

Statement of Community Involvement

October 2018

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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 – 2018 revision) 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.
- 1.3 This revised SCI updates and supersedes the existing SCI which was adopted in March 2016. This SCI takes account of provisions in the Neighbourhood Planning Regulations 2018¹ and also changes as to how we will consult on planning applications. 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. This revised SCI only applies to the area for which South Lakeland District Council is the local planning authority.
- 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 Neighbourhood Planning Act 2017 (Commencement No.3) Regulations 2018 (SI 2018 No 38 (C.7)). The Regulations are in exercise of the powers conferred by Section 46(1), (2) and (4) of the Neighbourhood Planning Act 2017.

- 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 2018 revised SCI for a 6 week period commencing on Thursday 26 July and ending on Friday 7 September 2018. 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 our website.
- 1.8 The SCI was adopted by Full Council on 10 October 2018.

2. The Council's approach to Community Engagement

- 2.1 Since the first SCI was adopted in March 2006 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 e-mail and social media. Such usage is increasing. 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, we recognise that there are people unable to use electronic forms of communication and access to information, or prefer not to do so. As such, we may 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.

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 and more recently, the Neighbourhood Planning Act 2017 and the Neighbourhood Planning Act 2017 (Commencement No.3) Regulations 2018. These national regulations 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 in the development plan making process 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), published in July 2018 and any subsequent updates. 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.

Planning Practice Guidance (PPG)

- 3.5 Planning Practice Guidance (PPG) provides guidance on a range of topics including: the process and expectations on consultation on planning applications; the production and deliverability of Local Plans; the Duty to Cooperate; and also on Neighbourhood Planning.

Localism and the Duty to Co-operate

- 3.6 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 introduced a new **duty to co-operate** 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.

3.7 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; 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 for South Lakeland is made up of Development Plan Documents (DPDs), comprising the Core Strategy and the Land Allocations DPDs. The Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) DPD and Development Management Policies DPD will also form part of the Local Plan following adoption. The Council also prepares other documents which provide planning policy guidance. These Supplementary Planning Documents (SPDs) include a series of adopted Development Briefs for large housing and mixed use (housing/employment) land allocations.
- 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) can be viewed on the Council's website. The LDS 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 the drawing up of a 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
 - On-going **monitoring and review**.
- 4.5 The Council will utilise methods identified in Paragraph 4.12 below, as a means of involving interested parties in the preliminary stages of plan making. Methods chosen, will depend on the nature of plan-making activity and the types of interested parties.

- 4.6 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.
- 4.7 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.
- 4.8 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 paragraphs 4.16 to 4.20 and Appendix 2.

Methods of Community Involvement

- 4.9 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.
- 4.10 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 Local Plan consultations have taken place. The data held on the database was reviewed in the spring/early summer of 2018, in order to comply with the General Data Protection Regulations (GDPR). The GDPR Regulations came in to force on 25th May 2018. Consultees can unsubscribe from the database at any time. Anyone registering for Local Plan consultations is required to provide express consent (via a tick box), before they can enter their contact details and create an account.
- 4.11 The Council's Local Plan consultation database includes members of the public as well as 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 e-mail: developmentplans@southlakeland.gov.uk.

4.12 In addition to complying with the basic consultation requirements set out in the relevant regulations (see Paragraph 3.1), the consultation methods the Council will use or will consider using, for each Local Plan consultation, are set out below.

Methods	Actions
Documents made available for inspection	This is a minimum requirement as set out in the Town and Country Planning (Local Planning) (England) 2012 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.
E-mails/Letters 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.

Methods	Actions
E-mails	Many people have chosen to receive notification of consultations on Local Plan and other documents by e-mail. 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 and Networks	Full use will be made of existing channels of community representation and standing forums.
Key Stakeholder Groups	We will liaise with key stakeholder groups at key stages in the plan 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.

Methods	Actions
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	<p>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.</p> <p>The media, posters and leaflets may be used to advertise public meetings.</p>
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).

4.13 Formal consultation periods during the local plan process provide an opportunity for anyone to submit representations to the Council in writing, by e-mail, 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

- 4.14 The Council will, where resources allow, work with volunteers in local civic societies and preservation groups when undertaking asset surveys of conservation areas, undertaking heritage at risk audits and compiling lists of locally important heritage assets. This information will be used to establish conservation area management plans 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. These management plans will 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. In preparing lists of locally important buildings, we will also consult with the buildings' owners and relevant parish councils.

Reporting back

- 4.15 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 Development Plans (including Modifications) and Neighbourhood Development Orders

- 4.16 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 land for development. A neighbourhood plan can only be approved if the majority of voters in the neighbourhood 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.

- 4.17 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.
- 4.18 The Neighbourhood Planning Regulations 2018 set out further provisions and specific duties on local planning authorities (LPAs). These are:
- from 31 January 2018 the Council is required to notify neighbourhood plan groups (parish and town councils) of planning applications or alterations to applications in their area. The Council already meets this requirement. The requirement applies when there is a neighbourhood development plan which forms part of the statutory development plan, or when there is a post examination neighbourhood plan in place for a neighbourhood area, all or part of which falls within the LPA area, unless the parish or town council has given notification in writing that it does not wish to be notified of any such application; and
 - from 31 July 2018, the Council is required to set out its policy in the Statement of Community Involvement on the support, advice and assistance, that it will give to neighbourhood plan groups (parish and town council's) to facilitate proposals for neighbourhood development plans (including proposals for the modification of neighbourhood development plans) or orders. The 'Neighbourhood Planning Protocol' at Appendix 2 of the superseded 2016 SCI had already set out the Council's policy for advising and assisting Parish Councils in preparing Neighbourhood Plans. This revised 2018 SCI additionally includes changes to the Protocol to extend this assistance to include any Parish Councils who wish to modify Neighbourhood Development Plans. The revised Protocol (Appendix 2 of this SCI) has been updated, as required by the 2018 Regulations, to set out the Council's policies for involving interested parties in the preliminary stages of Neighbourhood Development Plan making.
- 4.19 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.

- 4.20 SLDC has set out what communities can expect from us in terms of supporting the neighbourhood planning process in a 'Neighbourhood Planning Protocol'. This is a statement of Council support to town and parish Councils (outside the National Parks). This can be found at Appendix 2.

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

- 5.1 The Council is committed to effectively engaging interested parties in the Development Management process, including applicants, neighbours, parish representatives and statutory consultees.

What we will do

Providing planning advice

- 5.2 We will provide a range of written informal pre-application advice options, including planning performance agreements (PPAs) for more complex schemes.
- 5.3 Where charges are payable for planning advice, we will make this clear on our website.
- 5.4 We will encourage potential applicants to engage with neighbours, the local community and other organisations and bodies as relevant, before submitting an application (although we usually can't insist that this engagement takes place).

Publicising applications for planning permission and listed building consent

- 5.5 Publicity requirements are set by law and vary depending on the type of application. There are some other application types where there are no publicity requirements, such as notice of intention and lawful development certificate applications.
- 5.6 We will publish a weekly list of all planning applications we receive on our website.
- 5.7 All applications for planning permission and listed building consent will be publicised in accordance with our legal obligations. These may include the following means:
- Site notice, or
 - Neighbour notification letter.
 - Press notice.
- 5.8 We will publicise all applications for planning permission and listed building consent by e-mail to the town council, parish councils or parish meeting for the parish that the site is in. Where a particular application may have more than local impacts and we consider it appropriate or necessary to do so, we may also consult neighbouring parish councils.

- 5.9 We will consult statutory consultees (e.g. the local highway authority) in accordance with our legal obligations. This includes the duty to notify neighbourhood plan groups (parish and town council's) of planning applications or alterations to applications².
- 5.10 All publicity and consultations will state the date by which when any representations should be made.

Taking representations into account and making decisions

- 5.11 Anyone can comment on a current planning application. Comments must be made in writing and should include contact details.
- 5.12 We take into account written comments we receive where they are material planning considerations, including those received outside the notification periods set out in our publicity, provided that we receive them before we make a decision on the application.
- 5.13 We currently operate a Scheme of Delegation to ensure that the more significant and controversial applications are decided by our Planning Committee. Other applications will be decided by Officers, under delegated powers. The Scheme of Delegation (see the Council's current Constitution document) and the Council's policy for Planning Committee's Public Participation Scheme are published on our website. The Council's Constitution is reviewed annually.
- 5.14 Where an application is to be considered by the Council's Planning Committee, we will provide an opportunity for people to make verbal representations. We publish the Council's Policy for Planning Committee's Public Participation Scheme on our website.

Publicising our decisions

- 5.15 Once an application has been decided, we will publish the outcome and decision notice (where applicable) on our website. We will publish a weekly list of planning decisions on our website.

Publicising planning appeals

- 5.16 Planning appeals are administered on behalf of the Secretary of State by the Planning Inspectorate. The Planning Inspectorate manages the appeal process, and an independent inspector will decide the appeal. When an appeal is lodged, we will send notification letters to any person who made representations on the application

² For the full provision see Regulation 3(a) – (brings into force Section 2 of the '2017 Act'), contained in the Neighbourhood Planning Act 2017 (Commencement No.3) Regulations 2018. (SI 2018 No 38 (C.7).

on behalf of the Planning Inspectorate. If there is an opportunity to make further comments to the Planning Inspectorate, we will state when those comments must be made by.

Ensuring planning compliance

- 5.17 We aim to publish and develop our planning compliance, monitoring and enforcement policies on our website. These policies will set out our approach to the investigation of alleged breaches of planning control and (as appropriate) our customer service standards and targets for doing so.

6. Resources, Monitoring and Review

- 6.1 It is important that sufficient resources are made available to implement the consultation measures set out in this revised 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 revised SCI, but if the future resource position changes, this position will be reviewed.
- 6.2 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.
- 6.3 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 Placemaking workshops (such as those that were held as part of the development brief process between 2015 and 2017) and other similar such exercises and events.
- 6.4 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.
- 6.5 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 revised 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 revised SCI to meet the needs of those particular consultations.

Appendix 1: Local Plan Making Process - 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:

- Community Representation:
 - 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;
 - 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 Updated June 2020

South Lakeland District Council Neighbourhood Planning Protocol: A Statement of District Council support to town and parish councils (outside the National Parks)

Purpose of this Protocol

Neighbourhood development plans are normally led by the Parish and Town Councils, 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 meetings³. 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 development plan.

Additionally the provisions of the Neighbourhood Planning Act 2017 and 2018 Regulations⁴ require SLDC, as local planning authority, to set out in its Statement of Community Involvement, the advice and assistance that it will provide to Parish and Town councils in preparing or modifying neighbourhood plans and neighbourhood development orders. The Council is also required to set out its policy for involving interested parties in the preliminary stages of plan making. The 2018 Regulations also require the Council to notify neighbourhood plan groups (Parish and Town councils) of planning applications or alterations to applications⁵, unless the neighbourhood plan group indicate otherwise in writing.

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 these statutory duties

³ 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.

⁴ Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018 (SI 2018 No 38 (C.7)).

⁵ For the full provision see Regulation 3(a) – (brings into force Section 2 of the ‘2017 Act’), contained in the Neighbourhood Planning Act 2017 (Commencement No.3) Regulations 2018. (SI 2018 No 38 (C.7)).

and support and guide the preparation of neighbourhood development plans, neighbourhood development orders and proposals to modify neighbourhood development 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 development plan or order, or are proposing to modify a neighbourhood development plan, to get in touch with the Council's Strategy Team as early as possible, so that we can assist in deciding whether a neighbourhood development plan or order is the right way forward for that community or whether other options might be more appropriate. We can also advise about the neighbourhood plan modification process.

This protocol should be read in conjunction with the current Parish Charter for South Lakeland. This can be found on the Council's website.

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 plan making, 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 recommend that communities interested in undertaking neighbourhood planning get in touch with SLDC's Strategy Team at the earliest opportunity and prior to any neighbourhood area designation application being made, to discuss the issues and approach being considered. It is also recommended that communities who are interested in making a neighbourhood development order or that propose to modify a neighbourhood development plan, contact SLDC's Strategy Team at the earliest opportunity for advice and to discuss any issues.
- 1.4 Provide advice relating to effective consultation, including ensuring that interested parties are involved in the preliminary stages of neighbourhood plan making. The Council will also provide advice and guidance 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.
- 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 as appropriate.
- 2.5 Carry out statutory consultation on the proposed neighbourhood area in accordance with the Regulations.
- 2.6 Consider, in accordance with the Regulations, the boundary of the proposed neighbourhood area. In cases where a whole Parish area is not being proposed, and where the boundary is not considered 'coherent, consistent and appropriate in planning terms'⁶, as set out in the Regulations, SLDC will work with the town/parish

⁶ 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.

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 specified timescales in accordance with the Regulations.
- 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 Development 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, including in the preliminary stages of neighbourhood plan making
- 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:

- 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 Strategy 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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Information on SLDC Website

Neighbourhood Plans

The Council's Neighbourhood Plans webpage 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