

# EAST LINDSEY DISTRICT COUNCIL

## STATEMENT OF COMMUNITY INVOLVEMENT

DECEMBER 2020

Supporting Economic Growth for the Future



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## Preface

The Planning and Compulsory Purchase Act 2004 (as amended) requires the planning department to prepare and maintain a Statement of Community Involvement (SCI). An SCI must set out how the Council intends to achieve community involvement, public participation and cooperation in the preparation of their Local Plan, including any Supplementary Planning Documents (SPDs). An SCI must also set out how they intend to involve the public when consulting on planning applications.

Originally adopted on the 27th of June 2007 following two formal consultation exercises in May/June 2006 and October/November 2006, the SCI was later updated in line with changing circumstances in both 2012 and 2016.

Since 2016, there have been further legislative changes to the planning system, and it is therefore necessary for the updating of the SCI to reflect these changes and other evolving methods of consultation. It is also important to learn from previous experience around the effectiveness of engagement in plan making and in the consideration of planning applications, ensuring the methods used by the Council remain effective.

The 2020 review of the SCI also includes changes which are necessary to address the impact of Covid-19 on the planning process. These changes will ensure the Council is able to continue to effectively determine planning applications and make progress on the review of the Local Plan and Neighbourhood Plans. All of which will enable the District to respond positively to the impacts of Covid-19.

The revisions that respond to Covid-19 will apply until restrictions on personal and group interaction arising from coronavirus are lifted, or sufficiently relaxed, to allow events held for the visiting public to take place safely.

In order to assist the Council with its duty towards carbon reduction and combatting climate change, the consultation measures in the SCI have been designed to reduce the use of carbon-heavy measures, such as paper, as much as possible.

## **PART ONE**

### **1.0 What is a Statement of Community Involvement?**

- 1.1 The Statement of Community Involvement (SCI) sets out how the District Council will consult and involve others in planning matters in East Lindsey. It covers the preparation of local plans and planning guidance, neighbourhood plans and applications for planning permission and other planning consents.
- 1.2 The SCI outlines how organisations and individuals can be involved in the plan making process and in the consideration of planning applications. It also sets out standards and arrangements as to how the Council will consult and report back to those engaged in the process.
- 1.3 The SCI shows the methods that will be used to encourage and facilitate participation at the different stages of Local Plan preparation and encourages community involvement at the early stages when ideas are being developed. The methods of community involvement used will depend on the document in question and the stage of preparation. Thorough consultation will help to achieve the Council's guiding principles of successful community involvement:
  1. Make information accessible for all;
  2. Provide everyone with the opportunity to get involved;
  3. Take into account ideas and comments fairly;
  4. Provide information and feedback on progress and outcomes;
  5. Learn from our mistakes;
  6. Consider alternative consultation methods;

### **2.0 The 2020 SCI Update**

- 2.1 This update reflects changed circumstances and challenges presented by the coronavirus (COVID-19) pandemic. This is in line with government guidance dated 13 May 2020, which encourages Councils to undertake a review and update policies where necessary so that plan-making can continue.
- 2.2 This update seeks to review the Statement of Community Involvement (SCI) to ensure alternative measures for communication, brought to the forefront through the coronavirus (COVID-19) pandemic, are explored and used. This is important where more traditional consultation measures have been unable to go ahead and may be restricted for the foreseeable future; for example face-to-face consultation and viewing physical documents in libraries.
- 2.3 The review seeks to look at alternative means of consultation methods available to the Council to ensure the Council are reaching out to all sections of the community effectively when the next planning documents go out to consultation, especially as social distancing is likely to continue to impact on the more traditional methods of consultation.

- 2.4 With no legal requirement to consult when reviewing or updating an SCI and with this update not representing a fundamental change in the Councils approach to consultation the Council therefore intend to use the reviewed SCI with immediate effect.

### **3.0 Changes in consultation**

- 3.1 The Covid-19 pandemic has affected the ways in which the Council can implement its statutory planning functions. In particular it has affected the ability to make documents available in public spaces, hold exhibitions and attend parish/town council meetings or public meetings.
- 3.2 The Ministry of Housing, Communities & Local Government (MHCLG) have issued clear advice that Local Planning Authorities should continue forging ahead with the preparation and review of local plans as these are considered to be key to assisting in the economic recovery once the pandemic is over.
- 3.3 In order to do this, changes are required to the SCI which will enable the planning process to continue to operate, including a greater focus on electronic and web-based formats as recommended by the Government.
- 3.4 The changes made within this review of the SCI will enable continued progress to be made on the review of the local plan. They will also allow the continued decision making on planning applications in circumstances where there are significant limitations on access, movement and face to face contact, which makes the requirements in the current SCI impossible. All Statutory Regulations will continue to be met throughout the process and are included as a consultation minimum within this SCI.

### **4.0 East Lindsey Local Plan**

- 4.1 The Local Plan for East Lindsey forms the framework for the principles and location of development (including homes, shops and offices etc) and sets out how the natural and built environment will be protected. The local plan also provides the policies which are used in the determination of planning applications. Unlike older style Local Plans, the new plans can be made up of a number of documents which can be revised separately, providing a more flexible and up-to-date set of plans and policies.
- 4.2 The current East Lindsey Local Plan was adopted at Full Council on the 18<sup>th</sup> July 2018. The East Lindsey Local Plan sets out the overall spatial vision, objectives, spatial strategy and strategic policies for the future development of the district. The plan also identifies land and allocates sites for a variety of uses in order to deliver the planned growth for East Lindsey by 2031.
- 4.3 The Council has committed to an early review of the local plan under

policy SP29 with submission for examination planned by April 2022. Work is currently under way on the local plans review.

- 4.4 Along with the plan itself, the Council may choose to prepare further Supplementary Planning Documents (SPD's). There is currently one SPD – the Single Plot exceptions SPD, which was adopted in February 2017 to provide further guidance and detail to Policy SP9.
- 4.5 Alongside the Local Plan and Supplementary Planning Documents process a Sustainability Appraisal (SA) must also be undertaken. The purpose of the SA is to assess the social, environmental and economic effects of a plan. In doing so it will help ensure that decisions are made that contribute to achieving sustainable development. The SA is prepared in parallel to the Local Plan documents and SPDs and continuously informs and shapes their content.
- 4.6 The first stage of the SA is the production of a Scoping Report which will identify the key sustainability issues for the area. Following the Scoping Report, subsequent versions of the SA are produced to accompany each stage of the plan making process and are published for consultation at the same time.
- 4.7 Further information on the plan making process<sup>1</sup> and SA<sup>2</sup> work can be viewed online.
- 4.8 With the introduction of neighbourhood planning by the Localism Act in 2011 a number of neighbourhood planning groups have been formed with several neighbourhood areas having been designated across the district. Two neighbourhood plans have been adopted and more are progressing through relevant consultations, drafting and examination stages. This update of the SCI outlines the council's roles and responsibilities to the neighbourhood planning bodies and the formulation of their plans.

## **5.0 Who the Council will involve in plan making**

### **Duty to Cooperate**

- 5.1 With the introduction of the Localism Act in 2011 a duty was placed on Council's to work and cooperate with other neighbouring local planning authorities, the County Council and also other prescribed bodies. The purpose of this is to address any strategic planning issues which cross administrative boundaries.
- 5.2 As part of the duty to cooperate process, authorities are required to produce and maintain statements of common ground<sup>3</sup>. The purpose is

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<sup>1</sup> <https://www.gov.uk/guidance/plan-making>

<sup>2</sup> <https://www.e-lindsey.gov.uk/localplan2018>

<sup>3</sup> Para 27 of the NPPF <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

to document where cooperation is and is not happening through the plan making process. The statements of common ground provide evidence that plans are effective in relation to them being deliverable over the plan period and are sound. This is done by showing that the plan has been based on effective joint working on cross boundary strategic matters.

5.3 The Council is committed to meeting the duty to cooperate and intends to work closely with neighbouring authorities and other partner organisations and stakeholders.

### **Specific and general consultation bodies**

5.4 Regulation 18 of the Town and Country Planning Regulations 2012 provides the minimum legal requirement for consultation on local plan documents. This includes:

- Specific consultation bodies who must be consulted at formal consultation stages in the local plans production. This includes statutory authorities such as neighbouring districts, government agencies and utility providers;
- General consultation bodies include organisations and bodies who have an interest in the District. This can include interest and amenity groups, residents associations, property, trade and business associations, voluntary organisations and bodies that represent issues of Black Asian Minority Ethnic, gender, age, sexual orientation, disabilities and those with caring responsibilities: and
- Residents, businesses and landowners located in the local authority area.

5.5 Specific consultation bodies and an example of the types of general consultation bodies we consult with are provided in Appendix 1.

5.6 It must be noted that not all residents and those working within the District will be contacted directly in respect of every planning document. However details of the consultation will be made available by a range of communication methods as outlined in this SCI. The SCI provides a flexible, sensitive and proportionate and targeted approach to consultation across the entire local authority area by involving interested and effected parties.

5.7 Following key consultation stages, the Council will produce consultation summary reports, which are intended to provide key information on the issues raised and provide a response from the Council on these issues, prior to the finalising of any documents. These summaries once completed will be made available on the Council's website.

## **6.0 Producing the Local Plan**

### **Consultation Methods**

- 6.1 It is acknowledged that it is difficult to involve everyone in the consultation process and to reach some sections of the community. However through the use of a variety of consultation methods as set out in this chapter the aim is to overcome this barrier.
- 6.2 While technological advances and the internet have provided new ways of engagement, we recognise not everyone has access or wishes to use the internet when it comes to consultations. The Council will therefore continue to provide hard copies of documents at the Council's offices and at certain other locations across the district subject to restriction in place at the time as a result of Covid 19. Hard copies may be made available upon request, however there will be a charge for these to cover the cost of producing the document.
- 6.3 Through the use of platforms such as Facebook and Twitter, for example, we hope to be able to reach 'hard to reach' groups such as younger people.
- 6.4 The Council's Local Plan webpages will be kept up-to-date so those interested can keep track on the progress being made on the local plan and associated documents.
- 6.5 All consultations will be published on the Council's website where response forms etc. can be downloaded.
- 6.6 The Council will continue to maintain its consultation database ensuring records are kept as up-to-date as possible. The consultation database includes the relevant contact details of a variety of persons/bodies who have either commented upon previous consultations or expressed an interest in being involved with the preparation of the local plan/plan review. In compliance with the General Data Protection Regulations (2018) (GDPR) the Council contacted all those on the database asking if they wished to remain on it. All subsequent consultation forms have/will include information on how data is to be stored and processed in accordance with GDPR.
- 6.7 Any organisation or individual can be added to the consultation database at any time by contacting the planning policy team and providing their contact details. Wherever possible electronic contact details will be required.
- 6.8 The Council will aim to ensure as wide a consultation as possible, but it is not always possible or appropriate to undertake consultations using all the methods detailed in table 1. The Council will comply with all statutory requirements and will go beyond these where resources allow,

for example: holding public exhibitions in accessible venues in a range of locations at appropriate times.

## 7.0 When will we consult on the Local Plan?

7.1 The key stages for the preparation of Development Plan Documents (DPDs) are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The following section provides a summary of the main stages a DPD must satisfy in order to proceed through the formal processes.

**Table 1: Key stages in the plan process and community involvement.**

Key stage	Process and requirements	Opportunities for engagement
<p><b>1:</b> Pre-production (Regulation 18).</p>	<ul style="list-style-type: none"> <li>• Collect evidence and establish wider policy framework.</li> <li>• Consider issues within the District and alternatives.</li> <li>• Identify key strategic cross-boundary matters and develop high level spatial options.</li> <li>• Carry out any 'duty to co-operate' requirements as necessary.</li> <li>• Collect relevant environmental, economic and social objectives to inform the Sustainability Appraisal</li> <li>• Establish scope of the SA/SEA.</li> </ul>	<ul style="list-style-type: none"> <li>• Carry out informal consultation and early engagement with relevant stakeholders and the local community. The nature/ extent of this will be determined by the evidence gathered and subject matter.</li> <li>• Consult with statutory bodies on the scope of the SA/SEA.</li> </ul>
<p><b>2:</b> 'Preferred Options' Draft Plan (Regulation 18).</p>	<ul style="list-style-type: none"> <li>• Prepare and publish 'Preferred Options' Draft Document.</li> <li>• Prepare interim SA/SEA.</li> <li>• Consult for a minimum statutory period of six weeks.</li> <li>• Prepare Consultation Statement.</li> <li>• District Council considers the comments/representations submitted as part of the consultation process.</li> </ul>	<ul style="list-style-type: none"> <li>• Write to specific, general and all other consultees who the Council consider may have an interest, including everyone on the planning policy consultation database.</li> <li>• Make consultation documents available for inspection including on the Council's website, planning offices and other locations as considered appropriate.</li> <li>• Hold public exhibitions, events and workshops or more focused meetings where appropriate.</li> </ul>

		<ul style="list-style-type: none"> <li>• Use social media and/or local media to raise awareness.</li> </ul>
<p><b>3:</b> Publication of Proposed Submission Document (Regulations 19 and 20).</p>	<ul style="list-style-type: none"> <li>• Having considered the comments (Regulation 18 consultation) and evidence gathered, the Publication/ Proposed Submission Document and SEA/SA Report is prepared.</li> <li>• Statutory consultation for a minimum of six weeks for those wishing to comment on the Plan, the SA/SEA and all supporting evidence documents.</li> <li>• Comments/representations made at this stage will be considered by the Inspector at the Plans Examination.</li> <li>• Prepare Consultation Statement.</li> <li>• Council considers the comments and may propose further amendments to be considered by the Inspector.</li> </ul>	<ul style="list-style-type: none"> <li>• Write to specific, general and all other consultees who the Council consider may have an interest, including everyone on the planning policy consultation database.</li> <li>• Make consultation documents available for inspection including on the Council's website, planning offices and other locations as considered appropriate.</li> <li>• Hold public exhibitions, events and workshops or more focused meetings where appropriate.</li> <li>• Use social media and/or local media to raise awareness.</li> </ul>
<p><b>4:</b> Submission of plan to The Secretary of State and the Examination in Public. (Regulations 22 and 24).</p>	<ul style="list-style-type: none"> <li>• Main issues raised at Regulation 19 consultation stage are summarised and made publicly available.</li> <li>• Plan submitted to Secretary of State for independent examination.</li> <li>• Independent Examination likely to involve hearing sessions (6 weeks prior notice given to people who have requested to appear at the hearings).</li> <li>• Planning Inspector issues report if main modifications are not required, or;</li> <li>• Optional Stage where the Council agrees, the Inspector can propose changes or 'main</li> </ul>	<ul style="list-style-type: none"> <li>• Use Council's website and social and/or local media to raise awareness of the Examination.</li> <li>• Make all Examination documents available on the Council's website.</li> <li>• The Inspector will consider all representations made at the Regulation 19 stage.</li> <li>• The Inspector will decide whether to conduct the examination via written representations or hearings and who is invited to participate.</li> <li>• Notice of Examination is given six weeks in advance to people who have requested to</li> </ul>

	<p>modifications' to the plan to avoid it being found 'unsound'.</p> <ul style="list-style-type: none"> <li>• Where the Inspector identifies that Main Modifications (MMs) may be needed, the nature and likely extent of these will be discussed at the examination hearings. Following the hearings, the Inspector will ask the Council to produce a schedule of proposed MMs and to carry out public consultation on these to ensure anyone whose interests may be affected by the modification has an opportunity to comment on it. The consultation period will normally last for a minimum of 6 weeks.</li> <li>• Inspector considers representations on main modifications consultation.</li> <li>• The hearing may be re-opened depending upon any outstanding issues.</li> </ul> <p>Planning Inspector issues final report.</p>	<p>appear at hearing sessions.</p> <ul style="list-style-type: none"> <li>• Hearing sessions are generally open to the public.</li> <li>• Examination documents are published on the Council's website.</li> <li>• Inspectors report published on the Council's website (Regulation 25).</li> </ul>
<p><b>5:</b> Adoption (Regulation 26).</p>	<ul style="list-style-type: none"> <li>• Plan adopted by the Council if found 'sound' by Inspector.</li> </ul> <p>Six week period for legal challenge to the High Court.</p>	<ul style="list-style-type: none"> <li>• Publish the Plan and adoption statement on the Council's website, and make available at Planning offices and other locations as considered appropriate.</li> <li>• Use social media and/or local media to advertise adoption of the Plan.</li> </ul>
<p><b>6:</b> Monitoring and Review.</p>	<ul style="list-style-type: none"> <li>• Plan is monitored to make sure it is achieving its aims.</li> <li>• Monitoring to include equality impact or likely effects on different groups.</li> <li>• The plan will be reviewed where necessary and at least every 5 years.</li> </ul>	<ul style="list-style-type: none"> <li>• Authority Monitoring Report (AMR) will be published on the Council's website yearly showing the effectiveness of the Local Plan policies.</li> </ul>

**Table 2: Local Plan Consultation Methods**

Method of consultation	Development Plan preparation stage				
	Pre-production and informal consultation	Preparation of a Draft Local Plan	Publication of pre-Submission Local Plan	Submission for Independent Examination	Adoption of Local Plan
<b>Statutory requirement</b>					
Written / email notification to duty to cooperate partners, general and statutory consultees, businesses and other relevant parties including relevant stakeholders, individuals and organisations who are registered on the Council's planning policy consultation database.***	✓	✓	✓	✓	✓
Make consultation documents available for inspection at the Council's office and other key locations across the district such as libraries.***	✓	✓	✓	✓	✓
Make consultation documents, supporting documents and information available on the Council's website.***	✓	✓	✓	✓	✓
<b>Potential additional methods subject to resources</b>					
Publicise on the Council's website.	✓	✓	✓	✓	✓
Public consultation event(s) held in accessible locations.***	✗	✓	✓	✗	✗
Online engagement methods (for example, virtual exhibitions, digital consultations, video conferencing etc.).	✗	✓	✗	✗	✗
Publicise on social media platforms such as Facebook etc.	✓	✓	✓	✓	✓
Publicise in Local Media	✓	✓	✓	✓	✗
Produce leaflet/posters***	✓	✓	✓	✓	✗

(Where \*\*\* is denoted please also see the Temporary Arrangements section below).

## **8.0 Temporary Arrangements for Consultation and Engagement**

- 8.1 At the present time, engagement in the plan-making process has been affected by the Coronavirus pandemic. However, the Government is encouraging local planning authorities to continue, as much as possible, to work proactively with communities and other stakeholders to progress plans, even if some adjustment to timetables and consultation methods are necessary.
- 8.2 For certain consultations, the Council would have ordinarily provided planning policy documents for inspection at deposit points such as libraries, at certain Town or Parish Council offices and the District Council offices. However, this is not currently possible during times where social distancing is required and where offices and libraries remain closed or are operating reduced opening hours.
- 8.3 Prior to the Coronavirus pandemic, the Government encouraged the use of social media tools and other platforms to communicate with communities in plan-making. This has now been emphasised further in an update to comply with COVID-19 guidance. The Council will keep under review its engagement processes and methods to ensure that consultation and engagement with our communities and stakeholders is effective whilst also ensuring the safety and well-being of all those involved. Where it is not possible to undertake certain methods of consultation due to a pandemic the Council will use all of its available channels of communication and will use online engagement methods to ensure that effective consultation on the Local Plan and other Local Plan Documents can take place. Further detail in relation to the consultation methods to be used will be provided at the time of the consultation, when any restrictions that are in place at that time are known.
- 8.4 If you are unable to view a document on the Council's website or are unable to engage in the Local Plan consultation process due to not having internet access, then please, in the first instance, contact the planning policy team for advice and to discuss options to ensure that you can take part in the Local Plan and other Local Plan Document consultations.

## **9.0 Supplementary Planning Documents (SPD's)**

- 9.1 Supplementary Planning Documents (SPDs) are intended to expand upon and provide more detailed advice or guidance on policies in an adopted Development Plan Document i.e. Local Plan. Their purpose is to provide more detailed advice or guidance on a specific policy area. SPDs are subject to public consultation. However, they are not subject to an independent examination process. Sometimes an SPD may require a Sustainability Appraisal. SPDs also need to gain Council approval prior

to them being adopted.

9.2 SPDs do not themselves form part of the Development Plan, therefore they cannot introduce new policies to the Local Plan. However they are a material consideration in the decision-making process for planning applications.

9.3 Currently there is only one SPD in use within East Lindsey when determining a planning application – the Single Plot Exceptions Supplementary Planning Document<sup>4</sup>.

## 10.0 Producing a SPD

10.1 The process for preparing and adopting an SPD is shorter than that for Local Plans as set out in Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The key stages have been summarised in Table 3 below:

**Table 3: Process for preparing Supplementary Planning Documents.**

Stage 1	Development of evidence base	The Council collects up to date information on a range of social, economic and environmental matters.
Stage 2	Preparation of the draft SPD	The Council produces a draft version of the SPD based on the evidence collected at Stage 1.
Stage 3	Consultation on the draft SPD (Regulation 12)	Once the draft document has been produced, the Council will undertake a public consultation for a minimum of four weeks  Any representations made will be considered and amendments will be made to the document where required.
Stage 4	Adoption (Regulation 14)	The Council will consider the revised document and adopt the SPD in line with regulation 14 requirements.

<sup>4</sup> [https://www.e-lindsey.gov.uk/media/10163/Single-Plot-Exceptions-Feb-17/pdf/Single\\_Plot\\_Brochure\\_A4\\_amendments\\_2017\\_v3\\_correct1.pdf?m=636821922394770000](https://www.e-lindsey.gov.uk/media/10163/Single-Plot-Exceptions-Feb-17/pdf/Single_Plot_Brochure_A4_amendments_2017_v3_correct1.pdf?m=636821922394770000)

**Table 4: SPD consultation methods**

Method of consultation	SPD preparation stage		
	Draft SPD	Final SPD	Adoption
<b>Statutory requirement</b>			
Written / email notification to duty to cooperate partners, general and statutory consultees, businesses and other relevant parties including relevant stakeholders, individuals and organisations who are registered on the Council's planning policy consultation database.***	✓	✓	✓
Make consultation documents available for inspection at the Council's office and other key locations across the district such as libraries.***	✓	✓	✓
Make consultation documents, supporting documents and information available on the Council's website.	✓	✓	✓
<b>Potential additional methods subject to resources and topic area</b>			
Publicise on the Council's website.	✓	✓	✓
Publicise on social media including Facebook and Twitter.	✓	✓	✓

(Where \*\*\* is denoted please also see the Temporary Arrangements section above at Section 8.0).

## 11.0 Neighbourhood Planning

11.1 The Localism Act 2011 introduced devolved powers to local communities so that local people can meet the strategic needs and priorities of the wider local area in a way that meets their community needs and aspirations. Communities are able to develop a shared vision and shape the development and growth of their area. Some examples are: choosing where new homes, shops or offices are to be built or to have their say on how development should be designed. Local communities can achieve this either through developing Neighbourhood Plans or by granting planning permission through Neighbourhood Development Orders. Once a Neighbourhood Plan is 'made' it forms part of the Development Plan and decisions on planning applications will be made using both the Local Plan and the Neighbourhood Plan, along with any material considerations.

- 11.2 Neighbourhood plans/development orders are not developed by East Lindsey District Council, instead they are led by either a Town/Parish Councils or Neighbourhood Forum where a parish council does not exist. East Lindsey District Council does however have a statutory duty to provide advice or assistance in the development of Neighbourhood Plans as well as providing a role in consultation and making information available at various stages.
- 11.3 East Lindsey District Council will be involved in consulting with the public at the following stages in the Neighbourhood Plan / Order process:
- The designation of a Neighbourhood Area for the purpose of producing a Neighbourhood Plan or Order;
  - Regulation 16 consultation on a draft Neighbourhood Plan prior to submitting the draft plan to an Independent Examiner;
  - Publication of the Independent Examiner's report;
  - Publish notice of a Referendum; and
  - Publish the decision to 'make' or refuse a Neighbourhood Plan.
- 11.4 In relation to the Regulation 16 consultation on the Draft Neighbourhood Plan, the Local Authority has a statutory duty to publicise the Draft Neighbourhood Plan on its website and bring the plan to the attention of people who live, work or carry on business in the Neighbourhood Area. There is also a requirement to notify consultation bodies. The consultation will be run for a minimum of six weeks.
- 11.5 The specific consultation methods used to bring the Neighbourhood Plan to the attention of people will need to be specifically tailored to a Neighbourhood Area taking into account factors such as location, the effectiveness of certain methods and any restrictions in place to combat the spread of the Coronavirus. This will be considered by the Council, working with those proposing the Neighbourhood Plan.
- 11.6 Current Covid-19 guidance<sup>5</sup> has led to a number of implications for the neighbourhood plan process. For more information on the progress of Neighbourhood plans within East Lindsey please visit our website<sup>6</sup>.
- 11.7 The Council has also published guidance on the stages of preparing a Neighbourhood Plan or Neighbourhood Development Order a copy of which can be supplied via the Planning Policy Team to those wishing to get involved in the process.

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<sup>5</sup> <https://www.gov.uk/guidance/coronavirus-covid-19-planning-update#neighbourhood-plans>

<sup>6</sup> <https://www.e-lindsey.gov.uk/article/5114/Neighbourhood-Planning>

**Table 5: Neighbourhood Plan Consultation Methods**

Method of consultation	Neighbourhood Plan Preparation stage			
	Neighbourhood Plan Area Designation	Publication of Draft Neighbourhood Plan	Publication of the Independent Examiners Report	Publication of the decision to 'make' (adopt) or refuse a Neighbourhood Plan
Make available consultation documents and supporting documentation on the Council's website.	✓	✓	✓	✓
Make available hard copies of consultation documents and supporting documents at the Council's Office, the town or parish council office and up to a maximum of five hard copies of documents to be made available within the town or parish.***	✗	✓	✗	✗
Communicate with statutory consultees and other relevant parties either by written notification or email.***	✓	✓	✓	✓
Communicate with individuals and organisations who have expressed that they wish to be contacted or have previously made comments on the neighbourhood plan.	✗	✓	✓	✓
Publicise on the Council's website.	✓	✓	✓	✓
Publicise on social media including Facebook and Twitter.	✓	✓	✓	✓
Leaflets and / or posters (as considered necessary by the local planning authority to meet its statutory consultation duty).***	✗	✓	✗	✗

(Where \*\*\* is denoted please also see the Temporary Arrangements section above at Section 8.0).

## **Advice and assistance to help with the preparation of neighbourhood plans**

11.8 To meet the Council's statutory duty in providing advice and assistance in the preparation of Neighbourhood Plans the Council will normally undertake the following (defined by need on a case by case basis in discussion with the group proposing the Neighbourhood Plan):

- Provide a dedicated contact officer for the neighbourhood planning group who will provide informal advice and guidance throughout the plan-making process.
- Produce a dedicated page on the council website.
- Make decisions on neighbourhood area applications promptly and publicise the application and decision as required by legislation.
- Share relevant background evidence at the earliest opportunity.
- Check compliance of draft neighbourhood plans against relevant legislation, basic conditions and the council's statutory development plan informally and offer guidance and advice on these matters prior to submission of the plan.
- Undertake Screening Reports for Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) stages.
- Publicise and consult on the submitted Neighbourhood Plan (Regulation 16 version) for a period of six weeks and collate responses.
- Arrange for the Neighbourhood Plan examination.
- Consider the examiner's recommendations and publicise the examiner's report and a decision statement.
- Check compliance with 'basic conditions' and regulations.
- Arrange and manage the referendum.
- Formally 'make' the neighbourhood plan as a development plan document and produce the required adoption statement/s (subject to the result of the referendum)

Any town/parish council or community group wishing to draft a neighbourhood plan should contact the Planning Policy team via email at: [Local.plan@e-lindsey.gov.uk](mailto:Local.plan@e-lindsey.gov.uk)

## **PART TWO**

### **12.0 Development Management and Community Involvement.**

- 12.1 For many people, the most obvious impact of the planning system is the management of development through planning applications. Planning applications are normally determined in accordance with the policies and proposals of the statutory development plan for the area, unless there are other material considerations that justify departing from these policies. Whenever an application is determined contrary to the provisions of the development plan, there should be specific and justified material considerations for doing so. Community involvement when considering planning applications can be an important means of identifying other material considerations. Community involvement can also help shape proposals so that they are more acceptable and appropriate to the area where the development is proposed.
- 12.2 The Council's Development Management Team is responsible for processing planning applications across the District. There are a number of different types of applications processed by the department including: Planning Permission, Listed Building consent, Certificates of Lawfulness, Advertisement Consent, Prior Approval applications and Permission in Principle.
- 12.3 The Council is committed to meeting its statutory requirements for consultation at all stages of the planning application process, from pre-application through to possible appeals.
- 12.4 The following sections provide an overview of the Council's publicity and consultation arrangements for the three main stages in the Development Management process:
- Pre-application
  - Planning applications
  - Appeals

### **Temporary Arrangements**

On 14 May 2020 the government made temporary changes to the publicity requirements for planning applications in response to the Coronavirus pandemic. The changes give local planning authorities greater flexibility in how we publicise planning applications during the response to COVID-19. This includes the following:

- Flexibility where the Council is unable to discharge specific requirements for site notices, neighbour notifications or newspaper publicity;

- Temporary arrangements in relation to the provision of the planning register and planning applications available for inspection, where we can provide this on the website;
- The provision for the Council to hold virtual planning committee meetings; and
- The provision to consider 'urgency powers' within the constitution to allow senior officers delegated authority to make decisions.

Where possible, the Council will continue to publicise planning applications in line with the national requirements set out in the Planning Practice Guidance (including any amendments to these) and as outlined below.

## **13.0 Pre-application stage**

13.1 The Council welcomes and actively encourages discussions with applicants and developers before planning applications are submitted for consideration. Receiving considered advice prior to the formal submission of a planning application can ensure that the quality of development is improved and that certainty in the outcome can be increased for the applicant. Further information in relation to pre-application advice can be found on the Council's website<sup>7</sup>.

13.2 Prior to an applicant or developer submitting a planning application, applicants or developers are encouraged to discuss the proposals with the owners / occupiers of neighbouring land / premises before making an application. This will assist in resolving any objections and conflict prior to a formal planning application being submitted. It should be noted that pre-application discussions are treated as confidential and will not be made publicly available. However if an applicant submits pre-application discussions as part of the supporting information for a planning application, it will no longer be confidential and may be published.

13.3 In addition, for significant development schemes, there is a statutory requirement for applicants or developers to carry out their own early consultation with the local community to inform the application process, as set out in the Localism Act 2011. The Council is not involved in arranging these pre application consultations, however, applicants and developers should inform the Council of the details of any such arrangements. Such consultation methods could include community consultation events, public meetings, meetings with district, town or parish Councillors, neighbourhood plan steering groups or making information available either via a website, leaflets and posters or contacting residents and businesses by writing to them. Pre application

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<sup>7</sup> <https://www.e-lindsey.gov.uk/article/6085/Pre-application-Advice->

consultation, should also include key consultees such as infrastructure providers and nature conservation bodies as relevant.

13.4 Applicants and developers are encouraged to ensure that if any public meetings are to be held that they should take place in accessible locations that offer accessible facilities. A summary of the consultation method(s), a meeting record and received feedback may also be useful to include in any application submission.

## **14.0 Planning Application consultation**

14.1 Once a planning application has been registered and validated the Council will record the application on the planning register and make the application available for inspection. All planning applications can be viewed via the Council's website<sup>8</sup> along with a weekly list<sup>9</sup> of applications that have been received and determined.

14.2 There are minimum requirements provided in legislation relating to the methods for publicising applications. These requirements are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. The methods that the Council will use to publicise applications include the following:

- Publishing applications and associated documents on the Council's website;
- Displaying one or more (as relevant) site notices near the application site. The site notice will provide details of the planning application, information on how the plans can be viewed and how comments can be made and when comments must be submitted by and;
- Advertising certain applications in local newspapers in accordance with statutory requirements. For example, for major development or for applications relating to a listed building or a conservation area.

14.3 The standard consultation period for planning applications will be 21 days unless the notification period states otherwise. The application cannot be determined until this period has expired. Depending on the nature, re-consultations on amendments to applications will usually be a shorter period. Information on how to make comments on a planning application

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<sup>8</sup> <https://www.e-lindsey.gov.uk/article/6085/Pre-application-Advice->

<sup>9</sup> <https://publicaccess.e-lindsey.gov.uk/online-applications/search.do?action=weeklyList>

is provided on the Councils website<sup>10</sup>.

- 14.5 To be certain of not missing any new information that is added to a planning application, those with an interest in a proposal are encouraged to sign up for email alerts from the Council's planning applications system. This is also how you can find out the final decision on the application. Registration for updates is free, though an active e-mail account is required. To register please use the following link: <https://publicaccess.e-lindsey.gov.uk/online-applications/registrationWizard.do?action=start>
- 14.6 All comments received on an application will be considered before a decision is made, however the Council are unable to respond to individual comments owing to the volume of correspondence received.
- 14.7 If you comment on a planning application, it is important that your comments relate to planning matters. The Planning Practice Guidance<sup>11</sup>, Government's Planning Portal website and the Council's website all contain helpful information about how decisions on planning applications must be made and what matters constitute 'material considerations' and are relevant when making planning decisions.
- 14.8 All applications are required to be determined within statutory time scales of either eight weeks, thirteen weeks for major development, or sixteen weeks for development if the application is subject to an Environmental Impact Assessment (EIA).
- 14.9 It is important for the community and interested parties to have their say on development management decisions, as these are the decisions that shape our towns, villages and district overall. Representations made on an application are published on the Councils website subject to the terms of the Data Protection Act 2018.
- 14.10 Any offensive or defamatory comments will not be published. If the Council publishes, repeats or forwards on libelous and/or defamatory statements in correspondence received, it can make the Council liable. Where such correspondence is received, any offensive or defamatory comments will be redacted before publication or returned to the sender so they can change them.

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<sup>10</sup> [https://www.e-lindsey.gov.uk/media/4571/Making-comments-on-a-planning-application-/pdf/Making\\_Comments\\_Plan\\_Application\\_-\\_may-16.pdf?m=636385722391500000](https://www.e-lindsey.gov.uk/media/4571/Making-comments-on-a-planning-application-/pdf/Making_Comments_Plan_Application_-_may-16.pdf?m=636385722391500000)

<sup>11</sup> <https://www.gov.uk/government/collections/planning-practice-guidance>

## **15.0 Who the Council will involve in the development management process**

15.1 Once a planning application has been registered and validated the Council is required to consult with both statutory and non-statutory consultees. Statutory consultees includes bodies such as other local planning authorities, the Environment Agency, Forestry Commission, Historic England, Natural England, Town and Parish Councils, Sport England, to name a few. The Council will also consult internally such as with housing, environmental health, community and economic development departments. We will notify such bodies either by sending them the weekly list, an email or consultation letter.

## **16.0 Determining planning applications**

16.1 The majority of planning applications dealt with by the Council are determined under delegated powers by the Service Manager for Development Control. However, certain applications are considered by a Planning Committee. Where applications are reported to a Planning Committee all comments made on an application are summarised and published in the committee report.

16.2 The starting point for making a decision on a planning application is the Development Plan (including the Local Plan, Neighbourhood Plans and any SPDs). National policies must also be considered with material consideration given to:

- Representations of objection and support.
- Advice from external specialists such as Natural England or Historic England etc.
- Government guidance.
- Comments from town and parish councils
- And any other material considerations.

16.3 The planning case officer's assessment of the application will be based on the above and their professional judgement on the impact the proposed development will have. The publicity requirements mean that the Council will not receive all the relevant views until about a month after the application is registered and this will be longer in some cases.

## **17.0 Neighbour notification letters**

17.1 When a planning application is minor and unlikely to be contentious, neighbour notification letters will be preferred to site notices. The normal

period allowed for comments on planning applications is 21 days. However, bodies such as Natural England will be allowed a longer period to comment on applications where this is required by legislation. The Council will send notification letters to the owners or occupiers of all properties adjoining the proposed development. Where the development is bordered by open or vacant land and the owner or occupier is not known, this may not be possible. In such cases the Council will consider erecting a site notice. The results of any such consultation will be reported and taken into account in decisions made by, and on behalf of, the Council.

Figure 1 Example of properties considered as "adjoining"



17.2 A property is considered to be adjoining the application site if it shares a common boundary with it or is immediately on the opposite side of a road. Where a neighbouring property is separated by only a narrow strip of open land (e.g. drain or verge) from the proposed development, but is considered to be directly affected by it, planning officers will normally send written notification of the planning application.

## 18.0 Wider neighbour notification

18.1 Applications that are likely to generate a great deal of community interest will be subject to a wider level of consultation. Where there could be more widespread impact, say, by odours, noise or traffic, the Council will extend neighbour notification beyond those properties adjoining the development itself. Case Officers will use their professional judgement, and the experience of previous similar planning applications, to identify properties that might be affected by such a proposal.

## **19.0 Parish and Town Councils and other community groups**

- 19.1 Parish and Town Councils will be notified of all applications that are made in their area where they have notified the Council that they wish to be consulted. At least 21 days will be allowed for responses to be made on the application. The Council has provided all Town and Parish Councils with guidance on how to get the best out of commenting on planning applications in their area.
- 19.2 Provided all comments are made on material planning grounds, they will be given full consideration when making decisions on a planning application.
- 19.3 As well as consulting directly with those statutory agencies required by planning legislation, we will consult directly with those local amenity and representative groups who we feel have a specialist interest in the proposed development.

## **20.0 Additional rounds of neighbour notification**

- 20.1 Where a Case Officer considers that new issues that have not previously been considered before have been raised, a new round of consultation may be necessary. If the content of the revised application is broadly similar to the original application, a reduced consultation period (no less than 10 days) might be deemed appropriate. Any additional consultation might only be carried out with certain consultees dependent upon on the type of issue raised.
- 20.2 In deciding whether further consultation is required for amendments, officers will consider:
- Whether any objections or reservations raised at an earlier stage remain.
  - Whether the views expressed as part of an earlier consultation covered the matters now under consideration.
  - Whether parties not previously affected might now be affected.
  - In some cases the Council may require the Developer to submit a new application, in which case, a new round of neighbour consultation would take place, relevant to the amendments being sought.
  - Whether the proposed changes would have a significant impact when compared to the original proposals.

## **21.0 Site notices and Press notices**

- 21.1 Whilst notification letters are usually the most direct method of publicity, there will be occasions when a site notice will be more effective; for instance, when it is not possible to notify neighbours by letter or where

a development proposal would generate wider general public interest.

21.2 In any case, site notices and press notices will be used (in addition to neighbourhood notification letters) where:

- Applications are accompanied by an environmental statement;
- The application is a departure from the Development Plan;
- The development affects a right of way;
- The development is considered 'major' i.e. it involves:-
  - More than 10 dwellings or the building of dwellings on a site of 0.5 hectares or more;
  - The provision of buildings where the floor space created by the development is 1000 sq. metres or more;
  - The development is carried out on a site of 1 hectare or more;
- The development affects a listed building, a tree protected by a Tree Preservation Order, the character or appearance of a conservation area, or ancient monuments.

## **22.0 Publicity for Planning (Development Management) Committee meetings**

22.1 Where applications are due to be decided by the Council's Planning Committee all relevant information will be made available on the Council's website.

22.2 People who wish to object to, or support, an application have a right to speak at the Planning Committee. Currently this is limited to three minutes for each party (one objector and one supporter or the applicant). The impact of CV-19 has meant that Planning Committee meetings have had to be held by electronic means. Where a Planning Committee meeting is held by electronic means (for example by video-conferencing) the Council will try to ensure that public speaking can continue.

## **23.0 Publicity for Committee site visits**

23.1 Site visits by the Planning Committee will be accompanied by the following additional publicity:

- The information will be available on the Council's website;
- Notification of the decision.

23.2 When a decision has been made, the Council will inform:

- The applicant - by decision notice
- Landowners and agricultural tenants who have submitted representations on the application - by letter
- Supporters and objectors who have made representations on the application - by letter
- Signatories of petitions - by letter to the petition co-

- ordinator, normally the first-named person on the petition.
- Decisions will be published on the Council's website.

## **24.0 Planning Appeals and Notification**

- 24.1 It is possible for an applicant or a developer to appeal a planning decision if the application has been refused or if an application has not been determined or validated within the statutory timeframes. It is also possible to appeal against the grant of planning permission that is subject to conditions that restrict or control the manner in which planning permission is to be implemented.
- 24.2 Third parties and members of the public cannot appeal against the Council's decision on a planning application. Any challenge to a planning decision from third parties or members of the public can only be made in the High Court by Judicial Review. Further information can be found here: <https://www.gov.uk/courts-tribunals/planning-court>

### **Planning Appeals**

- 24.3 Planning appeals are determined by the Secretary of State, who will appoint a Planning Inspector to consider and hear the appeal. The appeal process is undertaken by one of three methods:
- Written representations;
  - Public hearing;
  - or Public inquiry.
- 24.4 When East Lindsey District Council are notified of an appeal by the Planning Inspectorate, often referred to as 'PINS', it will contact all those originally consulted on the application letting them know the appeal has been made. The Council will send copies of all letters originally received about the application to the Planning Inspector. Advice will be given as to how to make further representations to the Planning Inspector who will determine the appeal. Interested parties are advised of how they can be involved in the appeal process.
- 24.5 If an appeal is to be considered at an informal hearing or public inquiry, the Council will also notify interested parties of the arrangements in line with the Planning Inspectorate's requirements.
- 24.6 The Planning Inspector will make a decision to either allow or dismiss the

appeal, or alternatively a decision will be deferred to the Secretary of State for a final decision. Once the decision is made a decision notice will be sent to the appellant, the Council and any interested person who has requested a copy of the decision. The decision will also be available on the Council's and planning Inspectorate website<sup>12</sup>.

**Table 6: How we will consult in relation to specific types of applications.**

Nature of Development	Letter to Neighbour(s), Parish Council, Consultee, Interest Group			Site Notice	Press Notice	Council' s Web Site
	Adjoining neighbour	Wider neighbour	Parish Council			
Small Developments	√√	√	√√	√	√	√√
Adverts	√	√	√√	√	√	√√
Large Developments	√√	√	√√	√√	√√	√√
Developments: a) In the Conservation Area (and affecting the setting of)	√√	√	√√	√√	√√	√√
b) Involving a listed building (or affecting the setting of)	√√	√	√√	√√	√√	√√
c) Where Environmental Impact Assessments have been submitted	√√	√	√√	√√	√√	√√
d) That are a departure to the Development Plan	√√	√	√√	√√	√√	√√
e) That impact on a right of way	√√	√	√√	√√	√√	√√
f) Involving a tree covered by a Tree Preservation Order	√√	√	√√	√√	√√	√√
g) Involving an Ancient Monument	√√	√	√√	√√	√√	√√
Agricultural, demolition and telecommunication	√√	√	√√	√√	√√	√√
"Notification" applications	√√	√	√√	√√	√√	√√

(key to symbols):

√ Sometimes use – will be used based on the judgement of the case officer. The officer will decide whether the application has the potential to cause significant wider impacts. For example significant major applications might require wider notification.

√√ Definitely use – will be used every time.

<sup>12</sup> <https://acp.planninginspectorate.gov.uk/CaseSearch.aspx>

## **25.0 How we use your data**

25.1 Planning is an open and public activity. Any representations or comments made by members of the community, stakeholders and other relevant parties during the preparation of planning documents or in relation to a planning application may and can be made public.

25.2 If you would like further information on how the Council uses and manages personal data you can access the Council's privacy notice via <https://www.e-lindsey.gov.uk/privacy>

## Appendix 1 Specific and general consultation bodies

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) specify a number of organisations that must be consulted. These organisations are referred to as 'specific consultation bodies' and 'general consultation bodies'.

The lists below refer only to the types of groups rather than individually naming every group and organisation this ensures that the SCI will remain up-to-date and not contain out of date information. It must be noted the below lists are not exhaustive and are subject to updating at any time.

Specific Consultation Bodies	General Consultation Bodies and other interested groups
<p>Adjoining Local Planning Authorities and Councils;                      Lincolnshire County Council;                      Parish and Town Councils (within and adjoining the plan area);                      The Environment Agency;                      Historic England;                      Natural England;                      Relevant Clinical Commissioning Group(s);                      NHS Commissioning Board;                      Relevant electricity and gas companies / operators;                      Relevant water and sewerage companies; and                      The Homes and Communities Agency.</p> <p>This is in addition to any other relevant statutory body defined in the regulations.</p>	<p>Nature Conservation / countryside bodies;                      Environmental groups;                      Interest and amenity groups;                      Resident's Associations;                      Property Trade and business associations;                      Neighbourhood Plan Steering Groups;                      Local Nature Partnership;                      Disabled groups;                      Black Asian Minority Ethnic/gender/age/sexual orientation/disability and those with caring responsibilities groups                      Residents;                      Local businesses;                      Landowners;                      Religious groups and churches;                      Voluntary bodies; and                      Other miscellaneous bodies.</p>