

# *Revised Statement of* **Community Involvement**



**July 2020**



## **A D D E N D U M**

Please note that the Council's offices at Southover House closed to the public during 2022. The deposit location of Southover House, Southover Road, Lewes, BN7 1AB specified in Paragraph 3.1 of this adopted SCI will therefore be substituted for the Lewes District Council Reception, Cliffe Precinct at 6 High Street, Lewes, BN7 2AD. The reception is open from 9am to 5pm, Monday to Friday.

# CONTENTS

<b>1.0 Introduction .....</b>	<b>3</b>
<b>What is a Statement of Community Involvement? .....</b>	<b>3</b>
<b>Why get involved? .....</b>	<b>4</b>
<b>Legislation and National Policy .....</b>	<b>4</b>
<b>2.0 Overview of the Planning System.....</b>	<b>7</b>
<b>Plan making .....</b>	<b>8</b>
<i>Local Plans.....</i>	<i>8</i>
<i>Sustainability Appraisal.....</i>	<i>9</i>
<i>Neighbourhood Plans.....</i>	<i>11</i>
<i>Supplementary Planning Documents .....</i>	<i>15</i>
<i>Community Infrastructure Levy (CIL) .....</i>	<i>15</i>
<i>Statement of Community Involvement.....</i>	<i>16</i>
<b>Development Management .....</b>	<b>18</b>
<b>3.0 Community Involvement in Plan Making .....</b>	<b>21</b>
<b>When will we consult? .....</b>	<b>21</b>
<b>Who will we consult?.....</b>	<b>25</b>
<b>How will we consult?.....</b>	<b>26</b>
<b>What will we do with consultation responses? .....</b>	<b>28</b>
<b>4.0 Community Involvement in Neighbourhood Planning .....</b>	<b>30</b>
<b>Who can prepare a Neighbourhood Plan or Order? .....</b>	<b>30</b>
<b>When will consultation take place? .....</b>	<b>31</b>
<b>The Council's policy of advice and assistance to Neighbourhood Planning .....</b>	<b>32</b>

<b>5.0</b>	<b>Community Involvement in Development Management.....</b>	<b>34</b>
	<b>Pre-application stage.....</b>	<b>35</b>
	<b>Planning application stage .....</b>	<b>36</b>
	<b>Appeals .....</b>	<b>40</b>
	<b>Planning performance agreements .....</b>	<b>41</b>
<b>6.0</b>	<b>Monitoring and Review.....</b>	<b>42</b>
	<b>Appendices.....</b>	<b>43</b>
	<b>Appendix 1: Glossary .....</b>	<b>43</b>
	<b>Appendix 2: Material considerations .....</b>	<b>48</b>
	<b>Appendix 3: List of Specific Consultation Bodies.....</b>	<b>49</b>
	<b>Appendix 4: List of General Consultation Bodies .....</b>	<b>50</b>
	<b>Appendix 5: Speaking at Planning Committee .....</b>	<b>51</b>
	<b>Further advice and information sources .....</b>	<b>54</b>

## 1.0 INTRODUCTION

- 1.1 Every day, decisions are made about our surroundings: what homes, roads, offices, and shops are built and where, and what public spaces will be created and protected. These decisions affect us all, and the Town and Country Planning system seeks to ensure that the local community and other stakeholders are involved in them.
- 1.2 It is important that local people understand the planning process, and are given the opportunity to get involved in, and contribute to, planning decisions. In order to achieve this, Lewes District Council has produced this Statement of Community Involvement (SCI) to set out the standards and approaches that the Council will take to consult stakeholders and the community on planning matters.
- 1.3 The Council's first SCI was adopted in 2006 and a revision of this SCI was adopted in 2011. Since then, the Localism Act 2011 and the Neighbourhood Planning Act 2017 have been introduced. Amendments have also been made to the Town and Country Planning Regulations and a new National Planning Policy Framework has come into force. These legislative changes mean that there is a need to review and update our SCI.
- 1.4 To help inform the preparation of the new SCI the District Council undertook an informal and non-statutory evidence gathering consultation.

### WHAT IS A STATEMENT OF COMMUNITY INVOLVEMENT?

- 1.5 Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to produce a Statement of Community Involvement (SCI). This document should explain how they will engage local communities and other interested parties in producing their local plans and determining planning applications.
- 1.6 The engagement of the community in plan making and in development management is addressed through national regulations. These set out at what stage of the planning process the community has to be consulted, and how this has to be carried out.
- 1.7 Lewes District Council is aware that to promote the involvement of the community, an extra effort has to be made to reach people who are not easily engaged; in this respect, it is considered important to both explain how the

planning system operates and maintain good communications with town and parish councils and the local community.

- 1.8 Lewes District Council is the local planning authority for that part of Lewes District which lies outside of the South Downs National Park. The South Downs National Park Authority assumed its full planning responsibilities as the planning authority for the National Park on 1 April 2011 and adopted its own SCI in 2012.

### WHY GET INVOLVED?

- 1.9 Most people have limited contact with the planning system. They may need to make a planning application for an extension to their home, or possibly their neighbour makes a planning application and the Council contacts them for their views, or when a controversial development is proposed in their neighbourhood.
- 1.10 However many people are interested in their area's future. They want their children to have a decent home and job and they value the environment of Lewes District. They may have clear ideas as to the kind of place they would like the District to be, but probably have not realised the important role of planning in helping to achieve them.
- 1.11 The Council values these ideas and wants to hear from the local community, both when it is considering planning applications and when it is preparing local planning policies which are used to decide them.

### LEGISLATION AND NATIONAL POLICY

- 1.12 The key pieces of legislation and national policy that are relevant to consultation on planning matters and to the preparation of this SCI are outlined below.

#### ***National Planning Policy Framework, 2018***

- 1.13 The National Planning Policy Framework (NPPF) sets out guidance for local planning authorities both in drawing up plans and making decisions about planning applications. Paragraph 15 of the NPPF states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings. Paragraph 16c states that plans should be shaped by early, proportionate and effective engagement between plan-

makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees.

- 1.14 In addition, the National Planning Practice Guidance (NPPG) adds further context to the NPPF and provides additional advice on a range of matters including on local plans, determining planning applications, and consultation and pre-decision matters. Regard must be had to national policies and advice contained in the NPPF and NPPG in plan making, and these are also ‘material considerations’ in the determination of planning applications (see Appendix 2).

### ***Localism Act 2011***

- 1.15 Section 110 of the Localism Act 2011 introduced a “Duty to Co-operate” for local planning authorities and other public bodies to work collaboratively on strategic cross boundary issues. It requires local planning authorities and other prescribed bodies to engage in the preparation of development plan documents and other activities relating to the sustainable development and use of land, in particular in connection with strategic matters (matters affecting more than one planning area).
- 1.16 Section 116 of the Localism Act 2011 introduced ‘Neighbourhood Planning’, providing a right for communities to draw up a neighbourhood plan or neighbourhood development order. It requires local planning authorities to provide technical advice and support. If a neighbourhood plan is in accordance with national planning policy, the strategic vision for the wider area, and other legal requirements, and is also approved by a majority vote in a local referendum, the plan will be brought into force by the local authority.

### ***Equalities Act 2010***

- 1.17 Under the Equalities Act 2010, local authorities must have regard to the Public Sector Equalities Duty in respect of engaging people with ‘protected characteristics’, i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

### ***Data Protection legislation and Freedom of Information Act 2000***

1.18 Under the Freedom of Information Act 2000, representations submitted on planning consultations cannot be treated in confidence. This means that copies of representations and the name of the person submitting the representation will be made publicly available, and that by submitting representations, consultees accept responsibility for their comments. However, under the Data Protection legislation, other personal information such as telephone numbers, email/private addresses and signatures will not be publicly available.

### ***Neighbourhood Planning Act 2017***

1.19 The Neighbourhood Planning Act 2017 is designed to encourage communities engaged in neighbourhood planning to complete the process and to assist others to draw up their own plans or orders. The Act strengthens neighbourhood planning by ensuring that planning decision-makers take account of very advanced neighbourhood plans, by requiring parish and town councils to be automatically notified of future planning applications in their area and by giving neighbourhood plans full legal effect at an earlier stage. The Act also makes it the duty of local planning authorities to support neighbourhood planning groups and increases the transparency of the neighbourhood planning examination process.



## 2.0 OVERVIEW OF THE PLANNING SYSTEM

2.1 The Planning System manages the use and development of land and buildings with the aim of achieving 'sustainable development'.

2.2 The Planning System has two main parts to it:

- **Plan making** – setting out a plan and policies for how an area will develop over time as a guide to future development. Plan making includes both Local Planning and Neighbourhood Planning.
- **Development Management** – when proposals for development are assessed and granted or refused planning permission.

2.3 The planning system is a 'plan-led system', which means that applications for planning permission should be determined according to what the plan and policies for the area say about it, unless there are material considerations that would go against this. It is therefore important that the local community get involved in the plan-making stage as well as commenting on specific planning applications.

2.4 Planning officers prepare local planning policies and assess applications. They provide advice to elected Councillors, who are responsible for approving planning policy documents and plans and making decisions on whether planning permission should be granted for development.

2.5 In Neighbourhood Planning, the Plan/Order is prepared by community groups called 'Qualifying Bodies'; these are Parish/Town Council-led groups or 'Neighbourhood Forums' (generally for areas not divided into Parishes). The Council promotes Neighbourhood Planning and has a duty to support and advise groups engaged in, or seeking to engage in, Neighbourhood Planning.

## PLAN MAKING

- 2.6 Plan-making is setting the strategy for the future of the area over a long period, typically 15-20 years, in the form of plans and policies. These plans and policies are contained within Local Development Documents, which is collective term used to describe Local Plans and Supplementary Planning Documents.
- 2.7 Plan making can be undertaken by local communities through Neighbourhood Planning. Once adopted, these plans become part of the statutory *Development Plan* and guide decision making for the areas covered.
- 2.8 The legal requirements for the production of Local Development Documents are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), and the Neighbourhood Planning (General) Regulations 2012 (as amended), which will subsequently be referred to as ‘the Local Planning Regulations’.
- 2.9 The Council sets out its timetable for plan making in the Local Development Scheme (LDS)<sup>1</sup>. The LDS specifies the Local Development Documents that are to be produced by the Council; the subject matter and geographical area to which each document relates; and the timetable for the preparation and revision of these documents. The LDS can be found on the Council’s website. The timetables for Neighbourhood Plans as these are published separately by the relevant town or parish councils.

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## LOCAL PLANS

- 2.10 Local Plans are formal plans that set out the strategic priorities for future development, including the requirements for housing, the economy, community facilities and infrastructure, as well as the basis for safeguarding the environment, adapting to climate change and securing good design. Many of these requirements (for instance for housing, environment, or climate) are decided on a national level; however, Local or Neighbourhood Plan are able to address the optimal way to carry out these requirements.

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<sup>1</sup> [www.lewes-eastbourne.gov.uk/planning-policy/local-development-scheme](http://www.lewes-eastbourne.gov.uk/planning-policy/local-development-scheme)

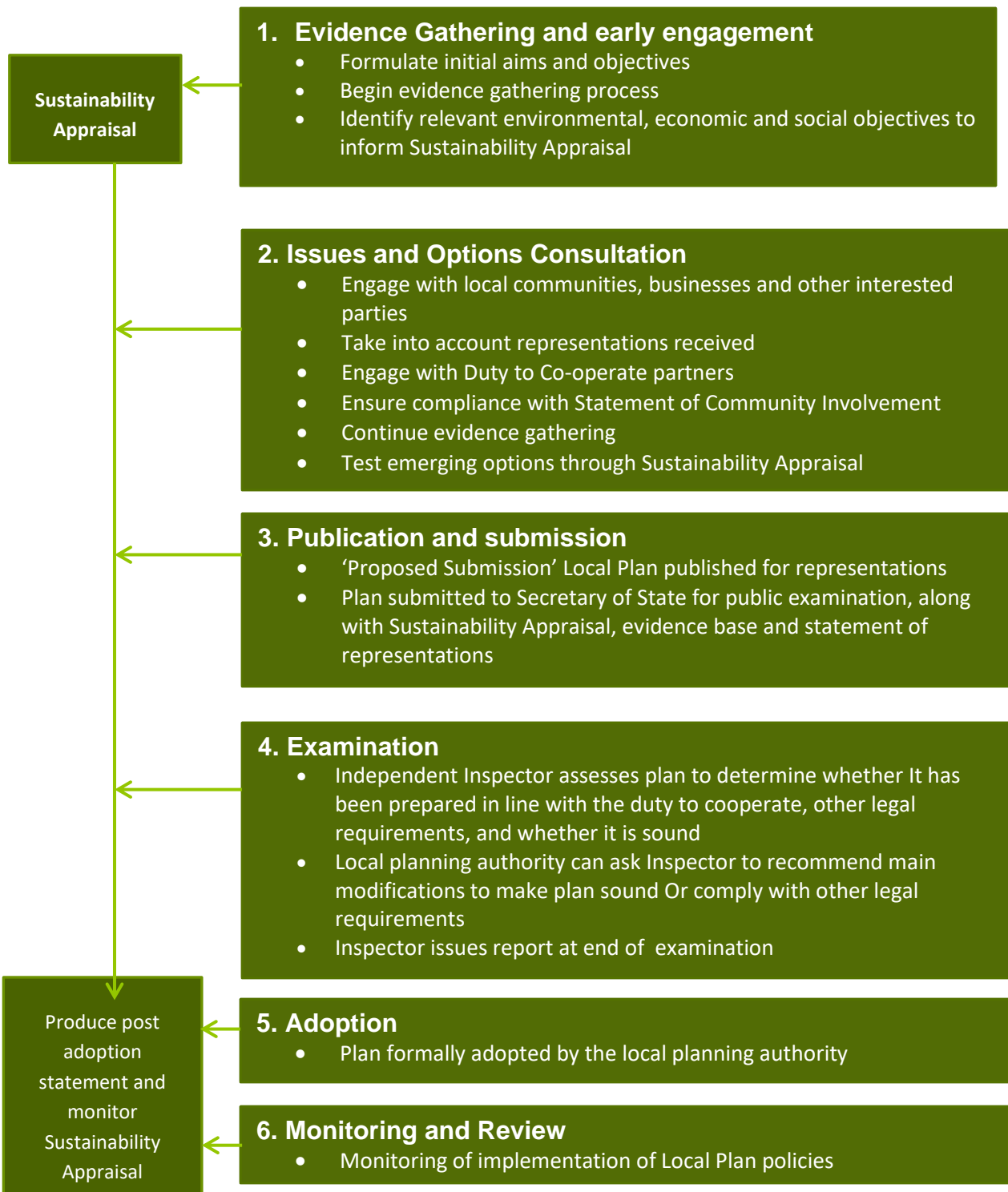
- 2.11 The Local Plan sets out what opportunities there are for development in the area, what will and will not be permitted, and where. Therefore Local Plans are critical in determining what will be developed, what will be protected and what will not be given permission to be built.
- 2.12 In preparing Local Plans, local planning authorities will firstly assess the future needs and opportunities in the area. Options for addressing these issues will be presented, and a preferred approach will be identified. This process involves the gathering of evidence, carrying out of a Sustainability Appraisal to ensure that development is sustainable, and effective engagement and consultation with the local community and other stakeholders.
- 2.13 The process of preparing a Local Plan involves several stages, which are identified in Figure 1.

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#### SUSTAINABILITY APPRAISAL

- 2.14 Sustainability Appraisal (SA) is a process that must be carried out during the preparation of a Local Plan. Its role is to promote sustainable development by assessing the social, economic and environmental impacts that would result from the implementation of the policies contained within Local Plans, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have.
- 2.15 Conducting SA on Local Plans is a requirement of Section 19 of the Planning and Compulsory Purchase Act 2004. The SA incorporates the requirement to prepare a 'Strategic Environmental Assessment' from the Environmental Assessment of Plans and Programmes Regulations 2004.

**Figure 1 - Stages in the preparation of a Local Plan**



*Adapted from Planning Practice Guidance, Paragraph 005 Reference ID: 12-005-20140306*

2.16 The Localism Act 2011 introduced new rights and powers for communities to get more involved in planning for their areas through the production of Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders.

- A **Neighbourhood Plan** is a planning document which establishes general policies for development and use of land in a neighbourhood, including the location of new homes, and what they should look like.
- A **Neighbourhood Development Order** means that town and parish councils can grant permission for certain types of development without the need for people to apply to Lewes District Council. These could include, for example, all house extensions in a defined area, changes of use, or development on a particular site. Certain types of development are excluded, such as minerals and waste developments, certain public and private environmental projects, and nationally significant infrastructure.
- A **Community Right to Build Order** enables small-scale development in neighbourhoods, such as housing or community facilities, but can be prepared by any local community organisation rather than just town and parish councils. As above, certain types of development are excluded.

2.17 Neighbourhood planning is usually undertaken by a town or parish council within a 'parished' area. The group preparing the Plan/Order are referred to as a 'Qualifying Body'. Once a Plan, Order or Community Right to Build Order has been agreed by a local referendum, it becomes part of the development plan for the local authority area.

2.18 Neighbourhood planning should be used positively to plan for future development and support growth, reflect and build on the strategic needs set out in the Local Plan, and conform with the National Planning Policy Framework.

- 2.19 A Neighbourhood Plan or Order is not a process that can be used to prevent development or promote a lower level of development than is set out in a Local Plan.
- 2.20 Due to the provisions of the Neighbourhood Planning Act 2017, Neighbourhood Plans which have already been 'made', and are part of the development plan, can be modified. There are different levels of modification that can occur, these range from correcting minor errors to making significant alterations (e.g. correcting references, adding new policies or including new site allocations). In order to make really significant changes an examination and referendum may be required. For smaller changes, an examination may still be required, but the correction of errors is not likely to require such measures.
- 2.21 The process of preparing a Neighbourhood Plan involves several stages, which are identified in Figure 2. The process for preparing a Neighbourhood Development Order or a Community Right to Build is similar, as presented in Figure 3. Detailed information and guidance on Neighbourhood Planning and the required process can be found in the Neighbourhood Planning section of the National Planning Practice Guidance.<sup>2</sup>
- 2.22 A Community Right to Build Order is a type of Neighbourhood Development Order which enables small scale developments, such as community facilities or affordable small-scale housing. It can be used to grant outline or full planning permission for specific development which complies with the order.
- 2.23 When producing a Community Right to Build Order, additional information is needed to accompany the submission of the Order to the District Council. This includes: a map of the area the proposal relates to, a statement explaining how the proposed Order meets planning regulations, a statement of those consulted and a summary of the main issues raised.
- 2.24 The key stages in the preparation of Neighbourhood Plans and Orders are identified in Figure 2 and 3.

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<sup>2</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2>

**Figure 2 Stages in the preparation of a Neighbourhood Plan**

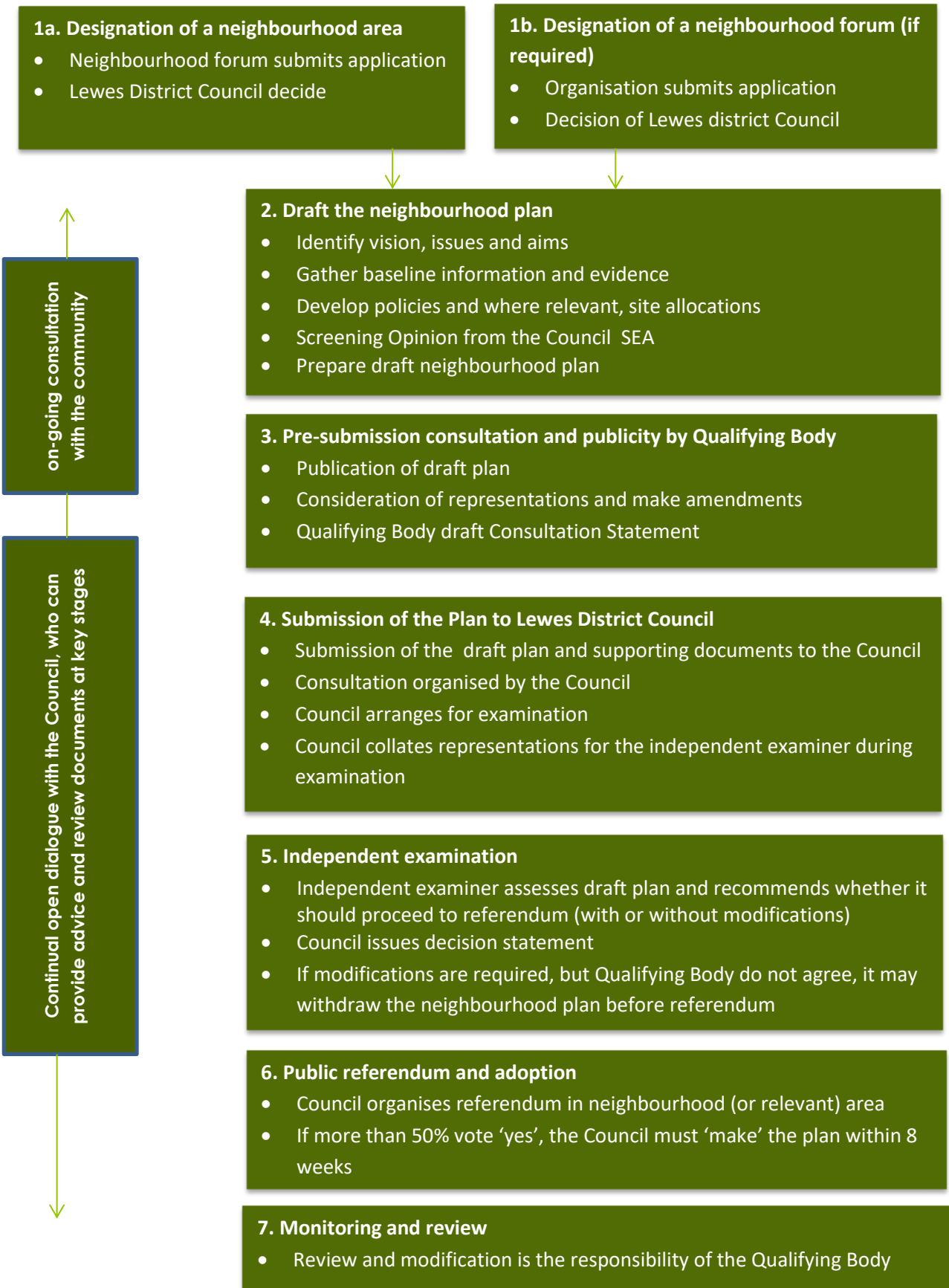
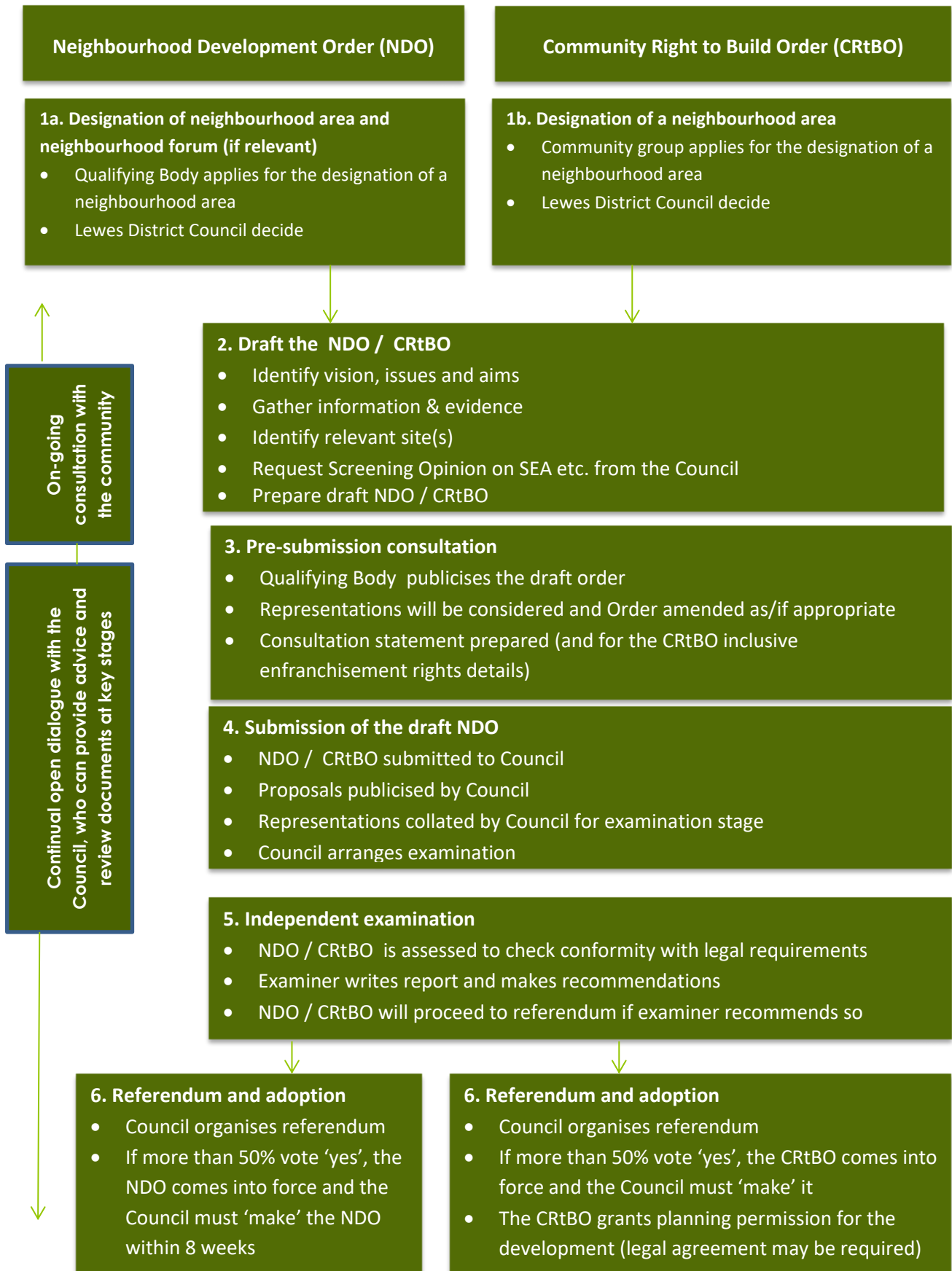


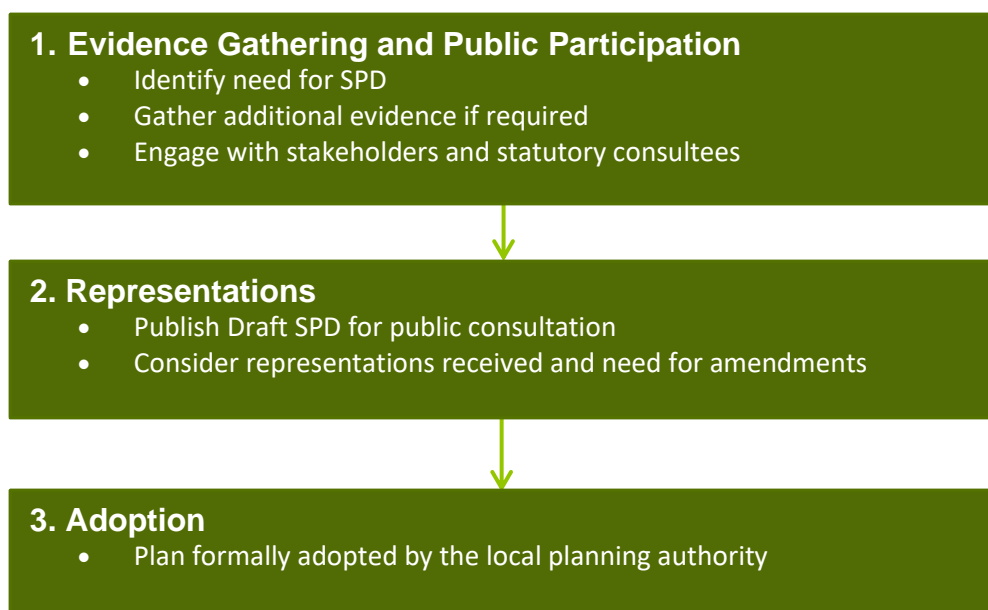
Figure 3 Stages in the preparation of a Neighbourhood Development Order and Community Right to Build Order





- 2.25 A Supplementary Planning Document (SPD) is a planning policy document that builds upon and provides more detailed advice or guidance on the policies in a Local Plan. The purpose of a SPD is to help applicants make successful applications. Once adopted, SPDs become material planning considerations in the determination of planning applications.
- 2.26 SPDs are not required to go through the Sustainability Appraisal process; however, in exceptional circumstances a Strategic Environmental Assessment may be required if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan.
- 2.27 There are fewer stages in the preparation of a SPD compared to a Local Plan, meaning the SPDs can be produced in a shorter timeframe. The process of preparing a SPD involves several stages, which are identified in Figure 4, below.

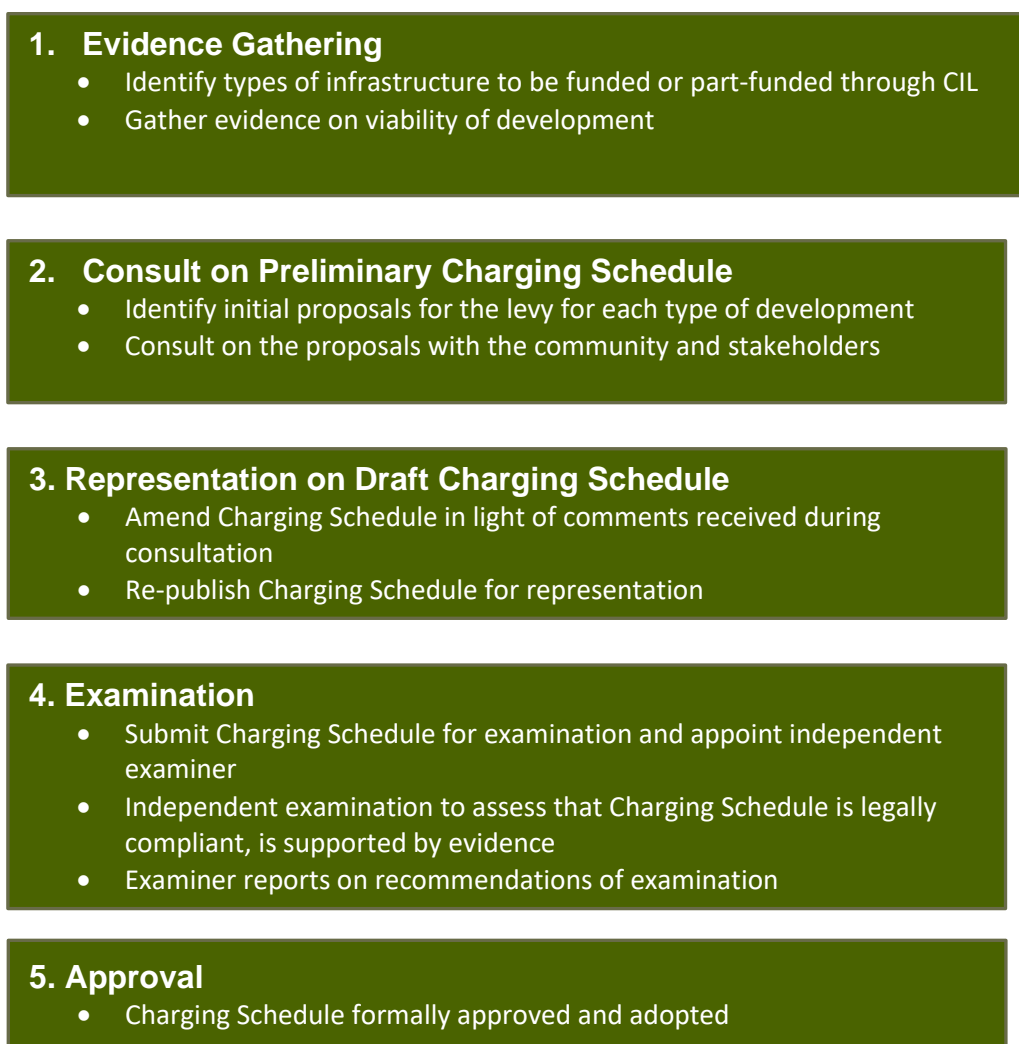
**Figure 4 - Stages in the preparation of a Supplementary Planning Document**



- 2.28 The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010 (as amended), which will subsequently be referred to as ‘the CIL Regulations’.

- 2.29 Lewes District Council adopted its CIL on 14 October 2015. The charging rates are set out in the CIL Charging Schedule. A proportion of the CIL income will be passed directly to the Local Parish or Town Council.
- 2.30 Charging schedules are not formally part of the Local Plan, but charging schedules should be consistent with, and support the implementation of, up-to-date Local Plans.
- 2.31 The process of preparing a CIL Charging Schedule involves several stages, which are identified in Figure 5, below.

**Figure 5 - Stages in the preparation of CIL charging schedule**



2.32 Like SPDs, the SCI is not subject to examination, but copies of the intended final document must be made public for consultation. Any comments received will be taken into account before the final version is adopted. The consultation for the SCI will last for a minimum period of 6 weeks.

## DEVELOPMENT MANAGEMENT

- 2.33 Development Management is the process of managing the development of land and buildings through the granting of planning permission. Lewes District Council is responsible for deciding whether planning permission should be granted for a proposed development when a planning application is submitted.
- 2.34 Planning permission is generally required to carry out any form of 'development'. Development means constructing new buildings or significantly changing how land or buildings are being used. However, certain types of development do not require planning permission – this is called Permitted Development. This is because the effect of such developments on neighbours or the surrounding environment is likely to be small. Also, certain areas get additional special protection against particular types of development, particularly where it is within a Conservation Area or involves a Listed Building.
- 2.36 There are a number of different types of applications that can be submitted, and these will be classed as either 'major' or 'minor'. Different applications have different timeframes for determination, for example the determination for a 'major' application should be within 13 weeks, whilst a 'minor' application should be determined within 8 weeks. By way of an agreement between the Council and the applicant/agent, an 'Extension of Time' can set a determination date outside of these parameters.
- 2.37 Whether planning permission is granted will depend on whether the application is in line with the policies and proposals within the Development Plan, or if there are other strong planning reasons or 'material considerations' that would influence a decision. A list with material consideration is set out in Appendix 2.
- 2.38 Decisions on whether planning permission should be granted will be taken via one of two mechanisms:

- Determination by elected Councillors on the Planning Committee
- Determination by the Senior Specialist Advisor through delegated powers

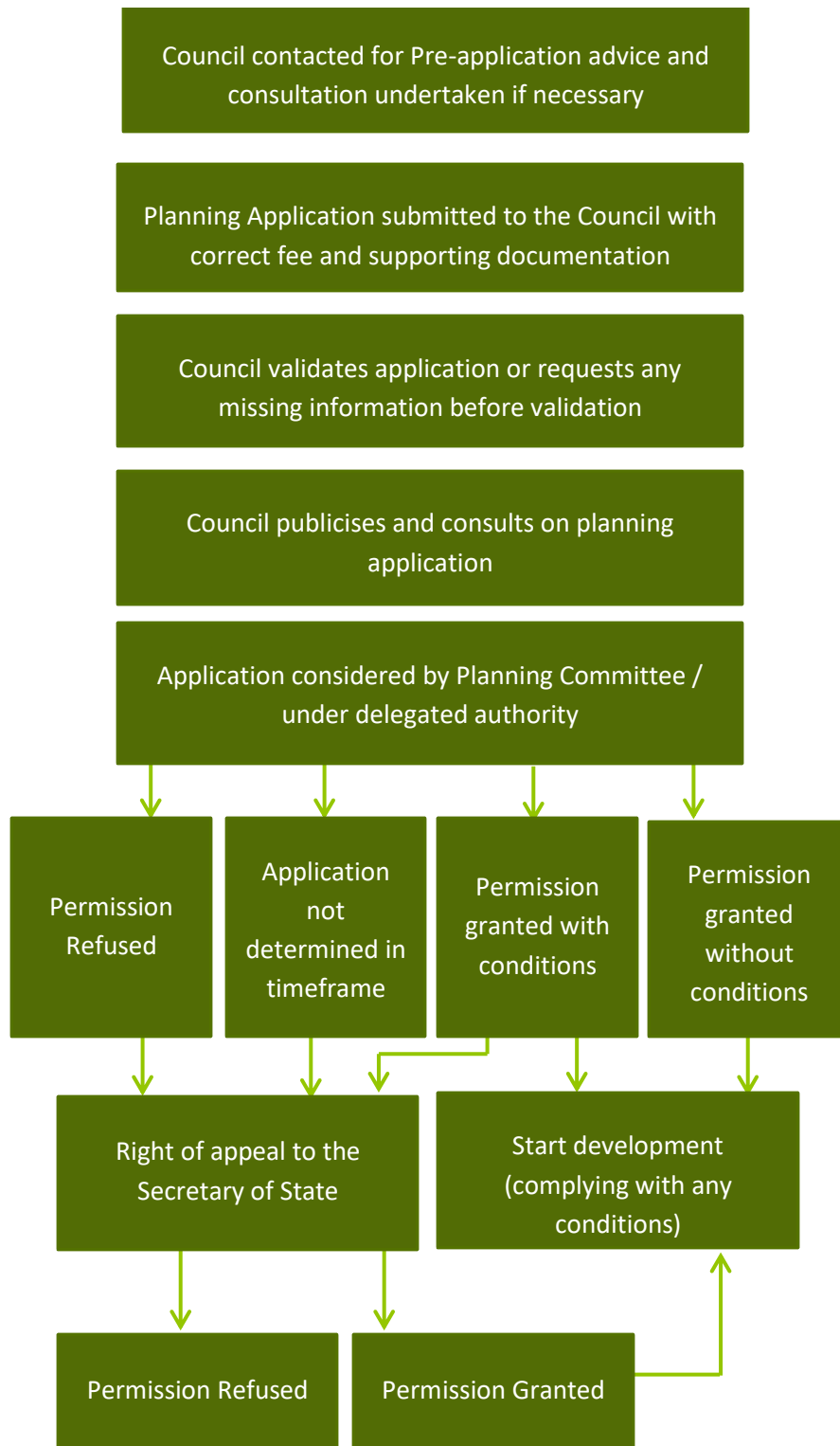
- 2.39 The criteria used to decide which applications should be determined by Planning Committee are covered at Part 9 of the Council's Constitution<sup>3</sup>. The dates for Planning Committee can be found on the Council's website<sup>4</sup>.
- 2.40 Where an application is refused, either by Planning Committee or through delegated powers, the applicant has the right to appeal to the Planning Inspectorate, or to negotiate an amended scheme to overcome the areas of concern.
- 2.41 A summary of the process for the determination of planning applications is described in Figure 6.

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<sup>3</sup> The powers and duties of the Director of Regeneration and Planning can be found in: <https://www.lewes-eastbourne.gov.uk/about-the-councils/constitutions>

<sup>4</sup> <http://democracy.lewes-eastbourne.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

**Figure 6 - Stages in the processing of a planning application**



*Adapted from the Planning Portal website (Applications – the Decision-making process)*

### 3.0 COMMUNITY INVOLVEMENT IN PLAN MAKING

- 3.1 The Council wants to ensure that the next round of plan making involves extensive consultation and provides opportunities for the local community and other stakeholders to put their views across. The programme for preparing Local Plans, Supplementary Planning Documents and CIL Charging Schedule is contained in the Local Development Scheme, which is available on the Council's website<sup>5</sup>.
- 3.2 Residents who want to get involved in consultation might not be familiar with the planning system or the issues that should be taken into consideration in plan making. Consultation, particularly at the Issues and Options stage, presents an opportunity to inform and update residents as well as seek their views. Therefore consultation material will include information on plan making issues and background.
- 3.3 In Neighbourhood Planning in Lewes District, most of the consultation is carried out by the town or parish council and they will involve the community from the early stages, this is set out in Section 4. The District Council will advise and assist the town and parish councils, and will carry out consultations required by legislation as well as publicise details of any relevant referendum. The role of the District Council in Neighbourhood Planning is described in Section 3.

#### WHEN WILL WE CONSULT?

- 3.4 The Local Planning Regulations 2012 describe the statutory consultation period for a Local Plan to be 6 weeks. The Regulations also require that the formal consultation period on a Supplementary Planning Document should be not less than 4 weeks.
- 3.5 In terms of the CIL Charging Schedule regulations do require at least 4 weeks consultation on a Draft Charging Schedule.
- 3.6 Consultations should last for a proportionate amount of time: consulting for too long will unnecessarily delay policy development, whilst consulting too quickly will

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<sup>5</sup> <http://www.lewes-eastbourne.gov.uk/planning-policy/local-development-scheme>

not give enough time for consideration, and will reduce the quality of responses. Taking this into account, this SCI proposes that formal consultation periods on planning policy documents will be determined by the type and stage of plan being consulted on.

- 3.7 Where possible, consultation over holiday periods will be avoided. If this is unavoidable, the consultation period will be extended to compensate for this.
- 3.8 In the event that a consultee requests additional time to submit a representation, this will only be accepted with the agreement of the Lead Member for Planning.

## LOCAL PLAN

**Evidence gathering and early engagement** – This stage is likely to be an informal consultation, with the Council approaching organisations and consultation bodies for their input. There may be elements of public consultation with communities within this stage.

**Issues and Options** – Evidence collected during the initial stages in plan preparation will be presented for a formal consultation period. Local communities and other stakeholders will be able to comment on whether there are any other issues that need to be considered, and which of the options they would prefer to see brought forward as the basis for the Local Plan. This is the stage that the majority of people will be able to have their say of how they would like the district to develop.

*Consultation period: minimum 8 weeks.*

**Proposed Submission** – Once the Local Plan has been drafted a Proposed Submission version will be published for formal consultation. Consultees submitting representations at this stage will be given the opportunity to raise their objections at Public Examination.

*Consultation period: minimum 6 weeks.*

**Main Modifications** – During the Examination of a Local Plan, the Planning Inspector may require modifications to be made to the Local Plan in order for it to be considered 'sound'. These modifications should be subject to a formal period of consultation to allow the Inspector to consider any representations on the modifications.

*Consultation period: minimum 6 weeks.*



## **NEIGHBOURHOOD PLANS , NEIGHBOURHOOD DEVELOPMENT ORDERS AND COMMUNITY RIGHT OF BUILD ORDERS**

**Designation of a neighbourhood area** – the Council will carry out the relevant public consultation

*Consultation period: minimum 6 weeks.*

**Production of the Neighbourhood Plan or N.D. Order** – the Qualifying Body (usually the Town or Parish Council) can ask for the support of other organisations, and is entitled to advice from Lewes District Council.

**Pre-submission consultation and publicity** – The Qualifying Body will carry out a consultation with the local community and other stakeholders.

**Submission of the Plan or Order** – The Council will check whether the plan is consistent with neighbourhood planning legislation and then will publicise the draft plan for another consultation, which will precede an examination by an independent examiner.

*Consultation period: minimum 6 weeks.*

### **Public referendum**

A public referendum is held in the neighbourhood area covered by the Plan or Order (or any relevant area specified by the examiner).

## **SUPPLEMENTARY PLANNING DOCUMENTS**

**Evidence gathering and public participation** – In the initial stages of the preparation of a SPD, there will be public engagement to identify issues relating to the interpretation of policy through the SPD. This stage is likely to be informal consultation, with the Council approaching organisations and consultation bodies for their input.

**Representations on a Draft SPD** – Once the SPD has been drafted, it will be published for formal consultation with the local community and other stakeholders. Consultees can raise any issues or changes that they think the Council should consider, and the Council will provide a response to these representations before the SPD is adopted.

*Consultation period: minimum 8 weeks.*

## **STATEMENT OF COMMUNITY INVOLVEMENT**

**Draft Statement of Community Involvement** – The Draft SCI will be published for formal consultation with the local community and other stakeholders. Consultees can raise any issues or changes that they think the Council should consider, and the Council will provide a response to these representations before the SCI is adopted.

*Consultation period: minimum 6 weeks.*

## **CIL CHARGING SCHEDULE**

**Draft Charging Schedule** – The Draft Charging Schedule will be published following revision and amendments resulting from comments made of the Preliminary Charging Schedule.

*Consultation period: minimum 6 weeks.*

## WHO WILL WE CONSULT?

- 3.9 Lewes District Council would like to engage anyone who may have a role or interest in the development of the district (outside of the South Downs National Park) or in the plan-making process, including residents, businesses, community groups, landowners, developers, public sector organisations and national agencies.
- 3.10 The 'Local Planning' Regulations 2012 set out the minimum legal requirements for consultation and public participation in relation to Local Development Documents. These are known as 'specific consultation bodies', and must be consulted at formal consultation stages in the production of a plan. The list of the specific consultation bodies is presented in Appendix 3.
- 3.11 In addition to this, the Local Planning Regulations 2012 also require the Council to consult with 'general consultation bodies'. These include organisations and bodies that have an interest in the District, to ensure that a wide range of stakeholders have the opportunity to get involved. The list of general consultation bodies is presented in Appendix 4.
- 3.12 The Council is committed to ensuring that local residents get an opportunity to have their say, and local people are encouraged to take part in consultations and input into the production of planning policy documents. The Council maintains a database of people and organisations who want to be kept informed or have previously responded to consultation. This database is used to inform consultees about consultation.
- 3.13 If you would like to be added to the consultation database, you can register yourself at <http://planningpolicyconsult.lewes-eastbourne.gov.uk>
- 3.14 Additional measures will be taken to engage 'hard to reach' groups to ensure that all sections of the community are engaged and consulted.

## HOW WILL WE CONSULT?

- 3.15 A range of consultation methods will be used to inform and consult individuals and organisations regarding the preparation of planning documents. Wherever possible and where resources allow we will go beyond the legal minimum requirements. These are described in this section.

### **Basic Consultation Standards**

- 3.16 The Local Planning Regulations 2012 sets out some minimum requirements for consultation. However, there is considerable flexibility open to the Council in how consultees are engaged in plan making, provided they comply with the legislative requirements and are consistent with commitments in the SCI.
- 3.17 Through this SCI, the basic consultation standards that Lewes District Council will apply as a minimum in all consultation on planning policy documents are set out below:

**Consultation Portal** – All consultations on planning policy issues will be hosted on the Council's on-line Consultation Portal. Each consultation on the Consultation Portal will include the opportunity to read and comment on the document in question. The Consultation Portal will also contain other documentation relevant to the consultation. The Consultation Portal can be accessed via <http://planningpolicyconsult.lewes-eastbourne.gov.uk>

**Direct notifications to organisations and individuals** – All organisations and individuals on the consultation database will receive direct notification of the publication of a planning policy document for consultation.



**Deposit** – Planning policy documents published for consultation will be made available in paper copy for consultees to view at Lewes District Council, Southover House, Southover Road, Lewes, BN7 1AB.

**Local Media** – Only applications for major developments or that affect conservation areas or listed buildings will be advertised in a local newspaper. We will write press releases for local newspapers to inform on formal periods of consultation.

**Local Councillors** – Local Councillors know their local areas and have many contacts within their communities. Local Councillors will help to promote consultation within their wards and encourage all residents to get involved.

**Website** - The consultation will be advertised on the Lewes District Council website, particularly under the 'Consultations' heading.

**Email alerts** will be sent to anyone who has subscribed to email notifications on Planning Policy topics via 'Keep me posted' on the Council's website.



### ***Additional consultation methods***

3.18 In most instances other consultation methods, in addition to the basic standards, will be employed. The use of additional consultation methods will be determined on a case by case basis depending on the type of planning policy document that is being consulted on. The additional consultation methods that may be employed include:

**Social media** – Social media may be used to promote consultation through updates on the Council's Facebook and Twitter pages.

**A District News** magazine will be sent out on a quarterly basis. It is delivered to every home in the district and sent by email to anyone who has subscribed.

**Deposit in libraries and/or village halls** – Planning policy documents published for consultation may be made available in paper copy to view at libraries or village halls in the District.

**Public exhibitions** – Where exhibitions are put on, these will initially be located within the Town or Village Hall as a central and accessible location.

**Online discussion Forum** – Where it is appropriate for the stage of consultation, a discussion forum could be made available through the online Consultation Portal to allow the community to debate and discuss issues and proposals related to the consultation.

**Presentations and forums** – Presentations and forums may be arranged to enable discussion with appropriate groups, organisations or stakeholders, or to target particular sectors of the community.

**Leaflets and posters** – Leaflets and posters may be produced and distributed to promote consultation events or to summarise information on consultations.

**Surveys and questionnaires** – Surveys and questionnaires may be used to gather information and canvass views on key issues, options and proposals.

**Summary Documentation** – Non-technical summaries of consultation documents may be produced in order to provide a more accessible way to access and understand the consultation.

**Community and resident Organisations/Groups** – It is recognised that there are some well represented and supported community organisations and groups in Lewes District such as Neighbourhood Panels and Community/Residents Associations. Engagement with them could widen the scope of participation in consultations within their local area.

## WHAT WILL WE DO WITH CONSULTATION RESPONSES?

- 3.19 Representations made during formal consultation periods will be recorded through the online Consultation Portal and published. Please note that the Council is not able to acknowledge receipt of comments, other than through automated responses to emails or comments submitted through the online Consultation Portal. Individual responses to representations submitted are unlikely to be provided.
- 3.20 In accordance with the Data Protection legislation and Freedom of Information Act 2000, representations cannot be treated in confidence and by submitting a representation, the party commenting accepts responsibility for their comments. Copies of all representations will be made publicly available, including the name of the person submitting the representation; however personal information such as telephone numbers, emails or private addresses will not be published.

3.21 All responses will be carefully considered and used alongside other evidence, government legislation and national planning policy to inform the preparation or amendments to the relevant planning policy document being consulted upon. The only exception is if comments are not 'duly made', which means that comments have to:

- Be received before the deadline of the consultation period;
- Relate to the document, its content, or its preparation;
- Not be anonymous; and
- Not be offensive, libellous or otherwise breach the law.

3.22 Representations submitted at the 'Proposed Submission' stage in Local Plan preparation can only be taken into account where they address issues of soundness or legal compliance.

3.23 Following consultation, all representations received will be documented within a Statement of Consultation and Representations (with the exception of Neighbourhood Planning, which follows a different process), which will identify what consultation has been undertaken, the main issues that have been raised, and how these issues have been addressed.

3.24 Feedback on the consultation, including responses to the representations received and how they will be addressed in the next stage of plan making, will be published on the website.

3.25 It is important for local residents and other stakeholders to understand that comments submitted as part of consultation will be fully considered and are part of the evidence informing plan making, but they are not necessarily the only or determining factor. National policy or other evidence may provide good reasons why consultation comments cannot be implemented.

## 4.0 COMMUNITY INVOLVEMENT IN NEIGHBOURHOOD PLANNING

### WHO CAN PREPARE A NEIGHBOURHOOD PLAN OR ORDER?

- 4.1 In parished areas such as Lewes District, Neighbourhood Plans/Orders are usually prepared by Town or Parish Councils, starting with an application made to Lewes District Council to designate the Neighbourhood Area (in these cases, it is usually the area within the parish boundary). The Town/Parish Council may appoint a Steering Group to advise it and carry out various tasks to progress the Neighbourhood Plan/Order, but the Qualifying Body will be the Town/Parish Council itself.
- 4.2 Alternatively, a group or organisation can apply to Lewes District Council to be designated as a Neighbourhood Forum, although this is less common in parished areas. To become a Qualifying Body, a Neighbourhood Forum will need a minimum of 21 people who live in the Neighbourhood Area, or work there. There can only be one Qualifying Body serving a designated Neighbourhood Area.
- 4.3 Once an application for designating a Neighbourhood Forum has been received, Lewes District Council will publicise the application and invite comments from the public on the designation. Lewes District Council will take any comments into account in deciding whether or not to agree the application and designate the forum.



## WHEN WILL CONSULTATION TAKE PLACE?

- 4.4 Community engagement in developing a Neighbourhood Plan/Order is the responsibility of the Town or Parish Council, except for the consultation mentioned in Section 3. The requirements for consultations carried out by the Qualifying Body are set out below.

### Consultation Periods in consultations carried out by the Town or Parish Council (Qualifying Body)

Type of Document	Stage in Preparation	Consultation Period
<b>Neighbourhood Plan/Order</b>	Evidence Gathering and early engagement	On-going (no formal period)
	Pre-submission consultation	Minimum 6 weeks

## THE COUNCIL'S POLICY OF ADVICE AND ASSISTANCE TO NEIGHBOURHOOD PLANNING

4.5 Lewes District Council must give advice or assistance to Town or Parish Councils (or other relevant qualifying bodies) in all appropriate circumstances for the purpose of, or in connection with, facilitating the making of proposals for Neighbourhood Plans and Neighbourhood Development Orders (including their modification). The Council is committed to supporting communities to pursue neighbourhood planning. The Localism Act 2011, Neighbourhood Planning Act 2017 and other relevant legislation sets out the Council's responsibilities as:

### COUNCIL'S RESPONSIBILITIES

- Designating the area for a Neighbourhood Plan/Order
- Designating Neighbourhood Forums
- Advising and/or assisting communities in the preparation of a Neighbourhood Plan/Order
- Formally considering Neighbourhood Plan/Order proposals when submitted
- Arranging for and covering the costs of the independent examination of the Plan/Order
- Determining whether the Neighbourhood Plan meets the Basic Conditions and other legal requirements following recommendations made by the independent examiner
- Arranging and covering the costs of the relevant referendum/s for Neighbourhood Plans/Orders
- If successful at referendum, bringing the plan legally into force (unless the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights, within the meaning of the Human Rights Act 1998)
- Providing advice on and duly considering proposals to modify 'made' Neighbourhood Plans/Orders and facilitating all of the required processes to enable this.

- 4.6 The Council is also responsible for the relevant publicity of each of the above stages in the development of the Neighbourhood Plan/Order, which are set out in legislation (including the Neighbourhood Planning (General) Regulations 2012 (as amended)). However, it is not required to give financial assistance to the community to facilitate the making of Neighbourhood Plan/Order proposals.
- 4.7 All Town or Parish Councils (or other qualifying bodies) and the Plans/Orders they seek to make will be different. The level of assistance given by Lewes District Council and the times at which it is required by those preparing the Plans/Orders will vary depending on their needs and wants. The Council will adopt a flexible approach to best suit the Town or Parish Council and will adhere to the timescales legally required by it. Assistance and advice will be given over the phone, by email or at meetings. Some of the methods of support will be as follows:

#### **METHODS OF SUPPORT**

- Giving initial advice regarding the suitability of completing a plan or order and its potential scope
- On-going advice and support throughout the process including detailed technical input into each key stage. This support will be provided both on an informal basis, but also on a formal basis when responding to specific consultations. The focus will be on the conformity of the Neighbourhood Plan/Order with the existing national and local planning framework but guidance will also be provided to ensure that allocations and policies are fit for purpose and deliverable
- Providing guidance on key issues such as: timetabling, the role of the qualifying body, community engagement and undertaking consultation events, site selection and relevant legislation including SEA
- Practical assistance such as mapping, where appropriate
- Providing examples of best practice from plans or case-law
- Providing relevant contact information for consultation bodies and advice on undertaking consultation, publicity and engagement
- Giving guidance and interpretation of the relevant legislative requirements
- Ensuring the suitable involvement of local councillors and other interested parties to enable timely decision making at key stages
- Advising in relation to the monitoring and review of adopted Plans/Orders

## 5.0 COMMUNITY INVOLVEMENT IN DEVELOPMENT MANAGEMENT

5.1 Lewes District Council is committed to informing and engaging with the community on planning applications. It is important that a balance is struck between providing the community with a genuine opportunity to comment and determining applications within the statutory determination period.

5.2 Opportunities exist for the community and/or stakeholders to be informed and consulted on development proposals at each of the following stages:

- Pre-application consultation
- Planning applications
- Planning appeals

5.3 Community involvement in Development Management not only involves the local community, but also statutory and non-statutory consultees, depending on the nature and location of the proposals.

### ***Statutory Consultees***

5.4 Planning law prescribes circumstances where consultation must be undertaken with statutory bodies on a planning application. These organisations are under a duty to respond to consultations within 21 days (article 22 of the Development Management Procedure Order), or such longer period as may be specified in other legislation, and must provide a substantive response to the application.

5.5 A list of statutory consultees on applications for planning permission is available via the National Planning Practice Guidance<sup>6</sup> (Table 2 within the Guidance).

### ***Non-Statutory Consultees***

5.6 Where there are planning reasons, other non-statutory consultees who may have an interest in a proposed development may be consulted on planning

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<sup>6</sup> <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>

applications, even though they are not designated in law. Non-statutory consultees should respond within 21 days of being notified of the application.

- 5.7 A list of the organisations identified in national policy and guidance who may have an interest in development and may be consulted as non-statutory consultees are identified in the National Planning Practice Guidance<sup>7</sup> (Table 3 within guidance).

### PRE-APPLICATION STAGE

- 5.8 Prior to submission of an application for development, the Council encourages the applicant to engage with the local community, statutory consultees and service providers on their proposal. For very large-scale development, pre-application consultation is a requirement under the Localism Act 2011.
- 5.9 Effective pre-application consultation provides an opportunity for applicants and developers to find out the views of local residents about their development proposals, and allows the local community to make suggestions which can then be taken into account by the developer in finalising their planning application. This process can help reduce local opposition, resolve early design and development problems and ensure that high quality planning applications are received.
- 5.10 The Council expects applicants to carry out their own pre-application consultation. The level of community consultation at the pre-application stage should be appropriate and proportionate to the scale of the application.
- 5.11 It would be expected that this consultation will be documented in a 'Statement of Community Involvement' for the proposal, which should describe in detail the pre-application consultation that has been undertaken by the applicant and how the comments have been addressed in progressing the proposal. This document should be submitted with the application.
- 5.12 The Council provides a pre-application advice service. Appointments for this advice should be made in advance. This service increases the chance of a successful application and is likely to speed up a decision on a planning proposal.

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<sup>7</sup> <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>

The charging schedule for pre-application advice is to be found on the Council's website<sup>8</sup>.

## PLANNING APPLICATION STAGE

5.13 It is important that all relevant planning issues associated with a proposed development are identified and considered in the determination of a planning application. The Council is required to undertake a formal period of consultation so therefore publicises applications that are submitted and invites comments from the local community and other consultees and stakeholders. Anyone can respond to a planning consultation.

5.14 Relevant planning issues are:

- National, local planning policies, neighbourhood plans
- Government Guidance including Orders and Circulars
- Case Law and previous decisions
- Highway safety, traffic, parking
- Noise, disturbance, smells
- Design, appearance, layout, materials, character
- Overshadowing, loss of privacy, residential amenities
- Effect on Listed Buildings, Conservation Areas, trees

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<sup>8</sup> <https://www.lewes-eastbourne.gov.uk/planning-and-building-control/development-management/apply-for-pre-application-planning-advice/>

5.15 However, there are certain issues which are not considered relevant. These include:

- Matters covered by other laws, e.g. licensing
- Private property rights
- Effect on the value of property
- Loss of view from a private property
- Possible future development
- Preferable alternative development
- Personal circumstances (except in exceptional cases)
- Moral/religious issues

5.16 Consultees may be able to offer particular insights or detailed information which is relevant to the consideration of the application, and comments made that are addressing 'material considerations' will be taken into account in the determination of the application.

5.17 There are significant amounts of information relating to planning applications on the Council's website and residents are encouraged to consult this where possible.

5.18 It is important that residents and other stakeholders understand that whilst comments addressing 'material considerations' will be taken into account in determining the application, they are not necessarily the only or determining factor. Local or national policy, or other material considerations, may lead to a decision that is contrary to views expressed during consultation.

5.19 Article 15 of the Town & Country Planning (Development Management Procedures) (England) Order 2015 sets out the minimum requirements for publicising and consulting on planning applications. The requirements vary

according to the type of development proposed, and are set out in National Planning Practice Guidance<sup>9</sup> (Table 1 within the Guidance).

- 5.20 The methods that the Council uses to publicise application and consult the community, which exceed these minimum requirements, are as follows:

#### **Neighbour Notification Letters**

The Council will notify any neighbours immediately adjoining a development proposal by letter or email. The letter provides details of the planning application, where to view plans, how to make comments and by what date.

#### **Site Notice**

Site notices are displayed on or near to the application site. Site notices provide details of the planning application, where to view plans, how to make comments and by what date.

#### **Publication on the Council's website**

Weekly lists of applications received and decisions made are available on the Council's website. All planning applications that have been or are being processed, including appeals, are also available to view on the Council's website.

#### **Public Notice**

A Public Notice is placed in a local newspaper for certain types of planning applications. For example, major or significant development proposals, departures from local policy or where there is a statutory requirement such as for Listed Building Consent.

- 5.21 The deadline for submitting comments on a planning application will be set out in the publicity accompanying the planning application. This will be not less than 21 days. To ensure comments are taken into account it is important to make comments before the deadline given.

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<sup>9</sup> <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>



### ***Re-consultation following amendments to an application***

- 5.22 Where an application is amended after it has been submitted, further consultation may be undertaken if the proposed changes are significant. Any representations received subject to any round of consultation will be taken into account in evaluating the merits of the application. Any representation received outside of the consultation period may not be fully considered. The timeframe for responses to re-consultation will be decided on a case-by-case basis.
- 5.23 If a new planning application is required, this will be subject to new public consultation.

### ***Decision Making on Planning applications / Planning Committee***

- 5.24 The Council will make decisions on planning applications by considering the advice of Planning Officers, the Local Plan and other relevant material considerations. Such decisions are made in two ways. These are by:
- Delegated powers; and
  - Planning Committees.
- 5.25 The majority of planning applications in Lewes District Council are determined under a delegated scheme to the Head of Planning.
- 5.26 Larger cases, or those that raise policy issues, are generally referred to the Planning Committee for a decision. Applications which are considered contentious or controversial, or when a member of the Council can request, may be referred to the Committee as well.
- 5.27 Planning Committee is a public meeting which anyone is able to attend. Interested parties have an opportunity to speak at Planning Committee for a maximum of three minutes per person. Appendix 5 provides full details about how to speak at Planning Committee.
- 5.28 Meetings of the Planning Committee take place in the County Hall, St Anne's Crescent, Lewes. The meetings start at 5.00 pm and are held every three weeks on a Wednesday. Agendas are published a week before the meeting on the committee pages on the Council's website.

## APPEALS

- 5.30 When a planning application is refused, the applicant may lodge an appeal against the decision with the Planning Inspectorate. An appeal may also be submitted when the applicant considers any conditions of approval to be unacceptable, or in the event that an application is not determined by the relevant deadline.
- 5.31 Only the applicant can appeal against a planning decision. There is no ‘third party’<sup>10</sup> right of appeal for other people who disagree with the Council’s decision. However, anyone can challenge a planning decision in the courts if they have evidence that the decision was not made following the proper procedures. Legal challenges cannot take into account whether the decision was right or not in planning terms, only whether regulations and conventions about making decisions were properly followed.
- 5.32 All those who were notified of the original application or submitted comments will be informed if an appeal is made. There is then an opportunity for additional comments to be submitted directly to the Planning Inspectorate, who will determine the appeal, either through written representations, an informal hearing or a public inquiry, depending on the nature and scale of the application. Where it is decided that the appeal should be determined by informal hearing or public inquiry, interested parties are also given the opportunity to appear before the Inspector at the hearing or inquiry.
- 5.33 The Inspector will consider the evidence and decide whether the Council’s decision was correct. The Inspector’s decision is binding on the Council, although it can be challenged by anyone on a point of law in the High Court.

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<sup>10</sup> The ‘first party’ in planning is the applicant for planning permission and the ‘second party’ is the local authority. ‘Third parties’ are anyone else with a view on a planning application, whether they have a direct interest (e.g. as owner of the land on which the application is submitted) or a personal interest (e.g. as a neighbour) or a wider interest (e.g. as a parish council or interest group).

## PLANNING PERFORMANCE AGREEMENTS

- 5.34 A Planning Performance Agreement (PPA) is a project management tool which the Council may enter into with applicants to agree timescales, actions and resources for handling particular applications, in order to determine an application in advance of the determination target. The Council may make an additional charge for the administrative work associated with this.
- 5.35 PPAs can assist in identifying an approach to community engagement, including the identification of the communities to involve, the process of engagement and the best approach to incorporating their views. Any consultation on an application with a PPA should be consistent with this SCI.

## **6.0 MONITORING AND REVIEW**

- 6.1 The SCI will be reviewed every 5 years. It will then be decided if a revision of the SCI is required. This can be the case when it is considered that the SCI becomes out of date or if there is a significant level of dissatisfaction from the local community and stakeholders about how they are being involved in the preparation of Local Plans.
- 6.2 It is considered that the SCI is sufficiently flexible to allow for appropriate changes in the approach to community involvement as a result of changes in national policy, or to make improvements to the process as a result of new or different approaches to consultation.

# APPENDICES

## APPENDIX 1: GLOSSARY

Term	Definition
<b>Adoption</b>	The final confirmation of a Development Plan / Local Plan or Supplementary Planning Document status by a Local Planning Authority.
<b>Authority Monitoring Report (AMR)</b>	Local Planning Authorities are required to prepare and publish an Authority Monitoring Report containing information on the implementation of the Local Development Scheme (LDS) and the extent to which the policies set out in the Local Plan documents are being achieved. Also known as <i>Annual Monitoring Report</i> or <i>Local Monitoring Report</i> .
<b>Charging Schedule</b>	The types of development that are liable to pay the Community Infrastructure Levy (CIL) and the amount that is required to be paid (expressed as pounds (£) per square metre) is set out in a local authority's Charging Schedule.
<b>CIL Regulations</b>	See Community Infrastructure Levy Regulations 2010.
<b>Community Infrastructure Levy (CIL)</b>	The Community Infrastructure Levy is a charge which local authorities in England and Wales are empowered, but not required, to charge on types of new development in their area. The proceeds of the levy will be spent on local and sub-regional infrastructure to support the development of the area.
<b>Community</b>	Regulations that govern the Community Infrastructure

<b>Infrastructure Levy Regulations 2010</b>	Levy and the process of preparing the Charging Schedule.
<b>Community Right to Build Order</b>	A Community Right to Build Order is a specific type of Neighbourhood Development Order that can be prepared by any local community organisation rather than just a parish council or neighbourhood forum.
<b>Community Strategy</b>	A strategy developed by the local community, focusing on what is important to people who live, work and visit the town and to make positive changes.
<b>Conservation Area</b>	An area of special architectural or historic interest, the character or appearance of which is desirable to preserve or enhance.
<b>Core Strategy</b>	The main planning policy document for Eastbourne that sets out the long term strategic planning vision between 2006 and 2027.
<b>Corporate Plan</b>	Sets out the priorities of the Lewes District Council, prepared using the findings of consultation held with residents and stakeholders.
<b>Development Plan</b>	The set of documents that provide the Local Planning Authority's policies and proposals for the development and use of land and buildings in the authority's area. This includes adopted Local Plans, any Neighbourhood Plans and the Waste & Minerals Local Plan.
<b>Development Plan Document</b>	Statutory documents which are subject to specified consultation periods and are subject to independent examination. Also known as Local Plans.
<b>Evidence Base</b>	The information and data gathered by local authorities to justify the "soundness" of the policy approach set out in the Local Plan, including physical, economic, and social characteristics of an area.
<b>Examination / Examination in Public</b>	The process by which a Planning Inspector may publicly examine a Local Plan for legal compliance and 'soundness' before issuing a binding report.
<b>Infrastructure Delivery</b>	Detailed assessment of the infrastructure required to

<b>Plan (IDP)</b>	deliver the spatial development strategy and how this will be delivered.
<b>Inspectors Report</b>	A report issued by a Planning Inspector regarding the planning issues debated at an Independent Examination of a Development Plan or a Planning Inquiry.
<b>Local Development Document (LDD)</b>	A generic term for documents prepared by Local Planning Authorities for the use and development of land or containing environmental, social and economic objectives relevant to the development and use of land which are intended to guide the determination of applications for planning permission.
<b>Local Development Scheme (LDS)</b>	The LDS sets out the programme for the preparation of the Local Development Documents. All plan making authorities must maintain an up to date LDS.
<b>Local Plan (LP)</b>	The plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the community
<b>Local Planning Regulations</b>	See Town & Country Planning (Local Planning) (England) Regulations 2012
<b>National Planning Policy Framework (NPPF)</b>	The NPPF sets out the Government's planning policies and how these are expected to be applied. It was published on 27 March 2012.
<b>National Planning Practice Guidance (NPPG)</b>	A web-based resource which brings together planning guidance on various topics linked to the NPPF into one place.
<b>Neighbourhood Plan</b>	A Neighbourhood Plan is a plan prepared by a Town/Parish Council or Neighbourhood Forum, that once adopted becomes part of the Local Plan and the policies contained within them are then used in the determination of planning applications.
<b>Neighbourhood Development Order</b>	A Neighbourhood Development Order is an order prepared by a Town/ Parish Council or Neighbourhood Forum that automatically grants planning permission for

	a particular type of development in a particular area.
<b>Planning and Compulsory Purchase Act 2004</b>	The legislation that introduced a new development planning system, based on the preparation of Local Development Frameworks. The Act commenced 28th September 2004.
<b>Soundness</b>	<p>In order to be sound, a Local Plan must be:</p> <ul style="list-style-type: none"> <li>• Positively prepared – the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;</li> <li>• Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;</li> <li>• Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and</li> <li>• Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.</li> </ul>
<b>South Downs National Park (SDNP)</b>	England's newest National Park, covering the South Downs and Western Weald, situated in the counties of Hampshire, and West and East Sussex. Planning responsibility within this area falls to the South Downs National Park Authority.
<b>Statement of Community Involvement (SCI)</b>	Document explaining to stakeholders and the community how they can be involved in the preparation of Local Development Documents, and the steps that will be taken to facilitate their involvement.
<b>Strategic Environmental Assessment (SEA)</b>	The term used internationally to describe the environmental integration of policies, plans and programmes. The SEA Directive (2001/42/EC) requires a formal 'environmental assessment' of plans and programmes that are to be adopted by a public authority including those in spatial planning. This assessment is



	often combined with the Sustainability Appraisal.
<b>Supplementary Planning Document (SPD)</b>	These provide additional planning policy guidance to the policies and proposals in the Local Plan. They do not need to be subject to independent examination
<b>Sustainability Appraisal (SA)</b>	Assessment of the social, economic and environmental impacts of proposals in Local Development Documents.
<b>Town &amp; Country Planning (Local Planning) (England) Regulations 2012</b>	Regulations that govern the process for preparing Local Plans and Supplementary Planning Documents. Also known as 'Local Planning Regulations'.

## APPENDIX 2: MATERIAL CONSIDERATIONS

Planning applications can only be decided on those matters relevant to planning. These matters are called 'Material Considerations'.

Material Considerations are factors considered in the determination of applications for planning permission and other consents, alongside the Local Plan. They can include (but are not limited to):

- Effects on highway safety, traffic, access and parking
- Government guidance including Orders and Circulars
- Scale and appearance of proposal and impact on surrounding area
- Loss of light, overshadowing
- Overlooking and loss of privacy
- Effect on nature conservation and loss of trees
- Effect on a conservation area, listed buildings
- Noise , disturbance, smells
- Whether the use would be appropriate for the area
- Design, appearance, layout, materials, character
- National, regional and local planning policies

Often residents want to comment on matters that cannot be taken into account because they are not controlled by planning legislation. These are Non-material Considerations.

Non-material considerations are factors that cannot be considered in the determination of applications for planning permission and other consents. They include:

- Matters covered by other laws, e.g. licensing
- Loss of property value
- Loss of view
- Private issues between neighbours such as land covenants, land boundary disputes, damage to property
- Problems associated with construction works being carried out, such as noise, dust and disturbance by construction vehicles.
- Competition between firms
- Structural and fire precaution matters
- Possible future development
- Preferable alternative development
- Applicants morals or motives

### APPENDIX 3: LIST OF SPECIFIC CONSULTATION BODIES

The Town and Country Planning (Local Development) (England) Regulations 2012 (as amended) state that the following bodies must be consulted with in relation to the formation of Local Development Documents:

- South Downs National Park Authority \*)
- East Sussex County Council
- Brighton and Hove City Council, Wealden District Council and Mid Sussex District Council (Adjoining Local Planning Authorities)
- West Sussex County Council (Adjoining County Planning Authority)
- Town and Parish Councils / Meetings within Lewes District
- Town and Parish Councils Meetings which adjoin Lewes District
- The Coal Authority
- Environment Agency
- Historic Buildings and Monuments Commission for England (Historic England)
- Network Rail Infrastructure Limited
- The Marine Management Organisation
- Natural England
- The Highways Agency
- The Homes and Communities Agency
- East Sussex Downs and Weald Primary Care Trust
- Relevant gas, electricity and telecommunications companies who operate in the District
- Relevant water and sewerage undertakers who operate in the District.

\*) The South Downs National Park Authority (SDNPA) is only a specific consultation body in respect of Local Development Documents that are produced by Lewes District Council for an area that does not include any land that is in the National Park.

## APPENDIX 4: LIST OF GENERAL CONSULTATION BODIES

The Council, where it believes to be appropriate, will engage with a wide variety of groups and organisations through the Local Development Document Preparation process, which will include those from the following categories:

- Lewes District Local Strategic Partnership
- Local Enterprise Partnerships
- Highways Agency
- Local Community Action Groups
- Local Civic and Amenity Groups
- Local Business Groups (For example, Chambers of Commerce and Federation of Small Businesses)
- Travellers Groups (For example Friends, Families and Travellers)
- Religious Groups (For example Churches Together in Sussex)
- Countryside and Conservation Groups at local, regional and national level (For example the CPRE, Sussex Wildlife Trust and Friends of the Earth)
- Bodies that represent the interest of disabled persons in the area (For example the Access in Seaford and Newhaven Committee)
- Rural Organisations (For example National Farmers Union)
- Older Persons groups (For example Age Concern)

All of the information listed above is correct at the time of writing and is in keeping with the Planning Regulations. Should the Planning Regulations change or if new consultation guidance is forthcoming from central government then the names and types of bodies may change.

## APPENDIX 5: SPEAKING AT PLANNING COMMITTEE

The following is taken from Part 10 of the Council's Constitution – Public Speaking at Planning Applications Committee.

### Introduction

The Council operates a scheme whereby interested parties have the opportunity to speak at meetings of the Planning Applications Committee. The Council considers this adds value to the planning process, offering increased involvement for the public and more informed decision-making by the Committee.

These guidance notes set out how the scheme operates and what to expect at the meeting itself. They are designed to make the system as fair and easy to operate as possible.

### Scope of the Scheme

The scheme only applies to applications included on the agenda for a particular meeting. For this purpose applications include Planning Applications, Listed Building and Conservation Area Consent Applications Advertisement Applications and Tree Applications. The scheme does not apply to Enforcement matters, applications for Certificates of Lawful Use or applications where the Council is not the determining authority.

### Who may speak?

Anyone with an interest in an application is able to speak and to make the system manageable, the following numbers have been agreed:

Town/Parish Council            1 representative

Ward Member/s (that are not a member of the Committee and represent that ward) No limit

Objectors                        Up to 3 representatives

This includes local residents and any professional representative. Amenity Societies/Residents Associations are included but do not have an automatic right to speak.

Applicant/Agent/Supporters            Up to 3 representatives

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Local residents, Amenity Societies etc. may also be supporters. The applicant (or nominee) will have priority in deciding who should speak.

Applicants/Agents and those who have commented on an application will be notified of the date when it is to be considered by the Planning Applications Committee so that they can register their interest in speaking (see section below on Registering an interest to speak).

Speakers are selected on a “first come, first served” basis until the above numbers have been reached. Subsequent objectors/supporters are put in touch with those who have already registered to speak so that they can agree what they want to say, either for or against an application, and who will speak.

If a Member of the Committee is also a Local Ward Member, wishes to speak against, or in support, of an application in that capacity and has registered to speak, then they are allowed to withdraw from the meetings proceedings for that item only and speak for 5 minutes on that particular item. In this event, they would not take part in the debate nor have a vote on the determination of the application on which they spoke. Having spoken, they would be required to leave the room. They then may return to the Committee to determine the remaining items.

### **Time limits for speakers**

The maximum time for each speaker is three minutes, other than the Ward Member/s and Town/Parish Councillors who have five minutes, and this is strictly controlled with start/stop lights.

### **Procedure at meetings**

Those who have registered their interest to speak should arrive at the venue at least 20 minutes before the start to be briefed on the procedure. The sequence of speakers is as follows:

- 1 Presentation of application by Planning Officer
- 2 Town/Parish Council representative\*
- 3 Objectors (up to 3)\*
- 4 Applicant/Agent/Supporters (up to 3 with Applicant having priority)\*
- 5 Further clarification by Planning Officer (if required)\*
- 6 Ward Member (if not on Committee)
- 7 Committee debate and decision.

*\* if the “Opportunity to Speak” is taken up*

Committee members are not able to question speakers directly but are permitted to ask “closed” questions to seek clarification or provide more information through the Chair only.

Speakers are asked to make verbal presentations only (unless special disability circumstances apply). If a written copy of a presentation is submitted this is included on a supplementary report, provided it is received by Planning Services not later than the day before the meeting. If an application is deferred, speakers are allowed an opportunity to speak at a subsequent meeting when the application in which they have an interest is considered again.

### **Venue and time of meetings**

All meetings start at 5pm. Meetings of the Planning Applications Committee are held on a three weekly cycle on a Wednesday in Lewes. However, it may sometimes be necessary to change the venue to another part of the District and prior notice will be given.

### **Registering an interest to speak**

If you wish to speak you must register your intention not later than 12 noon on the day before the Committee meeting. See:

<https://www.lewes-eastbourne.gov.uk/planning-and-building-control/planning-applications/speaking-at-planning-committee/>.

## FURTHER ADVICE AND INFORMATION SOURCES

Further information and advice on planning matters is available from Lewes District Council. Please contact:

Lewes District Council Offices, Southover House, Southover Road, Lewes, BN7 1AB  
(01273) 471600 [www.lewes-eastbourne.gov.uk](http://www.lewes-eastbourne.gov.uk)

Independent advice is available from the following sources:

### **The Planning Portal**

The Planning Portal is the Government's online 'one-stop-shop' for planning and building services. It provides information on the planning system, allows you to submit a planning application, find out about development in your area and appeal against a decision and research government policy.

Website: [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

Email: [support@planningportal.gsi.gov.uk](mailto:support@planningportal.gsi.gov.uk)

### **Department of Communities and Local Government (DCLG)**

The DCLG provides general information on the planning system including the latest national planning policy, decisions on planning appeals, research and statistics and reform of the planning systems.

Website: [www.communities.gov.uk](http://www.communities.gov.uk)

Email: [contactus@communities.gsi.gov.uk](mailto:contactus@communities.gsi.gov.uk)

Postal Address: Fry Building, 2 Marsham Street, London SW1P 4DF

Telephone Number: 030 3444 0000

### **Planning Aid England (PAE)**

Planning Aid England provides free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees. It is provided by the Royal Town Planning Institute.

Website: [www.rtpi.org.uk/planningaid](http://www.rtpi.org.uk/planningaid)



Email: [advice@planningaid.rtpi.org.uk](mailto:advice@planningaid.rtpi.org.uk)

Postal Address: The Royal Town Planning Institute, 41 Botolph Lane, London EC3R 8DL

Telephone: 020 7929 9494

### **The Planning Inspectorate**

The Planning Inspectorate processes planning appeals and holds examinations into statutory planning policy documents and the Community Infrastructure Levy (CIL).

Website: [www.planningportal.gov.uk/planning/planninginspectorate](http://www.planningportal.gov.uk/planning/planninginspectorate)

Email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Postal Address: The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

Telephone: 0303 444 5000