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Local Plan for South Kesteven

Statement of Community Involvement
Adopted November 2014



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1 Introduction

1.1 What is a Statement of Community Involvement

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

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

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

1.1.4 The SCI contains:

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

1.2 Legal Requirements and Duty to Co-operate

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

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

1.2.3 Once the SCI is adopted, the Council will need to follow the procedures for consultation and engagement set out in the document.

1.2.4 When examining Development Plan Documents that have been produced by the Council, independent Inspectors appointed by the Secretary of State will test whether the plan is sound and whether it has met a number of legal and procedural tests. One of these tests is whether the plan has been prepared in accordance with the adopted SCI: failure to consult in accordance with the SCI would result in an unsound plan.

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

Duty to Co-operate

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

1.3 Why is a Review Needed

1.3.1 The Council adopted its first SCI in April 2006. A number of changes have taken place since then, with the introduction of the Localism Act (2011), revised planning regulations (2012), and the publication of the National Planning Policy Framework (NPPF, March 2012).

1.3.2 The SCI, therefore, needs to be revised and updated to reflect the latest legislative and regulatory requirements.

1.4 Links with the Consultation Strategy

1.4.1 The Council's current Consultation Strategy sets out the following commitments to ensure effective consultation:

- We will ensure that everyone who is being consulted is clear on what they are being consulted on.
- We will ensure that as wide a range of people as possible are consulted and that we do our utmost to target hard to reach groups.
- We will ensure that a range of techniques and methods are available to fit the right consultation.
- We will adopt a co-ordinated approach to consultation.
- We will ensure that results are fed back and people are informed of how their views have impacted on decisions.
- We will make sure that we take action following consultation to improve service quality and provide value for money.

1.4.2 This SCI will apply the key principles of the Council's Consultation Strategy, whilst ensuring that national planning requirements are met. Further information regarding the Council's Consultation Strategy is available on our web site⁽²⁾.

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

2 Planning Policy Documents

2.1 South Kesteven Local Plan

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

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

- Core Strategy (2010)
- Site Allocation and Policies DPD (2014)

2.1.3 The Core Strategy sets out the overarching strategic planning framework for the District. This includes a Vision of the District to be achieved by 2026; and outlines how the District’s future residential, employment, retail and community needs will be met whilst protecting the District’s historic, environmental and community assets.

2.1.4 The Site Allocation and Policies DPD supports the delivery of the Core Strategy by allocating land for specific types of development. It also includes policies on issues such as scale and form to guide how sites are developed. It covers the whole of the District with the exception of Grantham.

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

2.1.6 A project plan called the Local Development Scheme (LDS) sets out what strategic planning documents will be produced by the Council, and when any consultation periods are likely to take place. In June 2014, the Council agreed to start the preparation of a new Local Plan for the District. The timetable for this can be found in the current LDS on our web site⁽¹⁾.

2.2 Development Plan Documents - When Do We Consult?

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

1 <http://www.southkesteven.gov.uk/index.aspx?articleid=1653>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.3 Supplementary Planning Documents - When Do We Consult?

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

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

Stage 1 – Public participation (Regulation 12 & 13)

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

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

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

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

2.4 Who Do We Consult

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

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

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

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

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

2.4.6 The Council maintains an address database of individuals, groups and other interests wishing to be informed when documents are published. The database is updated regularly and any individual or organisation can be added to the database at any time by contacting the planning policy team with their details or by registering at: <http://southkesteven-consult.limehouse.co.uk/portal>.

2.5 How Do We Consult

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

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

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

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

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

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

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

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

2.6 Neighbourhood Planning

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

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

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

2.6.4 Although the Council is not responsible for the drafting of the plan, it is responsible for publicising and consulting upon any application to designate a Neighbourhood Plan Area. It will do this primarily by using the Council's web site but will also notify by letter or e-mail adjoining local authorities.

2.6.5 The Council is also required to publicise and consult upon a Neighbourhood Plan once submitted.

2.6.6 Further information on how the Council will support neighbourhood plans is available on the Council's web site⁽²⁾.

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

3 Planning Applications

3.0.1 The Council is required to consult various organisations and bodies and is advised to consult others depending on the type of planning application as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

3.0.2 The Council deals with some 2,000 planning applications each year. The nature of planning applications submitted is wide ranging from householder and minor applications to large scale mixed use proposals including new housing, employment, retail and other developments. The nature, scale and type of planning application will determine how the Council will engage with the community.

3.0.3 There are several types of application submitted to the Council, these include:

- Planning applications
- Lawful Development Certificates
- Listed Building
- Advertisement consent

3.0.4 Some applications require special (or additional) publicity requirements due to their particular characteristics. These include, for example:

- Applications which are a departure from the Local Plan
- Applications which propose more than 1,000 square metres of floor space
- Applications which are accompanied by an Environmental Statement
- Applications for Listed Buildings, Scheduled Monuments and certain works that materially affect the character of Conservation Areas.

3.1 Pre-Application Advice and Consultation

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

3.1.2 The Council has formal procedures in place for dealing with pre-application planning advice. This allows the Council to dedicate time with applicants to improve the quality of development schemes. Further guidance on pre-application advice is available on the Council's web site⁽¹⁾.

1 www.southkesteven.gov.uk/index.aspx?articleid=6023

Pre-Application Consultation by Developers

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

3.1.4 There should be the opportunity for consultees to make comments on the proposal, allowing key issues to be addressed prior to any planning application being submitted.

3.2 Notification of Planning Applications

3.2.1 The weekly list of planning applications received by the Planning Department is available on the Council web site⁽²⁾.

3.2.2 A weekly list of applications received is also sent, each week, to the Grantham Journal and the Stamford Mercury and some applications, at the editors discretion, are publicised in local newspapers. Copies of the weekly list are sent to the area offices at Stamford, Bourne and Market Deeping. Councillors receive these lists via email. Upon request, interest groups can also receive these lists free of charge.

3.2.3 All Parish and Town Councils will receive copies of planning applications for major developments⁽³⁾ within their administrative areas. Other applications can viewed on the Council website.

3.2.4 Occupiers of premises most likely to be affected by a proposal are notified individually by letter that an application has been received, invited to inspect the application and make any written observations within 21 days. If a neighbour is disabled or elderly and unable to get to the Council Offices or access the plans online we can provide them with a free copy of the plans. Copies of plans are available to others at a charge.

3.2.5 The extent of neighbour notification is at the discretion of the case officer (especially in rural areas). In practice, this normally means properties bordering an application site or which the case officer assesses to be most affected by a proposal will receive individual notification of that application.

3.2.6 Any applications for external works to Listed Buildings will be advertised in the press. In addition, a site notice will be erected and individual neighbour notification letters sent out.

3.2.7 For all applications within conservation areas and major applications, a site notice will be displayed close to the site. For other types of minor applications the display of a site notice is at the discretion of the case officer.

2 <http://www.southkesteven.gov.uk/index.aspx?articleid=2254&Listing=recieved>

3 10 or more dwellings, 1,000 sq m of floorspace or 0.5 hectares site area

3.2.8 Details of all applications received are available to view on the Council's web site⁽⁴⁾.

3.2.9 Appendix 4 sets out publicity to be given for planning applications.

3.3 Commenting on Planning Applications

3.3.1 Comments on applications can be made via the Council's website or in writing direct to the Council. Copies of comments, including personal details of the author of those comments, will be made available for public inspection and to third parties and cannot be treated as confidential.

3.3.2 The Council will take into account all responses received as a result of its consultations on planning applications where the issues raised are material planning considerations. The Council can only consider objections or comments which raise relevant planning issues, for example loss of light or the effect a proposal might have on the character and appearance of the surrounding area.

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

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

Source: RTPi Planning Aid

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

3.3.5 In a number of cases, proposals will generate much public interest and letters of objection. Often planning officers will advise developers that amendments to their applications will result in a better quality of development, which may indeed overcome

4 <http://www.southkesteven.gov.uk/index.aspx?articleid=1640>

objectors' concerns. However, it is important to note that planning decisions are made on the basis of material planning considerations (many of which may be raised by objectors) but not the number of objections received.

Re-notification

3.3.6 Only amendments that constitute a significant change that affects individual property occupiers and interests (such as re-routing of roads in residential developments or amending the scale or siting of extensions or building closer to neighbouring properties) will be re-notified. In these cases the Council will re-consult the Parish Council, relevant statutory consultees and neighbours who have submitted written representations to the original application. Comments in response to re-consultations should be made within 7 days.

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

3.4 Determination of Planning Applications

3.4.1 The majority of planning applications are determined by planning officers under delegated powers. However, some applications such as those which are larger scale, strategic or controversial in nature are determined by the Council's Development Control Committee where it is deemed to be in the public interest to do so.

3.4.2 The Council's Constitution enables elected Members to ask for applications to be referred to the Development Control Committee. Any request must be based on planning grounds and exercised within 3 weeks of the date of the receipt of the application. The request must also be agreed by the Authorised Officer.

3.4.3 Meetings of the Council's Development Control Committee are held approximately every 3 weeks. The Committee agenda is available to view on the Council's web site⁽⁵⁾ and is published one week prior to the Committee meeting.

3.4.4 Applicants and any other persons who have made representations on an application to be heard by Committee will be notified by letter. The Council's policy on public speaking at the Development Control Committee is available on the web site⁽⁶⁾.

Role of Elected Members

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

5 <http://www.southkesteven.gov.uk/index.aspx?articleid=5840>

6 <http://www.southkesteven.gov.uk/index.aspx?articleid=2500>

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

Notification of Decision on Planning Applications

3.4.7 A letter is sent to any persons who submitted representations, advising them of the decision on the planning application (whether or not it was determined by officers under delegated powers or at Committee). The decision, if taken at Committee, is also publicised in the committee minutes on the Council's website. Decisions on applications can also be viewed on the Council's website.

3.5 Planning Appeals

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

3.5.2 All those who were notified of the original application or submitted comments will be notified in writing of the appeal and how to make their views known. If they have already submitted comments, their letters will be copied and sent to the Planning Inspectorate (PINS).

3.5.3 Appeals decided by public inquiry will be publicised in the press (indicating the date, time and location) and a site notice will be erected.

3.5.4 The Planning Inspector will consider the evidence and decide whether to allow or dismiss the appeal. PINS will inform the Council and interested parties of the outcome. This decision is binding on the Council (although it can be challenged on a point of law in the High Court).

3.6 Prior Approval Notifications

3.6.1 Some developments are subject to a system of prior approval of details, which fall half way between full planning control and permitted development. These proposals include telecommunications equipment, agricultural buildings and (between May 2013 and 30 May 2016) some changes of use and extensions to residential properties. Prior approval means that proposed development is 'in principle' permitted development.

3.6.2 The Council can consider whether prior approval of certain details is required in advance of a formal decision being issued. There is a fixed 28 day timescale for agricultural buildings, a 56 day timescale for telecommunications masts and 42 days for extensions to residential properties and change of use applications. If no information is requested by the Council within these timescales, the application is approved.

3.6.3 For certain types of prior approval applications, such as extensions to residential properties, the Council will notify the occupiers of neighbouring properties and allow them to submit comments.

3.7 Works to Protected Trees

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

3.7.2 District Councillors and Parish Councils will be informed if major tree surgery is to be undertaken. Neighbours will be notified of applications at the discretion of the case officer.

3.7.3 Following a decision, a copy of the decision notice will be sent to the applicant. Letters will also be sent to those who made a representation on the application informing them of the decision.

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

3.8 Hedgerow Removal Applications

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

3.8.2 Consultation letters will be sent out to all relevant statutory bodies in addition to the Parish Council.

3.9 Enforcement

3.9.1 Most enforcement cases arise following a referral from a member of the public. All referrals are treated confidentially, where requested. There is no consultation with the public on enforcement cases. Often cases are resolved by the submission of a planning application which is then publicised in the normal way.

3.9.2 Further information on enforcement is available on the Council's web site⁽⁷⁾.

7 <http://www.southkesteven.gov.uk/index.aspx?articleid=6029>

Appendix 1: Consultation Bodies

Duty to Co-operate

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

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

Specific Consultation Bodies

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

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

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

General Consultation Bodies

The general consultation bodies are:

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

Hard to Reach Groups

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

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

Appendix 2: Summary of Development Plan Document Preparation

Stage	Minimum consultation requirements	Additional consultation methods which may be used
Preparation of a local plan (Reg 18)	<p>To notify (via letter or email) and invite representations about the scope of the local plan from:</p> <ul style="list-style-type: none"> • specific consultation bodies; • general consultation bodies; and • residents or other persons carrying out business within the area where appropriate <p>Those considered to have an interest will be informed by email or letter regarding:</p> <ul style="list-style-type: none"> • the consultation period; and • how the plan can be viewed and commented on <p>Depending on the complexity of the Local Plan there may be more than one consultation period during the plan preparation stage, normally with a minimum consultation period of 6 weeks (up to a maximum of 12 weeks)</p>	<ul style="list-style-type: none"> • Press release to local newspapers • Public notice in local newspapers • Drop in sessions • Stakeholder group meetings • Summary leaflets • Use of social media
Publication of a local plan (Reg 19) and Representations relating to a local plan (Reg 20)	<p>Make copies of the proposed submission document and supporting information available:</p> <ul style="list-style-type: none"> • at the Council's principle and area offices; • other places considered appropriate (i.e. local libraries); and • on the Council's website. <p>Make available a statement of the representations procedure which states:</p>	<ul style="list-style-type: none"> • Press release to local newspapers • Public notice in local newspapers • Drop in sessions • Stakeholder group meetings • Summary leaflets • Use of social media • Notice circulated to Town and Parish Councils and Meetings for public display

Stage	Minimum consultation requirements	Additional consultation methods which may be used
	<ul style="list-style-type: none"> • where the submission documents can be viewed; and • the period the documents will be made available for. <p>Set a statutory period of at least 6 weeks for any person to make a representation on the proposed local plan.</p> <p>All general and specific consultation bodies invited to make representations under Regulation 18 to be sent a copy of the statement of representation procedure and a notification that the submission document(s) are available for inspection.</p>	
<p>Submission of Plan to Secretary of State (Reg 22)</p>	<p>The plan and required accompanying documents to be sent in paper form and electronically to the Secretary of State.</p> <p>The plan and accompanying documents will be made available at the Council offices, libraries and published on the Council’s website.</p> <p>A statement will be placed on the Council’s website and made available at the Council offices and Libraries setting out where the plan and accompanying documents are available and the times at which they can be inspected.</p> <p>All those notified at the plan preparation and publication stages will be notified that the plan has been submitted and where it can be inspected. Anyone else who has specifically asked to be notified when the plan is submitted will also be contacted.</p>	<ul style="list-style-type: none"> • Press release to local newspapers • Public notice in local newspapers • Use of social media

Stage	Minimum consultation requirements	Additional consultation methods which may be used
Independent Examination (Reg 24)	<p>At least 6 weeks before the opening of the examination hearing any person who made a representation in accordance with Regulation 20 will be notified about the examination and given the opportunity to appear before and heard by the Independent Inspector</p> <p>A public notice to be placed on the Council's website and a hard copy placed on display in the Council's offices setting out the date, time and place where the hearing(s) will be held and the name of the Inspector appointed to carry out the examination</p>	<ul style="list-style-type: none"> • Press release to local newspapers • Public notice in local newspapers • Use of social media
Proposed modifications	<p>Modifications will be published on the website</p> <p>Notification of the publication will be made to all those who made representations on the Local Plan</p>	<ul style="list-style-type: none"> • Press release to local newspapers • Public notice in local newspapers
Publication of Inspector's recommendations (Reg 25)	<p>The Inspector's Report will be made available at the Council offices and published on the Council's website.</p> <p>Any persons who requested to be notified of the publication of the report will be informed that the recommendations are available.</p>	Not applicable
Adoption of a local plan (Reg 26)	<p>As soon as reasonably practicable after the Council adopts a plan, the plan and accompanying documents will be made available at the Council offices and Libraries and on the Council's website. Details of where the plan is available for inspection and the places and times will also be publicised.</p>	<ul style="list-style-type: none"> • Press release to local newspapers • Public notice in local newspapers • Use of social media

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

Appendix 3: Summary of Supplementary Planning Documents Preparation

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

Appendix 4: Publicity for Planning Applications

Nature of Development	Publicity/consultation	Regulations
For applications accompanied by an Environmental Impact Assessment	<ul style="list-style-type: none"> • Public Notice in local press • Site notice 	Town and Country Planning (Development Management Procedure) Order 2010 Article 13 (2) (a)
Proposals that depart from the Development Plan	<ul style="list-style-type: none"> • Public Notice in local press • Site notice 	DMPO 2010 Article 13 (2)(b)
Development affecting a Right of Way	<ul style="list-style-type: none"> • Public Notice in local press • Site notice 	DMPO 2010 Article 13 (2)(c)
Major Development <ul style="list-style-type: none"> • 10 or more dwellings or site area of 0.5 hectares or more • 1000 sq m or more of floorspace • Development carried out on a site having an area of 11 hectares or more 	<ul style="list-style-type: none"> • Public Notice in local press • Site notice • Notification to adjoining land owners or occupiers 	DMPO 2010 Article 13(4)
All other 'Planning Applications'	<ul style="list-style-type: none"> • Site Notice or <ul style="list-style-type: none"> • Notification to adjoining land owners or occupiers 	DMPO 2010 Article 13(5)
<ul style="list-style-type: none"> • Lawful Development Certificates • Non-material amendments • Discharge of conditions • Certificates of Appropriate Alternative Development • Hazardous Substances Consent 	None	N/a

Nature of Development	Publicity/consultation	Regulations
<ul style="list-style-type: none"> • Prior Notifications for Agricultural Works and Buildings • Demolitions • Railways 		
Prior Notification for Telecommunications	<ul style="list-style-type: none"> • Site Notice • Public Notice in local press only if it affects a public right of way, is contrary to the development plan or site exceeds 1 hectare • Notification to adjoining land owners or occupiers if site area exceeds 1 hectare 	Part 24 of the Town and Country Planning (General Permitted Development) Order 1995.
Major works to trees protected by Tree Preservation Order	<ul style="list-style-type: none"> • Notification to District Council Ward Members and Parish Councils 	n/a
Hedgerow Removal Notices	<ul style="list-style-type: none"> • Notification to Parish Councils and statutory bodies 	n/a
Listed Building Consent Application	<ul style="list-style-type: none"> • Public Notice in local press • Site notice unless works are wholly internal on a Grade 2 listed building 	Regulation 5 of the Listed Building Regulations.
Development affecting the setting of a listed building	<ul style="list-style-type: none"> • Public Notice in local press • Site notice 	Section 67 of the Planning (Listed Buildings and Conservation Areas) Act 1990
Development affecting the character or appearance of a Conservation Area	<ul style="list-style-type: none"> • Public Notice in local press • Site notice 	Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Nature of Development	Publicity/consultation	Regulations
<p>Prior Approval for home extensions or relating to changes of use: from office to residential (Class J); from a range of uses to a state-funded school (Class K); and from an agricultural building to a "flexible use" (Class M).</p>	<ul style="list-style-type: none"> • Site Notice <p>or</p> <ul style="list-style-type: none"> • Notification to adjoining land owners or occupiers in relation to the changes of use 	<p>Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013</p>

Glossary and List of Abbreviations

Glossary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

List of Abbreviations

DPD - Development Plan Document

LEP - Local Enterprise Partnership

LDS - Local Development Scheme

LPA - Local Planning Authority

NDP - Neighbourhood Development Plan

PINS - Planning Inspectorate

SA - Sustainability Appraisal

SCI - Statement of Community Involvement

SPD - Supplementary Planning Document

TPO - Tree Preservation Order



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