

## Statement of Community Involvement

*Dartford Council's approach to public consultation, and community involvement, in planning the development of the Borough.*



*Adopted December 2017*

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# 1. Principles of Community Involvement

- 1.1 Dartford Borough Council ('the Council') has set out the approach it will take in all its activities to consultation and engagement<sup>1</sup>. In our public engagement activities, we aim to:

## Public Involvement Aims

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Ensure local people have an impact or decision making  | <input checked="" type="checkbox"/> Reduce consultation fatigue   |
| <input checked="" type="checkbox"/> Engage with all communities, use resources effectively | <input checked="" type="checkbox"/> Produce evidence-based policy |

- 1.2 We are committed to providing high quality, cost effective planning services to the Borough's residents, workers and visitors. In order to do this, we seek to understand the views and local experiences of these groups.
- 1.3 We recognise that the local area *'is involved in a series of regeneration projects of national significance, which have a major impact on the lives of local people. The Council is committed to consulting and involving people in the development of the area'*<sup>1</sup>.

<sup>1</sup> [DBC Consultation and Engagement Strategy 2015-2018](#)

- 1.4 This Statement of Community Involvement ('SCI') sets out the fundamental principles the Council will apply to ensure the involvement of local people and organisations in planning the future of the Borough. It is directly taken into account when Local Plans are independently examined.
- 1.5 This document has taken account of a range of external and internal considerations, in line with practise for producing an SCI, including:
- Feedback from key organisations, representative groups and local people;
  - The framework set by government, including that set by legislation, for effective and efficient planning decisions;
  - The needs of all residents and organisations in the Borough, including rights through the Equalities Act 2010;
  - Available technology and resources, as we want to be confident and realistic in our commitments to engaging with you.
- 1.6 As a result, the Council has agreed, and will consistently apply, the following principles (A-F) of public involvement in planning for Dartford. We will aim to ensure every relevant planning decision is informed by public input based on these principles, which are explained later in the document:

# Dartford's Core Principles of Public Involvement in Planning

## PRINCIPLE A

*Public involvement will be at a timely stage before final decisions are made by the Council.*

## PRINCIPLE B

*Explanatory information supporting proposals, or further contact details, will be provided to inform people responding to proposals.*

## PRINCIPLE C

*Clear deadlines will be provided for public consultations. The time period should be reasonable, but will recognise if there is a fixed timescale in which decisions need to be taken.*

## PRINCIPLE D

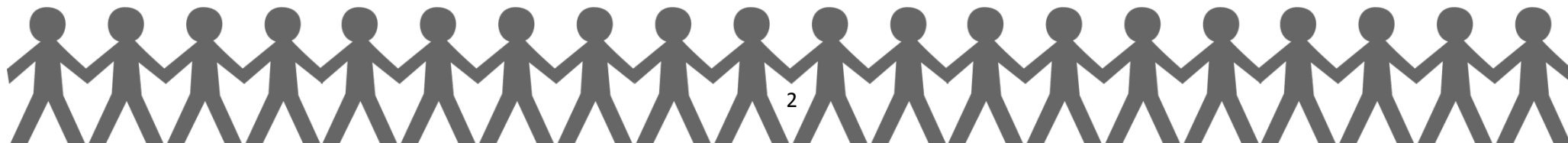
*Public comments will be acknowledged, and taken into account, with applicable planning issues appropriately weighed up.*

## PRINCIPLE E

*Notification and publicity will occur as soon as possible; with electronic communication primarily used, and webpages regularly updated.*

## PRINCIPLE F

*Local Plan communication and activities will fit the purpose of the proposed document and the stage of its preparation.*





- 1.7 In planning, we support the principle of ‘front loading’ public involvement as early as possible in the process, so it can really influence proposals. For planning applications submitted to the Council, this means once all necessary information has been received, and in particular encouraging developers of major developments to consult with the public before an application is submitted.
- 1.8 Early engagement over major proposals should be followed up with further stage(s) of consultation. For some minor planning applications however, consultation may be most valued by the public once specific details are available.
- 1.9 In considering the suitability of consultation timings whether or not any participation/ publicity has previously occurred should be recognised. For instance, advance publicity and (where possible) notification of individuals/ organisations, should avoid any group needing more time to respond than the normal reasonable period. Sometimes this period is prescribed in legislation, but in other instances previous publicity or community involvement periods should be taken into account.
- 1.10 In applying our commitment to these important principles, the Council takes seriously laws to protect individual rights and

will adhere to data protection policies. The Council will ensure that telephone numbers, e-mail addresses and signatures of individuals are not available for public viewing.

- 1.11 Those participating in planning decisions taken for the public good also have responsibilities. You may be held legally responsible for representations which contain libellous or defamatory statements. Comments clearly offensive to social groups identified in legislation will not be published as objections to proposals. We will also not accept aggressive behaviour towards, or communication with, Council Officers and Members.

## 2. People Involved in Planning

2.1 Planning is about managing the development and use of land and buildings. It guides how towns, villages and countryside will look and how they will work in future. Economic changes lead to development proposals that require planning decisions to balance social needs of our communities and individuals, with the need to conserve and improve the environment. The Council thinks local people, organisations and businesses in the Borough should have clear chances to get involved in shaping Dartford through planning decisions.

2.2 Planning has two main stages:

- Firstly, there is **plan-making** or the preparation of **planning policy**. This sets out guidance about how places are expected to develop over time. National policy is mainly in the National Planning Policy Framework<sup>2</sup> (NPPF). Councils set out their planning policies in Local Plans. Local communities can also set out their own policies in Neighbourhood Plans.

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<sup>2</sup> [DCLG \(2012\) National Planning Policy Framework](#)

- Secondly, there is the need to consider and decide on the individual proposals land-owners/ developers put forward as residents, businesses, to build on or change the use of property and land. This mainly requires considering planning applications, a process known as **development management**.

2.3 As outlined in following chapters of this document, there are opportunities to have your say in different ways in both of these activities.

2.4 As planning is so wide-ranging, many organisations and people are either directly involved, or can have their say on development proposals. This includes different parts of the government, local residents and groups or businesses, but also private utility companies for example.

2.5 The Council has overall responsibility for producing future planning strategy for the Borough and preparing a Borough-wide Local Plan. It also determines planning applications in most of the Borough. The Ebbsfleet Development Corporation (EDC) deals with applications in its own area, but has to use the Council's Local Plan when determining applications. The other organisations particularly involved in planning decisions in the Borough are set out in the table below.

**Kent County Council (KCC)**

- KCC is responsible for all minerals and waste applications in the Borough, along with some Education and other applications.
- <http://www.kent.gov.uk/waste-planning-and-land>

**Parish or Town Councils**

- They are often a key consultee on applications and policy. They are also now able to develop neighbourhood plans (discussed later in this document).

**Ebbsfleet Development Corporation (EDC)**

- The EDC decides on planning applications (including minerals and waste, and education) in their area, which includes a parts of Dartford Borough and Gravesham Borough. They do not have the power to determine Lawful Development Certificates.
- More information: <http://ebbsfleetdc.org.uk/>

**National Government**

- The national government provides overall policies and regulations e.g. the National Planning Policy Framework (NPPF).
- Any appeals and examinations are undertaken by the Planning Inspectorate. They may also deal directly with projects of national significance in the Borough.
- <https://www.gov.uk/government/organisations/planning-inspectorate>

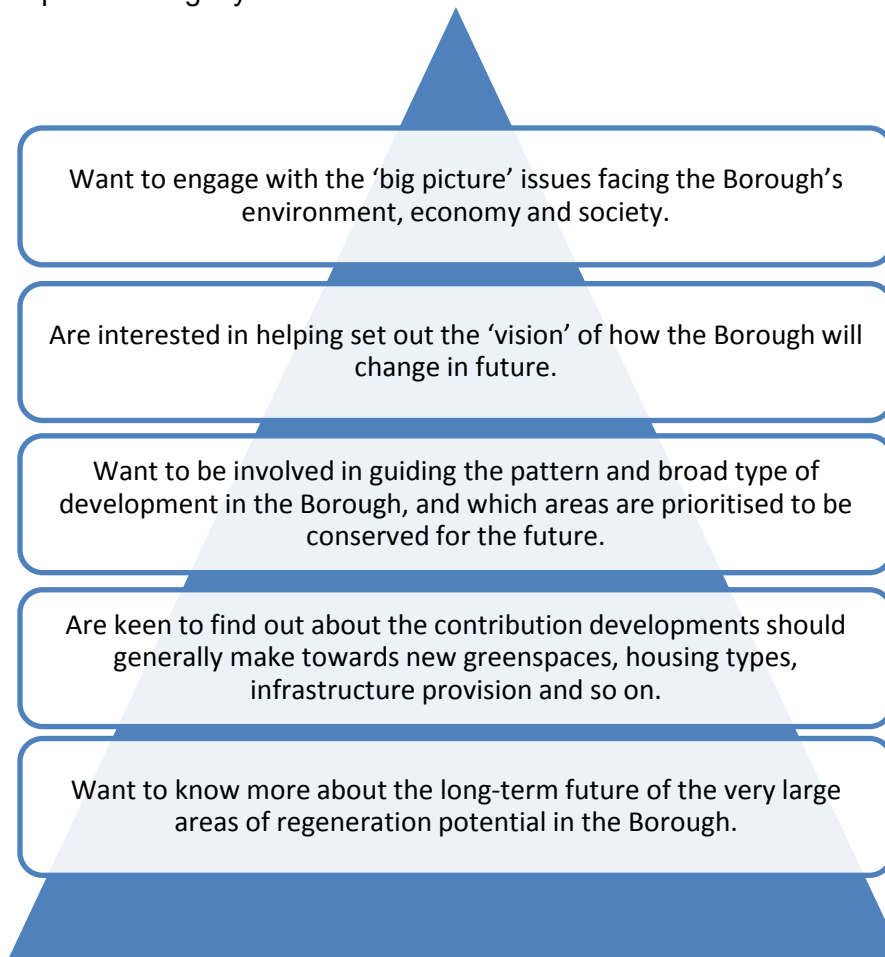
2.6 For further information see the web links or the various guides to the planning system which have been produced, for example the Handy Guide to Planning<sup>3</sup>, written by a national charity and the professional body for planners, the Royal Town Planning Institute (RTPI).

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<sup>3</sup> [RTPI \(2012\) The Handy Guide to Planning](#)

### 3. Involvement in Borough Planning Policy

3.1 You may find it rewarding to get involved in planning policy/ plan-making if you:



3.2 Primary legislation in England requires that the Local Plan should be the starting point for decisions on planning applications. Other local and national planning policy documents are also likely to be major considerations in development management. Our Local Plan documents provide an overall picture of how the Borough will change, but also directly guide whether or not individual proposals are seen as acceptable.

3.3 More detailed law<sup>4</sup> plus national government guidelines (for example in the NPPF) say how Local Plan documents should be produced. The system is based on collecting and closely considering information from two important sources:

- Views of the public expressed through consultation and participation.
- Technical or factual evidence on specific topics (or registers, or procedural schedules/ programmes). This informs, but is not normally the subject of, consultation.

<sup>4</sup> For instance: [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#).



- 3.4 Due to their importance, Local Plans<sup>5</sup> are subject to greater requirements and stages than other planning policy documents such as ‘Supplementary Planning Documents’ (SPDs). Whatever the type of policy in production, the degree of information from consultees (and technical work) will build up step by step, and shape the policies that result. The length of the process will vary but the broad stages showing how this happens, and the approach taken to public participation, are set out in Appendix D.
- 3.5 To apply the Core Principles of Public Involvement, actions will occur as set out in the table below. Principles A and F (in particular) will be applied through the steps required to produce planning policy.
- 3.6 We will indicate how consultation views can influence the policy document as it develops. The Council will be open if a specific option is viewed as a current preference; or where the final draft approach has been formed, this will be made clear.
- 3.7 The leading decision-taker in finalising Local Plans is an independent Planning Inspector, and they will usually determine the approach to involvement at this ‘examination’

stage. Accordingly we may not be able to conduct some of the activities below. However, in line with the Principles set out, the Council will look to ‘front load’ involvement on formative stages before the Inspector’s examination.

- 3.8 In order to ensure local views and understanding are used to make our planning policies as good as possible by the time they are finalised, we will undertake the following detailed actions. The table below outlines how, in line with Principle F, engagement will be based on the nature of the proposals. Essential activities for all relevant planning policy documents are set out; and the right hand column adds to this by indicating the additional actions necessary for preparation of the most important documents (Local Plans). The table goes through, in turn, how we will communicate on planning policy, how publicity will occur, and how feedback is to be used.

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<sup>5</sup> A legal definition of what constitutes a document with the status of a Local Plan set out at Regulation 5 & 6 of the 2012 Regulations

## How we will communicate. We will...

| <b>For preparing Non Local Plan policy documents<br/>(e.g. SPDs):</b>   | <b>For preparing Local Plans (<i>additional to the Non Local Plan activities</i>):</b>  |
|---|---|
| <ul style="list-style-type: none"> <li>• Maintain regularly updated planning policy webpages outlining the latest news on anticipated future planning policy consultations, and whether or not public involvement stages are ongoing/ expected shortly.</li> <li>• Directly notify contacts of consultation periods using email, and accept comments back in written form (email or hard copy).</li> <li>• Provide for direct telephone contact in office hours to answer queries on the consultation.</li> <li>• Review annual progress in producing planning policy in publically available documents e.g. the Authority's Monitoring Report (AMR).</li> <li>• Include diagrams, tables or other illustrations to help explain technical proposals.</li> <li>• Make publicly available supporting evidence/ documentation, which may include surveys or profiles of local communities or studies of the Borough's environment or local features.</li> <li>• Hold meetings of the Borough's elected Members to approve key stages which are open to public observers, using formal reports that are available on-line in advance of the meetings (also available following meetings, along with minutes).</li> </ul> | <ul style="list-style-type: none"> <li>• Set out in advance a Local Development Scheme approved by elected Members that outlines future Local Plans, their scope, and indicate the broad stages of public participation expected and their timing. This will be kept up to date via the website.</li> <li>• Allow at least 6 weeks for comments to be submitted for consultation. We will avoid, where possible, deadlines in August or late December, or lengthen the consultation period.</li> <li>• Produce occasional user-friendly summaries of planning policy development through news bulletins and website updates.</li> <li>• Include a Glossary of terms in Local Plans to set out key phrases in simple language.</li> <li>• Produce summaries of proposals at key stages or non-technical versions of the most influential studies e.g. Sustainability Appraisals.</li> <li>• Provide bespoke additional links electronically (or a short hard copy extract) for parish/ town councils and non-profit representative organisations within the Borough, if required to help consideration of complex material.</li> <li>• Provide Local Plan documents (adopted or consultation papers) in easily accessible on-line format on the Council's planning policy pages, and in hard copy form at libraries.</li> <li>• Provide the statutory Policies Map on the Council's website, with interactive functions to see how policy wording relates to specific areas (and hard copies at libraries).</li> </ul> |

## How publicity will occur and who will be contacted. We will...

| <b>For preparing Non Local Plan policy documents<br/>(e.g. SPDs):</b>  | <b>For preparing Local Plans <i>(additional to the Non Local Plan activities)</i>:</b>  |
|--|---|
| <ul style="list-style-type: none"> <li>• Notify all relevant contacts who have expressed an interest in planning policy consultations, including Parish and Town Councils.</li> <li>• Aim to attend and engage with existing consultative sessions, where these are relevant and draw in representative organisations from across the Borough (e.g. the Community Forum at Bluewater and the Borough Parish/ Town Council Forum).</li> <li>• Seek to use selective additional activities and awareness rising where relevant to the content of the document and where likely to be effective.</li> <li>• Seek to maximise input from parties through aiming to time participation exercises together, or working with other organisations. ('Consultation fatigue' can arise if people are put off from further involvement because of repetitive or overlapping engagement, especially for people with limited time or resources).</li> <li>• Keep our contacts list of interested people up to date by ensuring anyone is able to sign up or unsubscribe easily online/ via email or phone.</li> </ul> | <ul style="list-style-type: none"> <li>• Consider specific actions to further raise the profile of public involvement opportunities (for instance: increased use of social media; local site notices or local newspaper adverts; or targeting specific contacts).</li> <li>• Expect to use additional methods of public participation (for instance a series of public exhibitions) at the appropriate stage in plan making. These will be appropriately advertised in advance.</li> <li>• Ensure we inform a range of key local residents/ businesses, statutory consultees (see Appendix C), voluntary bodies, and groups representing religious, ethnic, nationality and disabled interests of Local Plan consultations.</li> <li>• Seek participation across all groups in Dartford society e.g. aiming to use local forums for particular age groups at an appropriate stage, and taking efforts to include those that may be 'hard to reach'.</li> <li>• Conduct a Customer Access Review to consider implications for a range of groups in the Borough, including groups by disability, gender, sexual orientation, race or religion.</li> <li>• Ensure strategic cross-boundary issues are identified and addressed (a legal requirement under the Duty to Cooperate).</li> </ul> |

## How we will use feedback. We will...

| For preparing Non Local Plan policy documents<br>(e.g. SPDs):  | For preparing Local Plans <i>(additional to the Non Local Plan activities)</i> :   |
|--|--|
| <ul style="list-style-type: none"> <li>• Acknowledge all written comments made within the consultation period.</li> <li>• Make all comments public (apart from anonymous or defamatory/discriminatory views). They cannot be treated as confidential.</li> <li>• Identify those involved so far, and use a summary of feedback, in further public participation.</li> <li>• Address feedback in formal reports that are available on-line in advance of meetings of elected Members.</li> <li>• Inform participants in preparing planning policy of the finalisation of documents.</li> <li>• Use feedback on general topics of concern and local interest to enhance the data we collect on our performance and outcomes of planning policy (the information in our monitoring documents).</li> </ul> | <ul style="list-style-type: none"> <li>• Use feedback to identifiably amend early stage proposals.</li> <li>• Inform those involved in early stage proposals of further consultation, up to Publication of the Plan (see Appendix D).</li> <li>• Ensure those responding to Publication of the Plan are informed of key stages in finalising the Plan.</li> <li>• Detail the main issues raised in public participation after publication stage (and before where appropriate). We will aim to document a response to points arising (or individual respondents) or how they can find out more about how their feedback has been addressed.</li> <li>• Aim to provide up to date and accessible information on the scrutiny of the Plan by the Planning Inspector as part of the Examination in Public.</li> </ul> |

### Further information on Local Plans and other Planning policy documents is available at the following links:

[Adopted Local Plans](#)

(Including Core Strategy and DP Plan)

[Supplementary Planning Documents \(SPDs\)](#)

(Including parking and windfalls)

[Neighbourhood Plans](#)

(Including guidance)

## 4. Neighbourhood Planning

- 4.1 Parish and Town Councils play an important role in shaping Borough-wide planning policy, but they are also able to produce Neighbourhood Plans to set planning policy directly in their local area. Once finalised, the policies in a Neighbourhood Plan will be used alongside the Local Plan when Dartford Council considers planning applications in that area.
- 4.2 Neighbourhood Plans can:
- Identify a shared vision and environmental, economic and social objectives for a neighbourhood
  - Help decide where new homes, shops, offices and other development can be built
  - Influence the main design features of new homes and other buildings
  - Identify how improvements to the local environment can be delivered e.g. for local green spaces
- 4.3 Local residents, organisations or businesses can get directly involved in Neighbourhood Plans by working with their Parish or Town Council to help write the documents. Alternatively, there are several stages they can give feedback to their Parish or Town Council if a Plan is being prepared.
- 4.4 The Borough Council provides support and advice to those producing Neighbourhood Plans and makes some key decisions.
- 4.5 This includes at the outset of the process when the area to be covered by the Neighbourhood Plan is approved by the Borough Council. Plans can be prepared in any area of the Borough. Where there is a Town or Parish Council, they will take on responsibility for preparing the Plan. In other areas, a local group can prepare a plan by forming a 'Neighbourhood Forum', which takes on the responsibility for producing the Neighbourhood Plan, once agreed by the Borough Council.
- 4.6 Whether produced by a Town/ Parish Council or a Neighbourhood Forum, the Borough Council will support to the best of our ability and in line with Dartford's Core Principles A to F set out earlier. The points below outline what we will aim to do to assist neighbourhood planning in the Borough.



#### Advising on local and wider engagement. We will...

- Advise on the principles and practicalities of public engagement, including drawing from themes and actions included in this document, and with tips on how to 'work back' from the requirements of a Consultation Statement.
- Advise on relevant outside organisations and contacts who may benefit the Neighbourhood Plan e.g. service providers, public officials with specialist expertise.

#### Helping programme and structure documents. We will...

- Encourage parishes to set clear objectives and priorities, interdependencies in making policy decisions; and how to set milestones to produce a realistic project programme.
- Help parishes to document and organise the reports necessary to produce and support a Neighbourhood Plan.

#### Assisting technical and evidence consideration. We will...

- Help explore and explain technical issues, either directly from our experience or by offering resources, data, links or contacts.
- Review early ideas about the scope and sources of evidence necessary to justify Neighbourhood Plan proposals.
- Offer early input once a full informal draft Neighbourhood Plan is available to us, particularly with regard to conformity with the Local Plan and NPPF.
- Ensure statutory documents have been produced before the Neighbourhood Plan is finalised, and seek sight of these in advance of submission in order to provide constructive comments, and review how Basic Conditions can best be met.

### Parish and Town Council Contacts

- **Bean Parish Council**  
Contact Telephone: 01474 832999  
Email: [Beanparishcouncil@btinternet.com](mailto:Beanparishcouncil@btinternet.com)
- **Darenth Parish Council**  
Contact Telephone: 01322 861292  
Email: [darenthparishcouncil@btinternet.com](mailto:darenthparishcouncil@btinternet.com)
- **Longfield and New Barn Parish Council**  
Contact Telephone: 01474 707290  
Email: [longfieldparishcouncil@btconnect.com](mailto:longfieldparishcouncil@btconnect.com)
- **Southfleet Parish Council**  
Contact Telephone: 01474 833906  
Email: [clerk@southfleetpc.kentparishes.gov.uk](mailto:clerk@southfleetpc.kentparishes.gov.uk)
- **Stone Parish Council**  
Contact Telephone: 01322 384400  
Email: [clerk@stoneparishcouncil.com](mailto:clerk@stoneparishcouncil.com)
- **Sutton-at-Hone and Hawley Parish Council**  
Contact Telephone: 01322 862291  
Email: [sahparishcouncil@gmail.com](mailto:sahparishcouncil@gmail.com)
- **Swanscombe and Greenhithe Town Council**  
Contact Telephone: 01322 385513  
Email: [graham.blew@swanscombeandgreenhithetowncouncil.gov.uk](mailto:graham.blew@swanscombeandgreenhithetowncouncil.gov.uk)
- **Wilmington Parish Council**  
Contact Telephone: 01322 221149  
Email: [clerk-wpc@outlook.com](mailto:clerk-wpc@outlook.com)

4.7 The 'flow' diagram opposite outlines the stages of producing a Neighbourhood Plan. The Borough Council will seek to 'front load' its advice, with the aim of quickly building local capability of the neighbourhood to deliver their own Plan. Once the Neighbourhood Area has been confirmed, we will be open to requests to help organise a realistic set of necessary actions, to ensure the Neighbourhood Plan gets off to a successful start and builds momentum.

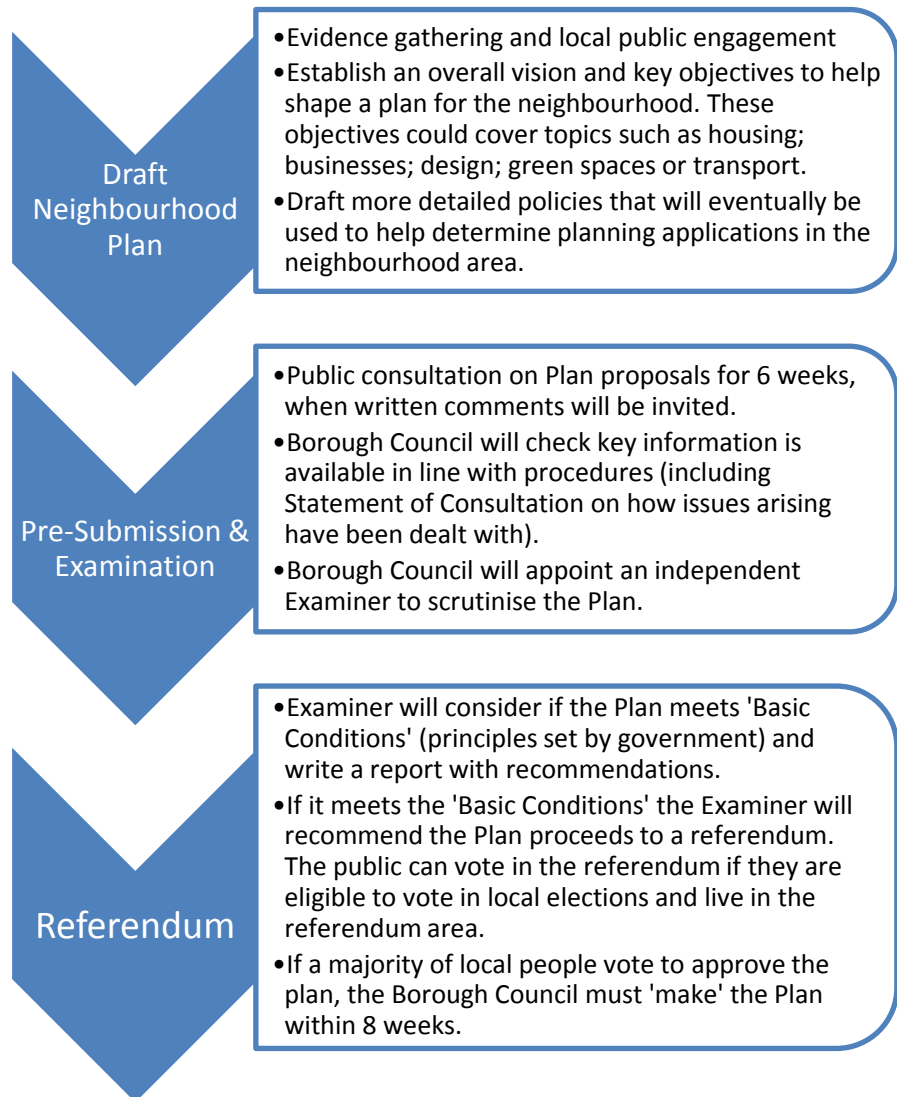
4.8 Achievement of local aspirations is likely to depend on a clear and relevant set of priorities/ objectives, and a suitable programme of staged actions to deliver the Neighbourhood Plan. The discussion over the timing of steps should include exploring periods that suitably align with Borough Council resources and Local Plan production.

### Further information & Useful Links:

[Locality](#) (lead Neighbourhood Plan network/support)

[My Community](#) (provides Neighbourhood Plan support)

[National Government](#) (national guidance for Neighbourhood Plans)



## 5. Planning Applications and Development Management

- 5.1 Dartford Borough Council will decide on most planning applications in the Borough, but other organisations may make decisions for large or specialist proposals or applications in the Ebbsfleet Development Corporation area.
- 5.2 If you are making a planning application of whatever kind, we aim to provide a service that is easy to understand, fair, prompt and courteous. For the public as whole, Dartford's planning service will be accessible, as easy to understand as possible, and recognise the relevant planning factors people are concerned about (as set out in law).
- 5.3 We receive a variety of planning applications<sup>6</sup>. These range from small household extensions through to applications for major new housing developments or large commercial buildings. Large proposals may be put forward as an outline planning application. This will establish the principle of development, often depending on local planning policies, with other detailed matters reserved for future consideration.

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<sup>6</sup> We use the term "planning application" in this document to cover a range of statutory processes relating to getting authorisation for developments.

- 5.4 Some developments do not require the granting of planning permission, such as 'permitted development', including some changes of use, or alternatively, some types of development are only required to formally notify the Council of proposals and we can only review certain aspects. The [Planning Portal](#) provides useful guidance, including an interactive model house, of whether or not works may need planning permission. Other legislation such as Building Regulations may also apply.
- 5.5 How we deal with these various types of proposals is set out by government, and the approach to consultation is largely specified in secondary legislation. Details in the rest of this section are set out on a generalised level, and may not apply to certain types of development.
- 5.6 When dealing with planning applications, the Council considers whether individual proposals comply with policies in the Local Plan, as well as taking into account other planning considerations. In order to be effective, consultation responses need to refer clearly to these considerations that relate to the purpose of planning for the public good and the encouragement of sustainable development. Responses that are not material planning considerations, for example

changes in personal house values, cannot be taken in to account in the planning decision.

*Pre-application consultation by developers*

- 5.7 Developers have clear responsibilities to the public from the outset of considering submitting planning application, through to constructing and maintaining their premises.
- 5.8 The Council encourages developers to talk to people early on in the development process. A set of well targeted and responsive consultation events can help produce developments with community support. We offer a pre-application service to developers, and will use this to check developers' community consultation arrangements for appropriate schemes. We will expect developers to base their consultation on the best practice principles outlined in the RTPI's 'Good Practice Guide to Public Engagement in Development Schemes'.
- 5.9 Developers that do not conduct community consultation are risking additional issues arising in their scheme that may have adverse impacts on the determination of their application, with delay likely. Advice from the Council should be followed as to when and what kind of engagement should take place, and

with whom in local communities. However, the Council cannot force developers to undertake pre-application activities, with responsibility for this resting with the developer.

- 5.10 The government expects key schemes to undertake community consultation as part of their pre-application preparation and discussions. They confirm in national guidance<sup>7</sup>: "The approach to pre-application engagement needs to be tailored to the nature of the proposed development and the issues to be addressed".
- 5.11 Developers in Kent have signed up to this approach through the Kent Developers Group. They have helped produce a protocol<sup>8</sup> with Local Planning Authorities that seeks to ensure early engagement with relevant communities.
- 5.12 The Council will expect consultation to take place as early as possible with local people and Town/ Parish Councils. Ordinarily this should take the form of electronic information/ events and publicity/ activities within the relevant communities.
- 5.13 Meaningful local publicity and activities should typically entail a round of publicity (e.g. letters or leaflets delivered to

<sup>7</sup>[Planning guidance: Before submitting an application](#)

<sup>8</sup>[A Planning Protocol for Delivering Growth in Kent And Medway](#)

residents and wider publicity) followed by an opportunity to give feedback in person. Exhibitions can prove very positive, and these should occur with input from the Council in relation to where to hold events e.g. appropriate venues, and on the duration and days of the exhibition – it will need to be open on different days/ times of the week/ day.

- 5.14 Participants must be able to easily express their views to the developer, and the ability to input should be in easily accessible written form, e.g. feedback forms or questionnaire including open questions.
- 5.15 Producing and publicising effective online information will be invaluable in ensuring engagement efforts can be managed and the public can be kept informed of the latest news. Developers should provide contact details, and are expected to be contactable by email and to provide responses within a reasonable timescale.
- 5.16 A report on community consultation and engagement will need to be prepared and submitted with the planning application. This will summarise the process, outcomes, and demonstrate how a representative range of relevant views have been sought. Views on the proposals should be clearly

evidenced and how the proposal has been finalised using this input.

- 5.17 Developers should continue public engagement once an application is submitted, and after the proposal is decided. This includes open communication approaching and during the construction stage. Although not conducted by the Council, we will seek to promote the adoption of a positive approach as set out in Principles A-F.

#### *Consultation on applications*

- 5.18 The process for publicising planning applications is largely defined by government. For most proposals there will be a period of consultation after an application is received where written views on the proposed development can be expressed by interested parties. The formal consultation period will normally last for 21 days.
- 5.19 The government has introduced a penalty for Councils if they are judged too slow in deciding planning applications. Therefore public responses should be made promptly and set deadlines will be applied.
- 5.20 For most smaller planning applications the Council is required to either erect a site notice or contact neighbours. For more complex and larger planning applications where we want to let



other people in the area know we will also erect a site notice regardless of whether we notify neighbours. For larger planning applications and certain types of application we may also publicise the development in the local newspaper. The range of options used and types of development are featured in Appendix B, an extract from the legislation.

- 5.21 We will make details of all applications available in full online, and we publish a weekly list of applications received. Details of planning applications can be found online at [Public Access for Planning](#). Planning applications can also be viewed through the public access system on monitors at the Civic Centre during normal office hours.
- 5.22 Comments on any application must be made in writing supplying your name and address; this can be done via the above public access links. Any representations you make by email or hard copy will be placed on-line (personal data removed) and made available on request to the applicant or any interested party.

#### *Decisions on planning applications*

- 5.23 Once public consultation has concluded, we will consider the representations made by consultees - which also include Town/ Parish Councils, technical and statutory advisors and

infrastructure providers for all relevant proposals - and proceed to decide the application.

- 5.24 Professional planners will review the proposal and comments, and either issue a decision, or make a recommendation to elected Members of the Council. However for some developments the Council are only legally allowed to consider narrow technical issues on a purely factual basis.
- 5.25 Most planning applications do not attract representations and are dealt with at officer level. Officers can only approve applications where one or two written objections have been received and if the application complies with Local Plan policies.
- 5.26 The Council's Development Control Board is made up of elected Councillors and meets monthly. The purpose of the Board is to consider planning applications and, where appropriate, enforcement action against breaches of planning control and related matters.
- 5.27 A report for Board by a professional officer will describe the application site, the proposed development, any relevant planning history, relevant planning policy, responses from those who have been consulted on the application, along with

any other comments received; and it will set out consideration of the issues.

5.28 If an application is due to be considered by the Development Control Board, those who commented on the application, as well as the applicant and agent, have the right to speak at the meeting. However, only one speaker will be allowed to speak in favour of an application and one against. This will be operated on a "first come first served" basis. The Council will write to all relevant parties advising them of the public speaking arrangements.

5.29 In addition, the Council will advise all those who made comments on the application of the final decision once it is made.

### *Appeals*

5.30 It is possible the final decision on a development may be taken on appeal, by an independent Planning Inspector appointed by the Secretary of State. This can occur if the Council refuses an application or fails to reach a decision in set time periods, or selected other circumstances.

5.31 Only applicants and those who have received an enforcement notice can appeal against the decision of the Council. There is

no third party right of appeal in this country e.g. neighbours aggrieved by a grant of planning permission.

### *Construction*

5.32 As a general rule, detailed issues of construction methodology and the safety and details of how a development is constructed are not planning matters. Building Regulations are separate to the planning system. They provide minimum standards for design, construction and alterations that apply to virtually every building. Building Control may be carried out by Council officers or private Approved Inspectors. These provide services to ensure the safe construction/ demolition and condition of all types of buildings in Dartford. Sites under construction are reviewed to ensure Building Regulations are met. The Council cannot regulate the work of private Approved Inspectors.

### *Enforcement*

5.33 If you have grounds to think development is occurring unlawfully, you can ask for it to be looked at via the Council's Planning Enforcement service. You are advised to undertake some basic checks first using the website, and a request for

investigation should be submitted via the online form<sup>9</sup>. Planning enforcement can sometimes raise complex legal issues, and if it is clear that planning permission is not required, then the Council are unable to take any action. Examples of issues arising which planning legislation does not cover include boundary disputes and work on property not in the applicant's ownership, Party Wall Act issues, on-street parking or materials on the highway, building regulation issues and parking matters.

5.34 The Council has a Planning Enforcement Policy<sup>10</sup> which sets out the Council's approach to, and priorities for, enforcement issues. Please note that officers will not investigate anonymous complaints.

### Useful Links:

[Dartford's Planning Homepage](#) (Information and guidance)

[EDC Community Engagement](#) (EDC consultation information)

[Planning Portal](#) (Submit applications and useful information)

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<sup>9</sup>[DBC Form: Complaint about a possible breach of planning control](#)

## Appendix A: Glossary

**Adoption** - Formal and final approval of a planning policy document by a Local Planning Authority, at which point it comes fully in to legal force.

**Amenity** - A positive element or elements that contribute to the overall character, quality of life, comfort or enjoyment of an area. May be influenced by, for example, open land, trees, historic buildings, wider environmental factors and the inter-relationship between them, or less tangible factors such as tranquillity.

**AMR** - The Authorities Monitoring Report: factual document feeding back on changes to sustainable development topics in a Local Planning Authority area, and associated progress on plan/ infrastructure delivery.

**Brownfield land** - Land that has been previously developed as defined in the *NPPF*, plus land at identified development sites, which was previously used for quarrying and may not fully meet the formal *NPPF PDL* definition.

**Building regulations** - A separate statutory process to land use planning, concerning ensuring structures are built to and constructed with sufficient quality, including energy efficiency. Building regulations approval is required for most building work in the UK.

**Development Control/ Management** - The process whereby a local planning authority determines whether to approve or refuse a planning application.

**National Planning Policy Framework (NPPF)** - The National Planning Policy Framework 2012 sets out government planning policies to guide the preparation of plans and decision making about planning applications.

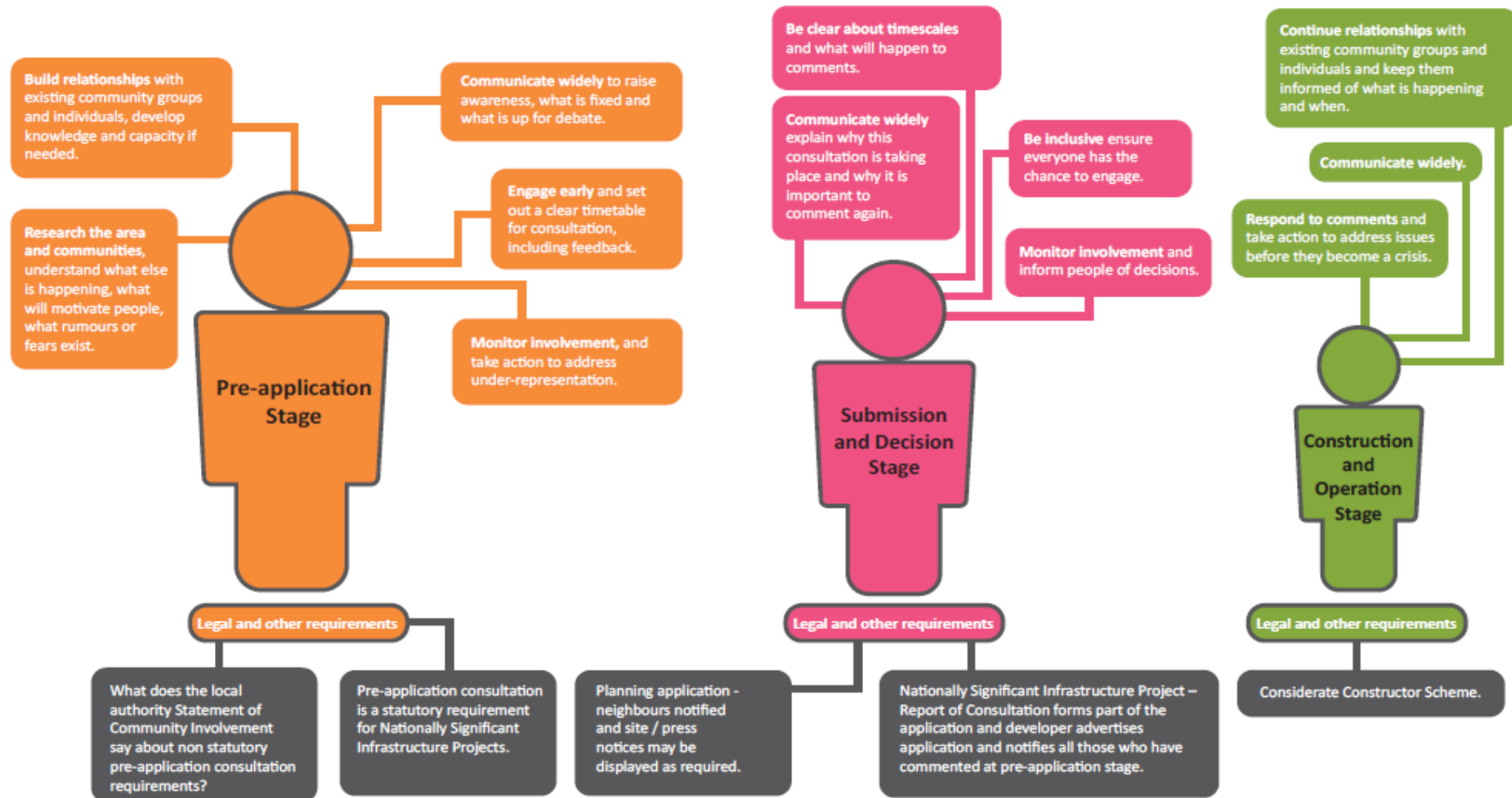
**Policies Map** - Formerly referred to as a Proposals Map, it shows the location of Local Plan proposals and other designations of land on an Ordnance Survey base map.

**Supplementary Planning Document (SPD)** - Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are a material consideration in planning decisions but are not part of the development plan.

**Sustainable development** - Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

**Sustainability Appraisal** - Sustainability appraisal is a process that is carried out as an integral part of developing Local Plans, with the aim of promoting sustainable development through the integration of social, environmental and economic considerations. It is a requirement of national and European legislation and is subject to the same level of public consultation and scrutiny as the Core Strategy.

## Appendix B: 'Planning for Community Engagement: The Different Stages of a Development Scheme'<sup>11</sup>



<sup>11</sup> 'Good Practice Guide to Public Engagement in Development Schemes', RTPI, 2012



## Appendix C: Publicity and Types of Planning Application

The following table replicates national guidance setting out statutory publicity requirements for planning and heritage applications<sup>12</sup>:

| Type of development  | Site notice | Site notice or neighbour notification letter | Newspaper advertisement | Website |
|--|-------------|--|-------------------------|---------|
| Applications for major development as defined in Article 2 of the Development Management Procedure Order   | -           | X  | X                       | X       |
| Applications subject to Environmental Impact Assessment which are accompanied by an environmental statement  | X           | -  | X                       | X       |
| Applications which do not accord with the development plan in force in the area  | X           | -  | X                       | X       |
| Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies  | X           | -  | X                       | X       |
| Applications for planning permission not covered in the entries above e.g. non-major development   | -           | X  | -                       | X       |
| Applications for listed building consent where works to the exterior of the building are proposed  | X           | -  | X                       | X       |
| Applications to vary or discharge conditions attached to a listed building consent or conservation area consent, or involving exterior works to a listed building. | X           | -  | X                       | X       |

<sup>12</sup> [Planning Guidance: Consultation and pre-decision matters](#)

## Appendix D: Statutory Consultees

National Government sets out where there is a statutory requirement to consult particular bodies or persons on planning applications for certain types of development. The table below lists these as of July 2017. [Future updates can be found here.](#)

| Statutory consultee   | Type of development   |
|---|---|
| Adjoining landowners  | <a href="#">Article 15 Development Management Procedure Order</a>   |
| <a href="#">Canal and River Trust</a>                         | <a href="#">Schedule 4(za) Development Management Procedure Order</a>   |
| Coal Authority  | <a href="#">Article 26</a> and <a href="#">Schedule 4(o) Development Management Procedure Order</a>   |
| Control of major-accident hazards competent authority (COMAH) | <a href="#">Schedule 4(zb) Development Management Procedure Order</a>   |
| County Planning Authorities                                   | <a href="#">Paragraph 7 of Schedule 1 to the Town and Country Planning Act 1990</a> , <a href="#">Article 21 Development Management Procedure Order</a> and <a href="#">Schedule 4(b)(c) Development Management Procedure Order</a>                           |
| <a href="#">Crown Estates Commissioners</a>                   | <a href="#">Article 26 Development Management Procedure Order</a>   |
| <a href="#">Department of Energy and Climate Change</a>       | <a href="#">Article 26 Development Management Procedure Order</a>   |
| Designated Neighbourhood Forum                                | <a href="#">Paragraph 8A inserted into Schedule 1 of the Town and Country Planning Act 1990</a> and <a href="#">Article 25A and paragraph (d) of Schedule 4 of the Development Management Procedure Order 2015</a>  |
| <a href="#">Environment Agency</a>                            | <a href="#">Schedule 4(p)(t)(u) (v)(zc)(zd) Development Management Procedure Order</a>  |
| <a href="#">Forestry Commission</a>                           | <a href="#">Paragraph 4 of Schedule 5 of Town and Country Planning Act 1990</a>   |
| <a href="#">Garden History Society</a>                        | <a href="#">Schedule 4(s) Development Management Procedure Order</a> and see also <a href="#">guidance on conserving and enhancing the historic environment</a>   |
| <a href="#">Greater London Authority</a>                      | <a href="#">Mayor of London Order 2008</a> (as amended)   |
| Health and Safety Executive                                   | <a href="#">Schedule 4(e) Development Management Procedure Order</a> , see also <a href="#">guidance on hazardous substances</a> and advice for <a href="#">local planning authorities on consulting Health and Safety Executive on planning applications</a> |

|                                  |   |
|----------------------------------|---|
| Highways Authority               | <a href="#">Schedule 4(g)(h)(i)(k)(l)(m)(n) Development Management Procedure Order</a>  |
| Highways England                 | <a href="#">Schedule 4(g)(h)(i) Development Management Procedure Order</a>  |
| <a href="#">Historic England</a> | <a href="#">Schedule 4(g)(r)(s) Development Management Procedure Order</a> and see also <a href="#">guidance on conserving and enhancing the historic environment</a> |
| Local Highway Authority          | <a href="#">Schedule 4(k)(l)(m)(n) Development Management Procedure Order</a>   |
| Local Planning Authorities       | <a href="#">Schedule 4(b)(c) Development Management Procedure Order</a>   |
| National Parks Authorities       | <a href="#">Schedule 4(a) Development Management Procedure Order</a>  |
| <a href="#">Natural England</a>  | <a href="#">Schedule 4(w)(y)(zb) Development Management Procedure Order</a> and <a href="#">Paragraph 4 of Schedule 5 of the Town and Country Planning Act 1990</a>   |
| Parish Councils                  | <a href="#">Schedule 4(d) Development Management Procedure Order</a>  |
| Rail Infrastructure Managers     | <a href="#">Article 16 Development Management Procedure Order</a>   |
| Rail Network Operators           | <a href="#">Schedule 4(j) Development Management Procedure Order</a>  |
| <a href="#">Sport England</a>    | <a href="#">Schedule 4(z) Development Management Procedure Order</a>  |
| Theatres Trust                   | <a href="#">Schedule 4(x) Development Management Procedure Order</a>  |
| Toll Road Concessionaries        | <a href="#">Schedule 4(m) Development Management Procedure Order</a>  |
| Water and sewerage undertakers   | <a href="#">Schedule 4(zf) Development Management Procedure Order</a>   |

## Appendix E: Outline of the Local Plan Process

For the 2012 Regulations referred to below, [click here](#).

- Informed by technical evidence, which will be made available or referenced in the document.
- Normally an 'iterative' process i.e. distinct steps or discussions that move forward and help shape the emerging document
- A range of participation and communication techniques will be used, in order to generate interest and build a dialogue. Questions will generally be of an open form to capture ideas and information.
- The scale and type of public involvement activities will depend on the document being produced, including:
  - legal significance - generally, Local Plans have the highest legal standing
  - level of public controversy expected,
  - scope of the document in covering topics and across the Borough
- For Local Plans this is governed by Regulation 18 stage requirements of the 2012 Regulations.
- The intention to produce a document and its broad purpose will have already been set out in the Local Development Scheme.
- An early opportunity will be given to shape the overall direction of the Local Plan, with the chance to input on formative aims, proposals and principles.
- There will usually be at least two distinct stages of consultation, which will include written consultation. Specific issues and options will usually be explored via public participation.

### Initial document drafting

### Publication of the draft document

- Consultation that seeks written comment (representations) to the draft document, following approval by the appropriate elected Councillors of Dartford.
- The focus on this stage will be ensuring those who have previously been involved in the document are aware that specific proposals have now reached a critical stage, and final views should be put forward (having considered the evidence and case presented in support of the proposals).
- There will be information available on both involvement so far and technical evidence.
- For Local Plans this is governed by Regulation 19 & 20 of the 2012 Regulations.
- Responses by the public should relate to the Test of Soundness set out in the NPPF (paragraph 182).
- Responses are for the attention of the Planning Inspector.

- Finalisation of planning policies will take full account of the consultation that has occurred, and the final document will have been amended as a result of views expressed through public consultation.
- To come into full force, the document must be formally adopted by the appropriate elected Councillors of Dartford.
- For Local Plans a formal Submission of the Plan and all supporting information, including consultation responses is required under Regulation 22 of the 2012 Regulations.
- An independent Planning Inspector will conduct an Examination in Public (under Regulations 23-25 of the 2012 Regulations).
- Adoption (Regulations 26 of the 2012 Regulations) cannot occur before the Inspector has agreed a version of the Plan in terms of Soundness and legal compliance.
- Further participation, either a stage of further general consultation in written Modifications, or potentially focussed on certain participants in the Examination in Public may therefore occur after initial Examination hearing sessions; this will be governed by the Inspector.

### Finalisation of document