Appoint and fund the independent examiner, who will check that the plan meets the material considerations. The selection of examiner will be agreed with the relevant town or parish council.
- 4.5 Provide an examination venue, if a venue is required and if no suitable parish venue can be provided.
- 4.6 Following the recommendations of the examiner, provide written confirmation of the Council's position. This will cover any amendments that may need to be made to the plan before it proceeds to referendum and any extension of the referendum area beyond the designated neighbourhood area boundaries.

Referendum

SLDC will:

- 5.1 Fund and organise the public referendum (two referendums will be required for business areas – one for residents and one for businesses).

Adoption

SLDC will:

- 6.1 If the neighbourhood plan receives support at referendum from more than 50% of those that vote, then SLDC will formally adopt the neighbourhood plan and publish it on its website in accordance with the Regulations.

- 6.2 Once adopted the Plan will form part of SLDC's Development Plan. It will be a primary consideration in determining the outcome of planning applications relating to the neighbourhood or business area.

Obligations for Town and Parish Councils

In order to receive the support from SLDC outlined above, town and parish councils should:

- 7.1 Ensure that they get in touch with SLDC's Development Plans Team at the earliest opportunity (for instance, as soon as any decision is made that neighbourhood planning might be considered for the area) and prior to any neighbourhood area application being made, to discuss the issues and approach being considered. This will enable SLDC to programme and plan their support work and help the qualifying body come to a decision on whether neighbourhood planning is for them or whether another option might be more effective and appropriate.
- 7.2 Establish a steering group to develop the neighbourhood plan with a clear link to the parish council by way of an agreed Terms of Reference.
- 7.3 Arrange an initial meeting of the parish council and/or steering group and invite relevant SLDC officers to attend.
- 7.4 Prepare a project plan for the preparation of the neighbourhood plan, including an indicative timetable.
- 7.5 Provide SLDC with regular progress updates, especially at any key stages and when any decisions are made that will influence the content, aims and objectives of the plan.
- 7.6 Seek to foster a positive and ongoing relationship with SLDC throughout the neighbourhood planning process, including discussions at key stages such as preparation of the draft plan.
- 7.7 Provide SLDC with the final plan in electronic and paper format.
- 7.8 Provide SLDC with the results of any primary research and evidence gathered that would be beneficial to them.
- 7.9 Seek to accord fully at all times with the requirements in the relevant regulations and guidance for neighbourhood planning.

Plans in the National Parks

SLDC will:

- 8.1 If the proposed neighbourhood planning area is intended to cover an area that is wholly in a National Park, the application for designation of the neighbourhood area should be made to the relevant National Park authority. Similarly, support for the work will be provided by the relevant National Park authority and completed plans will be adopted by the relevant National Park authority and not SLDC. However, SLDC hold

responsibility for funding and running the referendum on plans for areas within the Parks (i.e. 5.1 will still apply).

- 8.2 If the proposed neighbourhood planning area is intended to cover an area that falls partially within and partially outside a National Park boundary, SLDC and the relevant National Park authority will agree how the process will be supported. A joint approach may be agreed. Unless there are other overriding considerations, the location of the largest settlement will determine which authority will provide the primary support to the community in the neighbourhood planning process. Both authorities will publicise the proposed neighbourhood area and the draft plan. It will however remain SLDC's responsibility to fund and run the referendum (i.e. 5.1 will still apply). Following a positive referendum result they will, each adopt the plan in as far as it relates to their own part of the area.

General

The content of this statement is subject to change as a result of experience, new information, changes in process requirements and the availability of resources.

Contact

For further information please contact:

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Telephone: (01539) 793388

Email: developmentplans@southlakeland.gov.uk

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Information on SLDC Website

Neighbourhood Plans

Our Neighbourhood Plans webpage (<http://tinyurl.com/nckdy5v>) provides links to information about funding and grants for Neighbourhood Planning.

Community Plans

Further information on Community Led Plans can be found on our website at <http://tinyurl.com/pffabja>

The Parish Charter can be found at <http://tinyurl.com/otvs3ca>

Appendix 3 - Community Involvement in Planning Applications

Approach	All applications.	Applications where the development may be of wider interest, (e.g. mini-cab offices, bars or, restaurants).	Applications which might affect the character and appearance of a listed building and conservation area.	Major developments (for definition, see footnote to this table below*).	Particularly large or significant developments or, departures from the development plan.
Consultation letter to all properties that adjoin site and to other properties in the area that might reasonably be judged to be affected by the development (e.g. properties on the other side of the street)	Yes				
Weekly list of planning applications	Yes				
Website	Yes				
Site Notice	Yes (Except Notices of Intention)				
Advert in local press			Yes	Yes	Yes
Consultation with local groups through weekly list	Yes				

Footnote to table above: * The definition of 'Major' development is given in the Department for Communities and Local Government's (DCLG's) collection of '**Planning applications statistics**'. See 2015 – July to September and subsequent updates. A link is here. <https://www.gov.uk/government/collections/planning-applications-statistics>. See: District Matters - major developments.

Appendix 4: Duty to Cooperate Meeting Template (example)

Duty to Cooperate Meeting:

Name of Council and date:

Venue:

Those Present:

Purpose of Meeting:

The Localism Act 2011 Section 110 sets out a '**duty to cooperate**'. This applies to all local planning authorities, national park authorities and county councils in England and to the following bodies: (relevant to the discussion); Environment Agency, Historic Buildings and Monuments Commission for England, Natural England, Civil Aviation Authority, Homes and Communities Agency, Primary Care Trust, Office of the Rail Regulator, Highways England, Highways Authority.

The duty:

- relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of the county council
- requires that councils set out planning policies to address such issues
- requires that councils and public bodies 'engage constructively, actively and on an ongoing basis' to develop strategic policies
- requires councils to consider joint approaches to plan making.

Paragraph 178 of the NPPF states that public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly those that relate to the **strategic priorities** set out in paragraph 156, as follows:

- homes and jobs needed in the area;
- the provision of retail, leisure and other commercial development;

- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and other local facilities;
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

Common strategic issues identified:

Potential Issue	Conclusions	Actions
Strategic housing sites – discussion around whether each district could meet its housing need.		
Strategic cross boundary employment issues		
The provision of retail and leisure development.		
Transport issues – travel and transport routes – road / rail.		
Other infrastructure - Health		
Landscape issues / Area of Outstanding Natural Beauty.		
Environmental Issues including cross boundary		
Gypsy and Travellers – county wide assessment 2013 – any cross boundary issues?		
Renewables / energy		
Other items discussed.		

Any Future Actions:

