Kent Minerals and Waste Development Framework

Planning for the future of minerals and waste in Kent

Statement of Community Involvement
Adopted Document

January 2011
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Foreword

Development Planning with Kent County Council: Getting Involved

Kent County Council considers that it is extremely important to provide effective, timely and accessible opportunities for individuals and communities across Kent to inform and contribute to our decisions on those planning matters, involving both plan making and the consideration of planning applications for which we have responsibility. We hope that this will enable us to make better informed judgements and to produce plans that reflect the aspirations, needs and concerns of all those who care about the future of our county.

The county council has prepared a new Statement of Community Involvement (SCI) to replace that adopted in 2006. This SCI is the means by which we set out how and when communities (you, businesses, community groups and the members of the public) can most effectively get involved in those planning issues that concern them and for which we have responsibility. We hope that you will be encouraged in get involved with our programme of plan preparation for minerals and waste matters over the next three years.

Nick Chard

Cabinet Member for Environment, Highways and Waste
Kent County Council
Executive Summary

This Statement of Community Involvement (SCI) sets out how and when communities in Kent can be involved in the development planning and development management activities for which Kent County Council has responsibility. These relate primarily to preparation of the Kent Minerals and Waste Development Framework (MWDF)\(^1\) and the determination of planning applications for minerals working, waste management and development undertaken by the county council in association with its statutory services.

Community involvement, as recognised through the SCI, is addressed to all those with an interest in the county council's planning activities - businesses, district and local councils, community groups and individuals and a range of other local and national organisations.

The county council's first SCI was adopted in 2006. A review of the SCI was necessary to reflect recent changes in planning regulations, the current programme of documents for the Minerals and Waste Development Framework and new opportunities arising from electronic and web based communication.

This document sets out the nature of Kent County Council's planning responsibilities, the principles that should guide our community involvement activities and the opportunities and approaches that should be adopted in the various stages of preparation of the MWDF.

The nature of the county council's development management responsibilities is described along with the approach taken to publicity and consultation on planning applications during consideration and determination.

Our aim is to ensure that everyone is clear on how they can contribute to, and what they may expect from, our plan making and development management activities. We aim to appropriately inform, consult and involve the Kent community and other relevant interests in the development and review of minerals and waste planning policy and in the consideration of planning applications for which we are responsible.

\(^1\) Consisting of a number of statutory planning documents specific to minerals and waste matters and covering the whole of Kent.
1 Introduction

1.1 Our Statement of Community Involvement: Role and Purpose

Statement 1

"Planning shapes the places where people live and work. So it is right that people should be enabled and empowered to take an active part in the process. Strengthening community involvement is a key part of the Government's planning reforms."


1.1.1 The Planning and Compulsory Purchase Act 2004 introduced some fundamental changes to the planning system to improve community involvement throughout the planning process. Every local planning authority (LPA) is required to produce a Statement of Community Involvement (SCI) setting out how communities will be engaged in the preparation and revision of Local Development Documents and the consideration of planning applications.

1.1.2 This Statement of Community Involvement (SCI) sets out how Kent County Council will involve the community in the planning matters for which it has responsibility. The term ‘community’ embraces all the individuals, groups and organisations that make Kent what it is and extends to local residents, Kent businesses, district, parish and town councils, voluntary and community groups and local and national organisations with interests in planning matters.

1.1.3 Current arrangements attach more emphasis to community engagement and provision of opportunities to get involved early in the process of preparing plans. They should result in greater community involvement in planning and wider participation across all sections of the community.

1.1.4 The SCI adopted in 2006 required revision due to:

- Recent changes in the planning regulations and procedures governing plan making.
- The introduction of the 'Duty to Inform, Consult and Involve' arising from the Local Government & Public Involvement in Health Act 2007. (2)
Widening opportunities for engaging with people as a result of new technology.

A new programme for the Kent Waste & Minerals Development Framework as set out in the Minerals & Waste Development Scheme 2010-13 (Third Review) brought into effect by the county council on 24th September 2010.\(^{(3)}\)

1.1.5 The county council already seeks to involve the local community in its planning decisions in many ways. This document shows how we intend to build on these approaches, within the resources available, and work to encourage as many people and organisations as possible to be involved with, and contribute to, our decision making.

1.1.6 Community involvement is not just a statutory requirement. It has a positive role to play in helping to identify local issues, inform policy-making, provide feedback on service delivery and create a sense of local ownership. Recent research has demonstrated that community engagement is a key tool in improving planning outcomes at the local level.\(^{(4)}\)

1.1.7 Kent County Council supports the emphasis placed on engaging the whole community and believes this will lead to:

- A Minerals & Waste Development Framework that reflects local needs and circumstances.
- Improved quality and efficiency in decisions by drawing on local knowledge and reducing conflict.
- Greater awareness and understanding for those involved about what is needed and what can be achieved.
- Connections being made both within communities and to others outside them.
- Greater ownership of outcomes, or at least, a better understanding of how they have been reached.

1.1.8 The SCI establishes the standards to be achieved by the county council in involving the community in our key planning functions:

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3 Available at: [www.kent.gov.uk/environment_and_planning/planning_and_land_use/minerals_and_waste_development/development_scheme.aspx](http://www.kent.gov.uk/environment_and_planning/planning_and_land_use/minerals_and_waste_development/development_scheme.aspx)

There are two areas of county planning where you can get involved:


2. Consultation on development management applications and related matters for minerals, waste and the county council's own developments.

1.1.9 We will monitor and evaluate the value of this SCI in informing and shaping the Minerals & Waste Development Framework and in providing opportunity for people in Kent to be effectively involved; this will be considered in our Annual Monitoring Report. The submission of Local Development Documents for approval by the Secretary of State will include a 'Statement of Consultation' setting out how the provisions of the SCI have been followed, and how consultation and representations received have influenced plans.

1.1.10 Our SCI aims to meet legal requirements while addressing, through a clear vision and practical measures, the distinctive circumstances of Kent and the county council's planning responsibilities. It recognises the importance of early engagement and sets out opportunities for effective involvement at different stages of the planning process. It shows how the results of community involvement will feed into the preparation of Development Plan Documents and Supplementary Planning Documents, and how the community can engage with development proposals. Once adopted we will be bound by the approach the SCI establishes.

Policy 1

Our Aim

Our aim is to ensure that everyone is clear on how they can contribute to, and what they may expect from, our plan making and development management activities. We aim to appropriately inform, consult and involve the Kent community and other relevant interests in both the development and review of minerals and waste planning policy and in the consideration of planning applications for which we are responsible.

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1.2 Kent County Council: Our Planning Role

1.2.1 Kent County Council is committed to improving the economic, environmental and social well being of our county; our Sustainable Community Strategy A Vision for Kent\(^7\) provides a framework for this. Town and country planning has an important role to play in delivering its vision.

1.2.2 The planning system is designed to make better places for all of us. Different views have to be balanced and often difficult decisions taken. That is why it is important that all members of the community should have the opportunity to be involved in planning matters.

1.2.3 The planning system in England and Wales is plan-led; this involves preparing plans that set out what development can take place and where. As well as setting out the amount and type of development needed to support people living and working in Kent, plans must take account of the environment and the wishes of the community. Planning applications are determined in accordance with the development plan unless exceptional circumstances can be shown to warrant an alternative approach.

1.2.4 The plan-led system was previously reformed by the Planning and Compulsory Purchase Act in 2004 into two main levels of plan: Regional Spatial Strategies and Local Development Frameworks. On 6 July 2010, the government withdrew all Regional Spatial Strategies with immediate effect. The former Regional Strategy for Kent was the South East Plan (adopted May 2009). Following the interim advice issued by Communities and Local Government\(^8\) the current development plan consists of:

- **Local Development Frameworks** - each district/borough planning authority is preparing a Local Development Framework (LDF). This is a folder of documents that sets out how your local area will change over the next few years. They cover most aspects of development and environmental protection. For Kent as a whole the county council is preparing the **Minerals & Waste Development Framework (MWDF)**. This sets out where mineral and waste development is likely to be acceptable in the future and the criteria against which planning proposals will be considered.

1.2.5 This amended system replaces the previous arrangements for Structure and Local Plans although policies and proposals in old style Local Plans, where 'saved', may remain in force until replaced by LDFs.

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\(^7\) Available from: [http://www.kent.gov.uk/your_council/priorities_policies_and_plans/priorities_and_plans/the_community_strategy.aspx](http://www.kent.gov.uk/your_council/priorities_policies_and_plans/priorities_and_plans/the_community_strategy.aspx)

\(^8\) Communities and Local Government (July 2010) Letter to Chief Planning Officers: Revocation of Regional Strategies.
1.2.6 Planning for mineral working and waste management has distinctive characteristics; both deal with issues on a county wide basis. Minerals can only be worked where they are found. We all rely on minerals in our everyday lives - for the construction of roads and buildings, to make cement and for a variety of uses in industry and around the home. Kent is rich in minerals containing chalk, clays, brick earth, ragstone and a variety of sands and gravels. The MWDF will set out where we should obtain the minerals we need over the next 20 years. It will also ensure that enough sites are provided to meet our needs for waste management and that these are in suitable locations. The ways of managing waste are changing rapidly. We need a planning basis for efficient and environmentally sound treatment that also recognises the value of waste as a resource.

1.2.7 Kent County Council also has responsibility for determining planning applications relating to mineral working and facilities for waste management.

1.2.8 All local authorities determine planning applications for their own development needed in connection with the services they provide. In the county council’s case this includes applications for school developments, libraries, some road and transport projects, children's centres, care homes and other social care facilities.

1.2.9 Table 1 shows how planning roles are organised in Kent.

**Table 1: Development Plans and Development Management in Kent**

<table>
<thead>
<tr>
<th>Planning authority</th>
<th>Development plan</th>
<th>Development management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kent County Council</td>
<td>Minerals &amp; Waste Development Framework (MWDF)</td>
<td>Development related to mineral working, such as the quarrying of sand, clay and chalk.</td>
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<tr>
<td></td>
<td></td>
<td>Development related to waste management, for example household waste recycling centres, waste water treatment, waste transfer and composting facilities.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>County council owned development, such as school facilities, children's centres, care homes and strategic highway schemes.</td>
</tr>
<tr>
<td>District/Borough Councils</td>
<td>Local Development Frameworks (LDFs)</td>
<td>Development management for most other planning application types such as commercial, industrial or household building works.</td>
</tr>
</tbody>
</table>
1.2.10 Kent County Council is the minerals and waste planning authority for Kent. The Local Planning Authorities (LPAs) in Kent are the twelve district/borough councils: Ashford, Canterbury, Dartford, Dover, Gravesham, Maidstone, Sevenoaks, Shepway, Swale, Thanet, Tonbridge and Malling and Tunbridge Wells. Medway, as a unitary authority, is not within the county council’s authority area and is therefore not covered by this SCI.

Kent District and Borough Authorities

1.3 Community Involvement and Developing Our Document

1.3.1 We contacted a wide range of organisations and people with an interest in planning in Kent about our intention to review the SCI and invited them to tell us what they thought it should contain and how individuals, organisations and groups would wish to be involved. The comments received on the Scoping consultation (Getting Involved: Shaping Our SCI) in mid 2009 and the following Draft SCI consultation in mid 2010 have influenced and developed this final document.

1.3.2 There were two broad categories of consultees:

- **Key stakeholders:** including minerals and waste industry operators and interest groups, statutory undertakers, landowners, local authorities within Kent and in neighbouring areas, transport authorities and environmental and community interest groups. These groups were all contacted directly; the Scoping
consultation questionnaire was sent with a leaflet outlining the role of the SCI and email/letter notifications were sent about the publication of the Draft SCI and the accompanying questionnaire.

- The wider community: to provide an opportunity for all interested people to give views on the scope and approach of the SCI, questionnaires were made available in main county council offices, Kent libraries and Gateways. Additionally for the Scoping consultation leaflets and publicity posters were displayed in major supermarkets and country park visitor centres across Kent.

1.3.3 The consultations were given a high profile on our website and all documents were available online. Responses were encouraged through our planning policy consultation portal.

1.3.4 Most responses came from key stakeholders with only a few from the wider community. This may reflect that we are already in touch with key interests but also that the nature of community involvement in minerals and waste planning matters and county council development is perceived by the wider community as distant and of limited relevance.

1.3.5 In line with our community involvement aims and commitments, we have provided responses to all representations received on the Draft SCI and explanation of any changes made to the final document. Analysis of the responses to the Scoping consultation is also available from our website.\(^9\)

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2 Community Involvement

2.1 Our approach to Community Involvement in Planning

Statement 3

"The planning system has been substantially reformed to embed community responsive policy making at its heart."


2.1.1 The county council’s plan making is concerned with specific topics (minerals and waste) and has a county-wide remit. Providing opportunities for engagement are therefore both more focused around these subjects and also more challenging given the diversity of areas, communities and local circumstances in Kent.

2.1.2 Government’s aims are to encourage greater involvement by local communities, thereby contributing to better decision making. The Local Government and Public Involvement in Health Act 2007 has established a new ‘Duty to Inform, Consult and Involve’ to give local people greater opportunities to have their say.

Statement 4

Guidelines for community involvement in planning

Involvement in planning should be:

- Appropriate to the level of planning.
- Undertaken from the outset.
- Continuous with clearly stated opportunities for involvement.
- Transparent and accessible.
- Planned as an integral part of plan making.

10 Communities & Local Government (2008): White Paper Communities in control: Real people, real power.
Statement 5

The Kent Partners Compact\(^{(12)}\)

In 2003 Kent County Council entered into an agreement with organisations in the voluntary and community sector - ‘The Kent Partners Compact’. Its aims include setting a framework for effective consultation, representation and partnership working. Its principles have guided the preparation of this SCI.

2.1.3 The Kent Partners Compact report (January 2009) requires the county council to:

- Build engagement into regular planning cycles and be clear about its purpose.
- Work to ensure that any opportunities for engagement are announced in advance to maximise opportunities and sufficient time for responses.
- Engage the voluntary and community sector on issues that are likely to affect them at an early stage of policy development.
- Give organisations enough time to respond to consultation with, wherever possible, a standard period of 12 weeks and a minimum of 8 weeks.
- Explore arrangements enabling organisations to register their interest in particular policy areas and to help them plan and prioritise their engagement.
- Explain where decisions have already been made – make clear what can and cannot be changed as a result of the engagement.
- Consider carefully the right mix of engagement methods in order to get the best spread of views from those most likely to be affected.
- Take positive account of the specific needs, interests and contributions of those parts of the voluntary and community sector which represent the diversity of users.
- Prepare engagement documents that are concise, clearly laid out and written in simple language that will be understood by the intended audience.
- Make materials available in accessible formats, when requested – e.g. Braille, large print or audio.
- Respect the confidentiality of information provided by the sector.

- Analyse carefully the results of the engagement and report back on the views that are received and feedback on what has been done as a result.

- Evaluate with a view to developing and spreading best practice and achieving better policy outcomes.

2.1.4 This SCI aims to reflect these principles recognising that community involvement in planning matters needs to be more broadly based by extending beyond the voluntary and community sector to encompass other public agencies, industry, business and development interests and the wider public. Statutory requirements of the planning system have also to be respected e.g. in terms of the publication of, and public access to, representations submitted on planning documents and proposals.

2.1.5 There are several levels of involvement in county planning - from the receipt of information through consultation to more active dialogue. Different approaches will be appropriate to different groups of people and interests at different stages of planning activity. The response to our Scoping and Draft SCI consultations were helpful in identifying what these might be.

2.1.6 In preparing the Minerals and Waste Development Framework we will provide opportunities for involvement at a number of levels:

- **Providing information** - for example to raise awareness of an issue, or of an opportunity to get more actively involved. We will report on the progress of the plan preparation stages and feedback on previous consultation and subsequent decisions reached. We will continue to use traditional methods of communication (such as letters, newspaper advertisements, press releases and reports) but also seek to take full advantage of the opportunities created by new technology (for example email and our website).

- **Encouraging consultation** - to understand the opinions of a range of relevant interests and/or to improve our understanding of technical issues. This might involve paper-based or online surveys, regular stakeholder group meetings and area or group specific meetings. We strongly encourage the use of our online consultation portal[13](http://consult.kent.gov.uk) as our preferred method of response to gather your views. Email and paper based consultation responses are also still accepted.

- **Promoting dialogue** - through more in depth opportunities to investigate issues, explore specific proposals and options to identify needs and priorities. This might be through workshops or targeted discussions with specific stakeholder groups.

13 Go to: [http://consult.kent.gov.uk](http://consult.kent.gov.uk)
Policy 2

We will be guided by a number of principles in the approach we take to community involvement in our planning activities (MWDF planning policy and development management):

- Accessibility.
- Responsiveness.
- Proportionality.
- Timeliness.
- Clarity and Relevance.
- Efficiency.

Accessibility and Responsiveness

2.1.7 We want to make information easily accessible to everyone, recognising that different approaches suit different people. Some sectors of the community are often under represented in consultation responses. Barriers such as age, culture, language, geographical isolation, lifestyle or a general indifference or scepticism need to be overcome through careful use of methods and approaches. Whilst lack of response may reflect consultation on issues on which individuals or organisations have little knowledge and/or interest, it may also reflect the conduct of consultation in an inappropriate or partial manner.

2.1.8 We recognise that we need to ensure that our approach to community involvement does not unduly constrain the ability of sections of the community that have traditionally been seldom heard to take part. It takes considerably more initiative, imagination and effort to consult effectively and inclusively with certain sections of the community.

Issue 1

Groups or individuals may be seldom heard for a number of reasons, for instance:

- Lack of spare time within some groups, such as working single parents.
- Difficulty understanding written or spoken English.
- Difficulty with sight or hearing.
- Mobility difficulties.
- Feelings of cultural isolation from the mainstream of society’s activity.
- Geographical isolation.
- No permanent address.
- Long-term illness.
- All day working hours.
Feelings of alienation from, or even suspicion of, the organisation that is consulting them.

Lack of interest in being consulted by public bodies.

2.1.9 We shall aim to encourage and facilitate broadly based participation by:

- Writing and vetting our documents for plain English.
- Making materials available both online via our website\(^{(14)}\) and/or our consultation portal\(^{(15)}\) as well as hard copies.\(^{(16)}\)
- Providing access to a free tool to convert website text into speech to provide effective website access to people who find it easier to listen to, rather than read, website or document content.\(^{(17)}\)
- Providing 'signposting' to translation services for people whose first language is not English.
- Making copies of our plan making and policy documents widely available at local authority offices across Kent and across the wide network of libraries and 'Gateways' across the county.
- Undertaking ‘awareness raising’ at appropriate stages of plan preparation. This may be through public meetings, groups sessions, community forums or targeted information sessions.
- Encouraging all parties interested in the Minerals and Waste Development Framework to register with our online consultation portal\(^{(18)}\) allowing automatic notification of new consultations and events.
- Publicising specific events and consultation opportunities through the local media, social media, \(^{(19)}\) council newsletters, on our website and through direct contact with those registered on our consultee database.
- Holding events during the day, during the evening and/or at weekends depending upon the circumstances of those whose opinions are sought.
- Ensuring venues are accessible by people with disabilities and held in locations with a good standard of accessibility by public transport.

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\(^{(14)}\) [www.kent.gov.uk/mwdf](http://www.kent.gov.uk/mwdf)


\(^{(16)}\) For planning applications this will be confined to inspection copies available at our offices in Maidstone.

\(^{(17)}\) 'Browsealoud' can be activated from the home page of the KCC web site ([www.kent.gov.uk](http://www.kent.gov.uk)) and can be run on all documents published on the site.

\(^{(18)}\) [http://consult.kent.gov.uk](http://consult.kent.gov.uk)

\(^{(19)}\) Such as Kent County Council on twitter at [http://twitter.com/kent_cc](http://twitter.com/kent_cc).
• Utilising, where appropriate, existing local channels of communication e.g. meetings of Kent County Council’s Local Boards.

• Providing clear points of contact by phone, text phone, email or post in all communications.

2.1.10 We will ask those who we engage in our plan making to give us their views on how we can make improvements to our consultation arrangements. This feedback will enable us to evaluate if our approach successfully produced the following:

1. The information needed, for both you and us.
2. Opportunities for you to be involved, in a manner appropriate to the level and nature of your interest.
3. Encouragement for more people to participate.
4. Responses from a sufficiently representative range of people and interests, from different parts of Kent.
5. The feeling that involvement was worthwhile.

Proportionality

2.1.11 We must be realistic as to what we can do if plans and planning applications are to be prepared/processed in a cost effective and expeditious manner. The more we do to involve the community, the higher the cost that falls to be met by the community. We need to balance effective involvement with the availability of resources (people, money, skills, time etc.). Providing opportunities for involvement must be proportionate to the nature of the plans being prepared, the stage reached in plan making and the breadth and depth of the matters subject to consultation.

Timeliness

2.1.12 Consultation will be encouraged at times when it can make a difference to the shaping of a Development Plan Document or a planning decision. Adequate time will be provided for response to both formal and informal consultation. Wherever possible we will aim to accommodate the minimum consultation period of eight weeks for our MWDF documents, in accordance with the Kent Compact, and provide advance notice via our website of forthcoming consultation events.

Clarity and Relevance

2.1.13 In our communications we will aim to provide relevant and well structured information making clear its purpose (provision of information, consultation, dialogue or any combination of these elements).

20 A textphone service is available for deaf, hard of hearing and speech impaired customers 24 hours a day, 7 days a week.
21 Development Plan Regulations generally provide for a minimum six week period for statutory consultations.
Efficiency

2.1.14 The county council is involved in the preparation of a number of statutory and non-statutory strategies and plans other than those related to its statutory spatial planning function, for example, the Sustainable Community Strategy (A Vision for Kent), the Joint Municipal Waste Management Strategy and the Local Transport Plan. These may have spatial planning implications and some of the information and views received during the consultations carried out for such strategies could prove useful as part of the evidence base for the Minerals and Waste Development Framework. Consultation undertaken by other local planning authorities in Kent on the preparation of their Local Development Frameworks may also be of relevance.

2.1.15 Wherever possible the county council will co-ordinate public involvement in preparation of the Minerals and Waste Development Framework with the preparation of related plans and strategies to help create a better understanding of how issues and policies interrelate, to reach a wider community of interest and to reduce the scope for consultation overload.

2.1.16 We will also aim to undertake consultation involving existing representative or consultative groupings, for example the Kent Association of Local Councils, Local Strategic Partnerships or groupings specific to minerals and/or waste planning interests such as the Kent Waste Partnership and minerals and waste industry trade associations.
3 Community Involvement and the Kent Minerals and Waste Development Framework

3.1 Kent Minerals and Waste Development Framework

3.1.1 The county council is required\(^{22}\) to produce the Minerals and Waste Development Framework (MWDF). This will comprise a series of documents that will set out future policy and proposals for the development and control of mineral working and waste management in Kent\(^{23}\) over the next 20 years. Plans produced within the MWDF will progressively replace the 'saved' polices and proposals from the existing Mineral and Waste Local Plans.

3.1.2 The new Framework should be ‘spatial’ in outlook and not just concerned with regulating land uses. It will interpret national at the county level - for example it must generally conform with the relevant policies of national planning policy guidance. It should also bring together policies for the development and use of land with other policies and programmes which influence the nature of places and how they function.

What We Will Be Consulting About

3.1.3 The programme for preparing the MWDF is set out in the Kent Minerals and Waste Development Scheme.\(^{24}\) This provides the starting point for the community and stakeholders to find out about current planning policies on minerals and waste and the programme for the preparation of the Mineral and Waste Development Plan Documents (DPDs). Progress with the timelines of the Development Scheme and any changes to it will be reported on our website.

3.1.4 The MWDF will initially comprise:

- Minerals and Waste Core Strategy DPD.
- Minerals Sites DPD.
- Waste Management Sites DPD.

3.1.5 In due course the MWDF and the Local Development Frameworks (LDFs), prepared by district/ borough councils in Kent, will collectively comprise the statutory development plan and provide the basis upon which decisions on planning applications are made, as well as providing guidance to developers on future site provision and criteria for the location and assessment of development proposals.

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23 Excluding Medway.
3.1.6 Table 2 shows the stages involved in producing the new MWDF documents.

Table 2: The Kent Minerals & Waste Development Framework

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<th>Minerals &amp; Waste Core Strategy</th>
<th>Consultation on scoping of Sustainability Appraisal</th>
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<td>Preparation and community involvement</td>
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<td>Scoping ('Issues') consultation</td>
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<td>Strategy and policy directions consultation</td>
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<td>Publication and pre-submission consultation</td>
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<td>Submission</td>
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<td>Examination hearings</td>
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<td>Receipt of Inspector's Report</td>
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<td>Adoption of Core Strategy</td>
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<table>
<thead>
<tr>
<th>Mineral Sites DPD Waste Management Sites DPD</th>
<th>Consultation on scoping of Sustainability Appraisal</th>
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<td>Receipt of Inspector's Reports</td>
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<td>Adopted Mineral Sites and Waste Management Sites DPDs</td>
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Minerals and Waste Core Strategy

3.1.7 The Core Strategy is the first and principal document of the Development Framework setting out our approach to planning for minerals and waste management over a 20 year timeframe. It will be a strategic document setting out the vision, strategy and core policies for mineral provision and waste management in Kent including consideration of any 'strategic sites' for future minerals and/or waste uses. The Core Strategy will also incorporate a limited suite of development management polices against which minerals and waste proposals can be assessed. Monitoring and implementation considerations will be integral to the DPD. The Core Strategy will
need to address all types of workable minerals present in Kent and all waste streams making provision for their sustainable management consistent with the principles of the Government’s waste hierarchy.

**Minerals Sites DPD**

3.1.8 Taking account of the principles and strategy of the Minerals and Waste Core Strategy, the document will identify minerals sites and locations for mineral extraction, processing and safeguarding including facilities for importation. It will:

(i) identify and allocate sufficient sources of land won construction aggregates and secondary aggregates to provide for the needs of Kent, including the provision of a landbank of reserves to meet the apportionment to Kent of primary land won construction aggregates in national mineral planning policy

(ii) safeguard future sources of construction aggregates

(iii) identify and safeguard sufficient raw materials to maintain supply to existing individual brick and tile works

(iv) identify sufficient resources of raw material for cement manufacture to meet national policy requirements and consider the supply and use of chalk for non cement making purposes

(v) identify sufficient silica sand reserves to meet national policy requirements including consideration of safeguarding of high quality silica sand reserves for appropriate end uses; and

(vi) provide for the necessary safeguarding of existing and proposed mineral importing wharves and rail depots.

**Waste Management Sites DPD**

3.1.9 The document will identify suitable locations and allocate sites for all types of waste management development (e.g. recycling, composting, processing, treatment, and landfill) based on the strategy and principles set out in the Minerals and Waste Core Strategy and encompassing all waste streams (Municipal Waste, Commercial and Industrial Waste and Construction, Demolition and Excavation Waste including hazardous wastes, waste water and biomass). Where possible the DPD will identify specific sites or alternatively preferred areas of search.

3.2 When and how can the community get involved?

3.2.1 We have a plan-led system which means that planning applications are normally determined in line with the development plan. It is important for communities to engage in plan preparation at the earliest opportunity and remain involved throughout the process.

3.2.2 Engagement includes:
informing and updating the community regarding the progress and content of the Minerals and Waste Development Framework

- maintaining dialogue and providing feedback so those involved know they are being listened to; and
- being open and responsive to comments and proposals whilst emphasising the mutual benefits of early engagement and acknowledging that formal stages of consultation are subject to statutory timescales.

Scoping ('Issues') Consultations

3.2.3 This early stage is about establishing the issues that the DPDs should address. For example for the Core Strategy we will need to look at:

- Supply of, and demand for, minerals.
- Growth of different types (streams) of waste.
- Accommodating future requirements for minerals and waste developments.

3.2.4 This is also a good opportunity to consider the overall objectives that should guide the plans, and to receive information from the minerals and waste management industries and others about future intentions and aspirations for particular sites.

3.2.5 During our initial SCI scoping consultation in summer 2009, 42% of respondents said they would like to help define the issues and options that the Core Strategy should address and several respondents said they had specific information or proposals that they would be willing to contribute at this stage. While for most respondents the preferred method of providing this information was through written representations, there was also interest in individual meetings with us and in participating in workshops. We wish to ensure that a portfolio of opportunities covering these options are available.

Strategy and Policy Directions

3.2.6 The next stage will be to consider the ‘directions’ that the Core Strategy, and through it, the rest of the MWDF should take. The SCI scoping consultation indicated significant interest in commenting at this stage with again a principal preference for the use of written responses, along with support for meetings with the county council or participation in workshops with other stakeholders.

Pre-Submission Consultation

3.2.7 Responses to the policy directions document will inform the version of the document that is published prior to submission to the Secretary of State. At this stage comments are restricted to matters of 'soundness'. To be 'sound' DPDs must be:
• **justified** i.e. founded on a robust and credible evidence base, and representing the most appropriate strategy when considered against the reasonable alternatives

• **effective** i.e. deliverable, flexible and able to be monitored; and

• consistent with **national policy**.

3.2.8 Respondents to the scoping consultation expressed more interest in commenting at this stage (68%) than at any other. However, it may be that not everyone was aware that there is a limited scope for comment on plans at the Pre-Submission stage. We would strongly emphasise that to have the opportunity to provide wide-ranging comments with the potential to inform the shape and content of Development Plan Documents, members of the community should engage during the **early and formative stages** of preparation at the Scoping (‘Issues’) or **Strategy and Policy Directions stages**.

**Submission**

3.2.9 After taking into consideration any issues of ‘soundness’ raised at the Pre-Submission stage, the Submission version of the DPD is sent to the Secretary of State for examination by an Independent Planning Inspector. Although we are not inviting representations at this stage, we are required to submit a summary of the main issues raised at the previous consultation stages and show how the views have been taken into account. Again, this demonstrates the importance of sending us your views as early in the development plan preparation process as possible. Consultees will be notified of the submission of the document and copies will be available online and on deposit in hard copy.

**Independent Examination**

3.2.10 An Inspector will be appointed to carry out an independent assessment of a submitted Development Plan Document to ensure that it satisfies the statutory requirements for its preparation and is ‘sound’. An independent examination will be held.

3.2.11 It is for the Government appointed inspector to determine the form of the examination. Examination may take the form of a round table discussion, informal or formal hearing. Representations will only be heard at a hearing session when a change is sought to a DPD on the basis of soundness tests. Inspectors are careful to ensure that people who are unfamiliar with an oral hearing are properly guided through the process. Written representations carry the same weight with Inspectors as oral representations and this should be considered when assessing how best to take part.

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3.2.12 After the examination, the Inspector will produce a report with recommendations and reasons. The conclusions reached by the Inspector are binding on the council and we shall therefore incorporate any changes required when adopting DPDs.

Adoption

3.2.13 When the DPD is adopted we shall notify everyone who made representations and place advertisements in the local press and on our website, where the full document will also be published.

Monitoring

3.2.14 The council is required to monitor progress with plan preparation and the implementation and effectiveness of policies through its Annual Monitoring Report (AMR) published no later than 31 December each year. The AMR will report on:

- How the council is performing against the programme and timescales set out within the Minerals and Waste Development Scheme.
- Whether it is meeting, or is on track to meet, the targets set out in the Minerals and Waste DPDs and, if not, the reasons why.
- What impact the minerals and waste policies are having on other targets set at national, regional or county level.
- Whether any policies need to be replaced to meet sustainable development objectives.
- What action needs to be taken if policies need to be replaced.

Sustainability Appraisal

3.2.15 Delivery of sustainable development is a central objective of the planning system. **Sustainability Appraisal** is a systematic and iterative process to appraise, record and consult on the sustainability of a strategy, plan or programme. It forms an integral part of plan preparation. We shall be subjecting the MWDF plan documents to a Sustainability Appraisal (SA) to examine the economic, social and environmental impacts of the plan. This must incorporate the legal requirements of the European Union’s **Strategic Environmental Assessment (SEA) Directive**. This includes the need for public consultation which will be undertaken alongside consultation on the emerging plan. Development of the SA provides a number of opportunities for consultation, in particular:

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26 Article 19 (5) of the Planning and Compulsory Purchase Act 2004 requires a Sustainability Appraisal to be carried out on Development Plan Documents.
27 Directive 2001/42/EC.
• **SA Scoping:** At the early, evidence gathering, stage of plan-making consultation will be carried out on the appropriate scope and framework of the SA. The Scoping Report will be made available for public viewing and for comment for, at least, the statutorily prescribed minimum period (five weeks).

• **SA of emerging objectives, options and preferred options** during the formative stages of DPD production.

• **SA Report:** documenting the appraisal and its findings in conjunction with each Development Plan Document at the publication (Pre Submission) stage.

3.2.16 76% of respondents to the SCI Scoping consultation indicated a wish to be informed of the findings of the MWDF Sustainability Appraisals, with 56% requesting the opportunity to comment on the findings. A number of respondents sought additional opportunities for involvement with the SA; holding workshop(s) on the appraisal of options/ emerging preferred options would provide such opportunities.

3.2.17 All SA documents produced at each stage in the development of the DPDs will be available for comment alongside the emerging plan documents themselves.

3.2.18 Additionally **Appropriate Assessment** (AA), required under the European Union’s Habitats Directive, must inform all stages of plan preparation as well as the determination of relevant planning applications. It is required to ascertain that a plan or development proposal will not have an adverse effect on the integrity on any Natura 2000 or European site which are designated for the protection of specific habitats and species.

3.2.19 Although AA should be undertaken in conjunction with SA (see above) they are separate processes and will be addressed in separate reports. AA is a legal requirement to demonstrate no adverse effect upon the integrity of sites, whereas SA is a means of comparing the sustainability of options. Both will inform the development of plan objectives and policy options.

**Engaging with the Community: Accessing Our Documents**

3.2.20 All MWDF documents and supporting evidence will be available from our website (www.kent.gov.uk/mwdf) with all documents subject to public consultation also published on our consultation portal (http://consult.kent.gov.uk).

3.2.21 The SCI scoping consultation indicated that many people welcome the opportunity to communicate electronically, which will facilitated through our consultation portal. However more traditional methods remain the preference of a significant number. Paper copy alternatives will therefore be available to those who would rather work this way. Copies of MWDF consultation documents will be available
for public inspection at Kent County Council's main offices\(^{(29)}\) at Kent Gateways\(^{(30)}\) and through the county's library network. Paper based responses to consultations will be entered into our consultation portal for the purposes of analysis and accessibility.

**Engaging with the Community: Keeping in Touch**

3.2.22 We will ensure that all interested people and organisations are updated on progress throughout preparation of the MWDF. Stakeholders and members of the public will be able to access regularly updated information about the MWDF through our website. We will encourage use of our online consultation portal as the principal means by which all interested individuals, groups and organisations comment on our plan documents at all stages in their preparation.

3.2.23 We will communicate directly with all consultees registered on our consultation portal. The portal provides users with openness and transparency for consultation - anyone can comment, view the comments of others and see how all comments have been managed. We may also use local newspapers, council newsletters and other media to raise awareness at key stages in preparing the Development Framework.

**Engaging with the Community: Stakeholder Workshops & Meetings**

3.2.24 These provide an opportunity for more in depth discussion and dialogue with individual sectors of the community or a cross section of interests such as the minerals and waste industry, local planning authorities, authorities within the Kent Waste Partnership\(^{(31)}\), Local Strategic Partnerships (LSPs), statutory environmental agencies, statutory undertakers (water, gas, electricity and telecommunications companies) and other environmental groups to collectively discuss a range of issues or options being considered within the MWDF. We will liaise with and arrange groupings that embrace this range of interests throughout the preparation of the MWDF. Stakeholder workshops will be particularly important during the Scoping ('Issues') phase of the MWDF and the assessment of options and formulation of Directions for policy.

**Engaging with the Wider Community**

3.2.25 In formulating our plans it will be important for us to reach as wide an audience as possible. It would be beneficial to both our plans and the public interest to have comments and views from individuals and groups from the wider community, those familiar with the planning process generally and more specifically in relation

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29 Sessions House, Maidstone; Joynes House, Gravesend; Kroner House, Ashford; Kings Hill Office, West Malling; St. Peter's House, Broadstairs.

30 Gateways provide a wide range of public and voluntary services in one location, conveniently situated on the high-street or in a town centre. In Kent Gateways have opened in Ashford, Dover, Maidstone, Tenterden, Thanet, Tonbridge and Tunbridge Wells.

31 The Kent Waste Partnership (KWP) is made up of Kent's district and borough councils, which are responsible for waste collection in Kent, and Kent County Council as the waste disposal authority.
to minerals and waste matters. Where possible we will utilise existing consultative arrangements to achieve this, taking into account that our plans are county-wide in nature. Again input will be particularly important during the Scoping ('Issues') phase and the assessment of options and formulation of Directions for policy.

Statement 6

Working Together: Local Strategic Partnerships (LSPs)

LSPs bring together the public, voluntary, community and private sectors to co-ordinate the contribution that each agency can make to improve localities. Within two tier local government areas such as Kent there is both a county wide LSP (the Kent Partnership) and eight district LSPs. LSPs have developed Sustainable Community Strategies setting out long term vision and strategic priorities. LSPs also have an important role in the delivery of co-ordinated activity to inform, consult and involve local people and organisations in local decision making and service provision.\(^{(32)}\)

Statement 7

Working Together: Community Engagement

By working in partnership with all levels of local government in Kent (county/district/parish), other public sector partners and the voluntary sector a range of models for community engagement are being developed, including:

- Neighbourhood Forums (e.g. in Dover and Gravesham) which include all three tiers of local government in the area.
- Local Engagement Forums (e.g. in Swale) including the three tiers of local government as well as the Police, Primary Care Trust and voluntary sector.
- Extention of the county council’s Local Boards to include other partners. A Local Board covers a particular district with membership drawn from the county councillors for the area concerned.

MWDF Engagement Opportunities: Summary

3.2.26 Tables 3 and 4 summarise the different stages in preparing elements of the MWDF and the possible opportunities and methods envisaged for community involvement.

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\(^{(32)}\) As required under the 'duty to involve' introduced by the Local Government and Public Involvement in Health Act 2007.
### Table 3: Consultation and Involvement in the Minerals and Waste Development Framework: SCI and Core Documents

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<th>Consultation Event</th>
<th>Notification to all MWDF Consultees</th>
<th>Online Publicity &amp; Documents Published Online</th>
<th>Paper copy of Documents Available for Inspection*</th>
<th>Evidence Base Published Online</th>
<th>Stakeholder Workshops</th>
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*At Kent County Council Offices, Gateways and Libraries.

- ✓ Only notifications to consultees who have made previous representations.
- ✓✓ Only notifications to consultees if requested.
Table 4: Consultation and Involvement in the Minerals and Waste Development Framework:
Site Documents

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- ✔️ Only notifications to consultees if requested.

Statement of Community Involvement

Kent County Council
Supplementary Planning Documents

3.2.27 Supplementary Planning Documents (SPD) may form part of the MWDF for Kent. Their purpose is to expand on policy issues or provide further detail to policies in Development Plan Documents. SPD preparation is simpler as they are not subject to independent Examination by a Planning Inspector. However, it is important for SPDs to be subject to full community involvement and, where appropriate, Sustainability Appraisal. The approach to consultation will vary depending on the nature and geographical coverage of the proposed SPD. We will inform local communities and stakeholders of the programme of consultation proposed for a specific SPD early in its preparation.

Supplementary Guidance

3.2.28 The county council may also produce Supplementary Guidance (SG) on matters relating to the delivery of development which provides economies and is applicable to areas greater than single districts. Although this would not be a Supplementary Planning Document (SPD) it can be given similar weight in decision making if it has been subject to the same consultation procedures and, where necessary, Sustainability Appraisals, as a SPD. The county council will apply the same approach to consultation on SGs as that envisaged for SPDs.
3.3 How shall we judge the effectiveness of involvement?

3.3.1 Community involvement will be considered successful if all interested parties have been given an opportunity to express their views and it can be demonstrated that these views have considered during the preparation of the MWDF.

Policy 3

We recognise that it will not be possible for plans to incorporate all views received but the decision-making process should be transparent and clearly explained.

3.3.2 Each document in the MWDF requires a statement outlining who has been invited to contribute and how, what matters have been raised as a result and how they have been taken into account. These statements will be available on our website.

Table 5: Consultation and Involvement in the Minerals and Waste Development Framework: Supplementary Planning Documents (SPD) and Supplementary Guidance (SG)

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<td>Early Informal Stakeholder Consultation</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Six Week Public Consultation Period (minimum length)</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Online Publicity &amp; Documents Published Online</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Paper Copy of Documents Available for Inspection*</td>
<td>✓</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Evidence Base Published Online**</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Documents Sent to Relevant Consultation Bodies</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Advertisement</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*At Kent County Council Offices, Gateways and Libraries.
**Including Sustainability Appraisal if applicable.
Policy 4

We will aim to:

- Acknowledge receipt of your comments received as a result of a consultation, through specific meetings or workshops.
- Provide timely feedback to those involved with specific consultation events.
- Provide a summary of key information received and our response.
- Provide regularly updated progress reports on our website on how preparation of the MWDF is proceeding.
- Seek views from those who have participated in consultation events and workshops to guide any necessary improvements for the future.

3.3.3 The approaches to community involvement set out in this SCI will be kept under review and considered through our Annual Monitoring Report. If necessary we will undertake a formal review of the SCI.
4 Community Involvement and Planning Applications

4.0.1 Planning applications have to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Plan making arrangements provide for plans to be regularly reviewed and to incorporate ongoing and accessible opportunities for community involvement in the formulation of planning policy. Applications that come forward, in accordance with established policy, should benefit from community support. However, applications may be in conflict with the development plan and/or be of such a scale as to attract wider public and community interest. The county council actively encourages involvement in the development management process and welcome comments from all interested parties.

Statement 8

Kent County Council's Role in Development Management

The county council deals with and determines applications for three types of development:

- The winning and working of minerals found in Kent, such as sand, clay and chalk.
- The management and disposal of waste including landfill sites, household waste recycling centres, waste transfer, composting and waste water treatment facilities.
- Development proposed by the county council as part of its statutory services such as schools, care homes, and certain roads.

4.0.2 We deal with approximately 400 planning applications each year: some 80% of these relate to the county council's own development, and 20% to minerals and waste proposals. Proposals can range from modest school building extensions to large scale proposals for mineral working, waste management facilities and new roads on the county highway network.

4.0.3 The vast majority of planning applications are dealt with by the 12 district councils in Kent. The district council arrangements for community involvement in the consideration of planning applications are set out in their own individual Statements of Community Involvement.
4.0.4 The 2004 Planning Act seeks to provide for greater community engagement in the control and management of development whilst also speeding up service delivery. There are currently a number of Best Value Performance Indicators (BVPI) that the county council are expected to achieve. National BVPI 109 required the county council to set a local indicator for processing Minerals and Waste applications. The target (for 2010/2011) was to determine at least 70% of applications within 13 weeks. This also applied to the county council’s own developments. Timescales for public consultation were required to be reconciled with this objective. However it should be noted that the Coalition Government have recently announced their intention to replace these National Indicators with a single list of agreed government data requirements. (35)

4.0.5 The Audit Commission has classed Kent County Council as an ‘excellent authority’ in the way it provides services to its customers. This allows the authority the scope to set local performance targets more relevant to local stakeholders. While we remain committed to improving timescales for reaching planning decisions this needs to be balanced against the need for all stakeholders to fully engage in consultations, and the quality of the outcome. A recent review of the planning applications system explicitly recognises this need. (36)

4.0.6 We aim to improve both the time taken to determine applications and the quality of decisions in terms of consistency and in reflecting the interests of the community. There are opportunities for involvement at various stages of dealing with an application. However, the resources available to the planning service are limited. The more that we add to the service in terms of community involvement the higher the cost to be met by the community.

Nationally Significant Infrastructure Projects

4.0.7 The Planning Act 2008 provided a new fast track regime for development consents for nationally significant infrastructure projects. The Infrastructure Planning Commission (IPC), set up to consider and decide such major proposals, is due to be abolished in line with the Government’s Coalition agreement. In its place, the government intends to establish a Major Infrastructure Planning Unit as part of the Planning Inspectorate. The new Unit will determine applications within the same statutory fast track timeframe but final decisions will be taken by elected representatives (Ministers) rather than the IPC’s commissioners. The IPC will continue to function until the relevant legislation is brought in 2011. (37) The new arrangements will still acknowledge the importance of consultation with local authorities early in the process and our key role in representing local community views.

35 Source: Communities and Local Government (October 2010) News room: Councils’ red tape cut as 4,700 Whitehall targets slashed.
4.1 When and how you can get involved with planning applications

4.1.1 As well as complying with the statutory requirements for community consultation we also carry out additional means of community engagement. We consider that existing arrangements for involvement and consultation on planning applications work well; as largely confirmed by the responses to our SCI Scoping consultation. These arrangements represent an appropriate balance between the breadth and extent of opportunity for community involvement, the time spent, costs incurred and efficient decision making.

4.1.2 There is also significant support for wider use of, and access to, e-planning facilities.

**Policy 5**

**E-planning for Development Management**

Kent County Council is committed to new investment in e-planning. The new online planning application system will allow greater accessibility to our decision making process through the following:

- Submission and publication of planning applications online.
- Access to supporting documentation for planning applications.
- Acceptance of online responses to consultation on planning applications from key stakeholders and the community.

4.1.3 Most planning applications, with the exception of mineral proposals, are made on the standard application form (1APP) which is available online and to print in hard copy. Following the introduction of the online planning application system it is intended that most applications will be made electronically.

4.1.4 While 'e-planning' initiatives are widely welcomed there will be those unable or unwilling to take advantage of the new technology. Consultation responses submitted electronically are preferred and strongly encouraged as the running of duplicate paper and electronic arrangements has considerable resource implications in terms of both finance and the environment. For those without personal access, information and electronic documents on our website will be available through public libraries, Gateways, main county council offices and other publicly accessible internet facilities. Opportunities to access applications at our offices may be arranged by appointment.

4.2 Pre-application stage

4.2.1 Involving people and communities before an application is submitted allows them the opportunity to influence developments as they are being designed. It can help to deal with matters that could otherwise develop into unnecessary objections.
We recognise that by working together on a project from the early stages, both developers and local planning authorities can achieve better outcomes for the community and stakeholders. Open and constructive pre-application negotiation can not only save time, but produce a scheme that balances the need to safeguard natural interests with finding a planning solution for proposed development.

4.2.2 In our SCI Scoping consultation 65% of respondents said that they were happy with existing arrangements for pre-application discussions. However, some felt that the local community should be given more chance to get involved in discussions before an application is made. We agree that time taken by the developer at the earliest stages to involve the community may mean that important issues are identified and addressed at the outset.

4.2.3 Pre-application discussions with the county council are strongly encouraged as they can help improve the quality and efficiency of the application process. We suggest the statutory authorities and other stakeholders are approached for guidance and advice on mitigation measures and good practice for different types of development (see Appendix C for a list of relevant bodies). Timely involvement of local people in the pre-application stage can achieve development that takes better account of local interests and needs. This might just mean talking to neighbours, but for large applications we may advise developers to undertake pre-submission consultation.

Policy 6

Pre Application Discussion and Consultation

At the pre-application stage we will:

- encourage developers to contact us as early as possible when designing their proposals; and
- if appropriate, encourage potential applicants with large and/or potentially controversial proposals to engage with relevant district/parish/town councils and the local community as early as possible and subsequently demonstrate how they have responded to the issues raised.

4.3 Submitting an application

4.3.1 Most planning applications are submitted via a standard application form (1APP) (except mineral proposals). The forms can be obtained from the Planning Portal via our website. Most applications can be submitted online via the Planning Portal.
Portal or by email or in hard copy form to the county council. It will be possible to submit electronic applications for mineral developments through the new online planning application system.

4.3.2 Responses to the SCI Scoping consultation indicated wide support for online submission of applications as a quick and convenient way to send proposals. We expect to implement our new system in early 2011. Once operational all applications will be expected to be submitted online. Receiving applications this way will facilitate subsequent electronic processing including consultation procedures.

4.4 Publicity and consultation

4.4.1 Once an application has been received and validated it will be publicised. There are current legal requirements for publicity associated with planning applications. If the application:

- is accompanied by an Environmental Statement
- is a departure from the Development Plan
- would affect a public right of way, or
- would affect a listed building or conservation area.

Or:

- is a major development, i.e.
  - it is for a building of 1,000 sq metres or more
  - it occupies a site of 1 hectare or more, or
  - it relates to minerals or waste management.

It must be publicised by:

- a site notice displayed for at least 21 days – at least one notice on or near to the application site, and
- a local advertisement – with notice of particulars published in local newspaper(s).

4.4.2 If the application does not fall within any of the above criteria it must be publicised by:

- a site notice displayed for at least 21 days – at least one notice on or near to the application site, or
- notifying adjoining owners or occupiers.

4.4.3 From 1st October 2010 the Government have requested that, in addition to the above requirements, local authorities publish the following information online:

● the address or location of the proposed development
● a description of the proposed development
● a date for comments to be made (at least 14 days from publication)
● where and when the application may be inspected, and
● how representations may be made.

4.4.4 The online planning application system is expected to be implemented in early 2011. To meet the new information requirements in the interim period planning application site notices will be published on our website for a minimum of 14 days.\(^{(41)}\)

4.4.5 A recent government-commissioned report\(^{(42)}\) recommended that local planning authorities have greater freedom over how new applications are publicised. The Review concluded that removing such requirements would enable local planning authorities to take a more proportionate, effective and local approach to publicising applications.

4.4.6 In 2009 Government consulted on future arrangements for the publicity for planning applications.\(^{(43)}\) Three possible changes were put forward:

● Mandatory web publication (for 21 days).

● Removing the requirement for newspaper advertisements.

● Changing the period for displaying site notices to 21 days for listed building and conservation area consent and for development affecting the setting of a listed building or the character or appearance of a conservation area.

4.4.7 The county council would support these changes - in particular newspaper notices are expensive to place and potentially seen by a small number of people. However whilst Government has now decided to introduce a requirement for publication of information on planning decisions via the web it has also determined that the statutory requirement to publish certain planning applications in local newspapers should remain.\(^{(44)}\)

\(^{41}\) See: [http://www.kent.gov.uk/environment_and_planning/planning_in_kent/planning_applications/view_planning_applications.aspx](http://www.kent.gov.uk/environment_and_planning/planning_in_kent/planning_applications/view_planning_applications.aspx)


\(^{43}\) Communities & Local Government (2009) Publicity for Planning Applications

\(^{44}\) Communities and Local Government (2009) Publicity for Planning Applications: Summary of Responses.
Policy 7

Publicity for planning applications through advertisements and via our website

We will continue to advertise planning applications in the press in accordance with statutory requirements and will also continue to publish a list of applications received to be determined by the county council on our website. An online system detailing application progress, documents and final decisions will also be introduced as a part of our new planning applications system.

4.4.8 A Case Officer will be allocated for each application and will be the main point of contact for all related enquires. We notify the county councillor in whose area the application has been made so that he/she is aware of the nature of the development proposed and can provide a focal point for those who wish to make representations.

4.4.9 We will continue to meet the current statutory requirements for publicity through site notices and to exceed them by also notifying local residents. The extent of neighbourhood notification will depend on the type and scale of the proposal. We will consider the proximity of neighbouring property to the proposed development and assess if it is close enough to be affected. Neighbourhood notification normally involves sending a letter which allows for at least 21 days for comments to be made.

Statutory consultees for planning applications

4.4.10 Specific consultees are required to be consulted on planning applications according to the type, location and scale of development.\(^{(45)}\) A list of statutory and non statutory consultees for development management are detailed in appendix C.

Viewing applications and making comments

4.4.11 Paper copies of applications can be viewed at the county council’s offices at Invicta House in Maidstone and at present copies are also made available to the relevant district council. Under the new, online system only electronic copies will be sent to district council offices, parish/town councils, Gateways and public libraries where they will be available for viewing. Once implemented, applications will be available through an online search system from our website.\(^{(46)}\)

\(^{(46)}\) Go to the Planning Applications homepage at http://www.kent.gov.uk/environment_and_planning/planning_in_kent/planning_applications.aspx
4.4.12 Responses to consultation need to be in written form - a telephone conversation does not constitute a formal response as this carries a risk of misinterpretation. Our preferred method of response to consultation will be through the new online system. Representations are also accepted by email \(^{(47)}\) and letter.

4.4.13 Where an application is amended, prior to a decision being taken, provision for further consultation depends upon the nature of the revised details and their connection with the terms of the objection(s) previously submitted. A minimum of seven days to respond will be provided when further consultation is undertaken.

4.4.14 Any material planning considerations \(^{(48)}\) raised by stakeholders and the community will be taken into account in the determination of the application. Points made through representations will be considered on the strength of the planning arguments put forward for each application rather than on the numbers of people expressing a view. We aim to make a clear link between your responses and our decision or action.

4.5 Determining an application

4.5.1 The application of guidelines, decisions on procedures and good practice outlined in this section will be responsive to the circumstances of individual cases.

4.5.2 Many applications are not contentious and are determined by Planning Officers under powers delegated to them by the county council's Planning Applications Committee. Objections can often be resolved through negotiation.

**Site Meetings and Public Meetings**

4.5.3 An **informal site meeting** between an applicant and Planning Officer(s) can sometimes help to clarify issues and are arranged as needs arise. These sometimes involve residents in the vicinity of the application site and other officers.

4.5.4 A **formal site meeting** may be held for more controversial cases. These can be attended by district and parish/town council members and officers as well as the applicant and county council representatives. Such meetings enable members of the Planning Applications Committee to view the proposed site and gain a better understanding of the proposal. They are arranged either on the recommendation of county council officers, by formal request from the district council, or in response to local residents' requests. The need to convene a site meeting depends on the nature of the proposal and the planning issues raised. The decision as to whether a site meeting should be held rests with the Chairman of the Planning Applications Committee. It is not possible to convene a site meeting every time one is requested.

\(^{(47)}\) planning.applications@kent.gov.uk

\(^{(48)}\) While there is no legal definition of what constitutes a material consideration, it can potentially be any consideration that relates to the use and development of land. For planning applications, common material considerations include environmental or residential impact, highways issues and opportunities for lessening the impact of the proposal. Impact on property value, for example, is not a material consideration.
because of the substantial costs and time delays to progressing the application. Normally a site meeting would be held as close as possible to the Committee meeting at which the application is to be decided.

4.5.5 For major planning applications which are very controversial or those where there is a high level of interest from the local community, a public meeting may be arranged. These meetings offer the change for members of the public to directly address their concerns to the Committee. The need for a public meeting is at the discretion of the Chairman of the Planning Applications Committee. For practical reasons (such as capacity of the venue) invitations are restricted to those who have already corresponded on the application. In instances when public meetings are arranged, members often hold a separate site visit to inspect the site beforehand. Officers and the applicant also attend the public meeting and key stakeholders are invited.

The Planning Application Committee

4.5.6 In instances where applications attract unresolved planning objections that are material to the application (i.e. where there are substantive planning objections that cannot be resolved by negotiation) applications are determined by the Planning Applications Committee (PAC).

4.5.7 Applicants and objectors are able to address members at the Committee in accordance with our public speaking guidelines. These provide for a limited number of parties, who have previously expressed an interest in an application, to speak directly to the Committee for up to five minutes as part of the debate on the proposal. The Speaking to the Planning Applications Committee Protocol is set out in Appendix D of this document and is available from our website. All Committee meetings are open to the public.

Planning Conditions

4.5.8 Conditions may be attached to planning consents to address matters that might otherwise make a proposed development unacceptable. These should not seek to duplicate controls that are more appropriately imposed by other regulators such as the Environment Agency.

49 The Planning Applications Committee webpage: http://www.kent.gov.uk/environment_and_planning/planning_in_kent/planning_applications/planning_committee.aspx
Planning Obligations

4.5.9 There are powers available to the county council\(^{50}\) to grant planning permission subject to the completion of a planning obligation; this is a legal agreement between the applicant and the planning authority. Planning obligations are used to make development acceptable which would otherwise be unacceptable in planning terms and cannot be addressed by planning conditions. The agreement must be directly related to the development concerned and fairly and reasonably related in scale and kind.\(^{51}\) Where a planning obligation is envisaged its proposed ‘heads of terms’\(^{52}\) will normally be included in the report to the Planning Applications Committee on a planning application.

4.6 Post-decision stage

4.6.1 Following determination of an application, whether by delegation or by the Planning Applications Committee, everyone who made written representations is notified of the decision. As part of the new online system, the decision notice will be published on our website.

Site Liaison Groups

4.6.2 In granting planning consent for major mineral working, waste management or other significant community development we will continue to consider whether the establishment of a Liaison Group is appropriate. Such groups bring together the site operator, representatives of the local community and county council officers (as required) to discuss site related issues. The frequency of liaison meetings can vary according to need. Provision for the establishment of a Liaison Group will often be secured through a planning obligation agreement.

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\(^{50}\) Under S.106 of the Town and Country Planning Act 1990 as substituted by the Planning and Compensation Act 1991 and as amended by the Community Infrastructure Levy Regulations 2010.


\(^{52}\) ‘Heads of terms’ is a document setting out the terms of a S.106 agreement as agreed in principle between the parties during the course of negotiations.
5 Sources of Advice on Planning Matters

5.0.1 We would strongly encourage all potential applicants and interested parties to contact us for advice in the first instance.

5.0.2 However, there are other sources of advice and support to help local communities engage with planning matters affecting their area. Planning Aid provides free, independent professional help on planning issues for local communities who cannot afford to hire a planning consultant. Planning Aid is run by the Royal Town Planning Institute. It complements the work of local authorities but is wholly independent of them. Planning Aid can help people to:

- Understand and use the planning system.
- Participate in the preparation of plans.
- Prepare their own plans for the future of their community.
- Comment on planning applications.
- Apply for planning permission or appeal against the refusal of planning permission.
- Represent themselves at public inquiries.

If you think Planning Aid could help you they can be contacted at:

Planning Aid
South East Planning Aid
Kent Architecture Centre
1st floor
Admiral's Offices
The Historic Dockyard
Chatham
Kent ME4 4TZ

Tel 01634 831167

Email: seco@planningaid.rtpi.org.uk

Web address: www.planningaid.rtpi.org.uk
### Appendix A Definitions

<table>
<thead>
<tr>
<th>Term or Word</th>
<th>What We Mean by it in this Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community</td>
<td>Refers to 'the people of Kent’ in the widest sense. It incorporates communities of interest (e.g. societies, associations, businesses, etc.) and communities of place (e.g. village, neighbourhood, town etc).</td>
</tr>
<tr>
<td>Development Plan Document</td>
<td>A statutory document forming part of the Local Development Framework which sets out planning policy proposals against which planning applications will be considered. Subject to rigorous procedures of community involvement, consultation and independent examination. Can take the form of a Core Strategy, site specific allocations of land, Area Action Plans and Proposals Maps.</td>
</tr>
<tr>
<td>Development Scheme</td>
<td>Provides an programme and timetable for all the Development Plan Documents to be prepared.</td>
</tr>
<tr>
<td>Development Management</td>
<td>A proactive and positive approach to delivering sustainable development through the planning application process, including the statutory requirements relating to publicising, consulting on and determining applications for planning permission and taking into account the opinions of local people and others.</td>
</tr>
<tr>
<td>Local Development Framework</td>
<td>Collection of Local Development Documents produced by local planning authorities which collectively deliver the spatial planning strategy for an area. The Minerals and Waste Development Framework is specific to minerals and waste matters and covers a broader (county wide) area.</td>
</tr>
<tr>
<td>Involvement, participation,</td>
<td>These terms are used interchangeably to describe processes which enable people to inform, influence and understand issues, policies and plans. Where possible we use ‘involvement' as the main generic term.</td>
</tr>
<tr>
<td>engagement</td>
<td></td>
</tr>
<tr>
<td>Planning Policy Statement</td>
<td>PPSs are prepared by the Government after public consultation to explain statutory provisions and provide guidance to local authorities and others on planning policy and the operation of the planning system. They also explain the relationship between planning policies and other policies which have an important bearing on issues of development and land use.</td>
</tr>
<tr>
<td>Term or Word</td>
<td>What We Mean by it in this Document</td>
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<td>-------------------------------------</td>
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<tr>
<td>Planning Policy Statement 12</td>
<td>PPS12 explains what local spatial planning is, and how it benefits communities. It also sets out the key components of local spatial plans and the key government policies on how they should be prepared.</td>
</tr>
<tr>
<td>Local Spatial Planning (PPS12)</td>
<td></td>
</tr>
<tr>
<td>Public</td>
<td>The population at large, especially those people who will not necessarily be engaged through working with existing stakeholder organisations.</td>
</tr>
<tr>
<td>‘Seldom Heard’ Groups</td>
<td>‘Seldom heard’ groups include those who may suffer social, health or economic disadvantage, religious and cultural minorities or other traditionally excluded individuals and communities. It may also include those who are, for example, “time poor”, such as commuters and those who, for one reason or another, are not represented in traditional social networks, such as interest-based clubs and societies. Sometimes referred to as ‘hard to reach' groups although this implies that the problem lies within these communities.</td>
</tr>
<tr>
<td>Spatial planning</td>
<td>Spatial planning goes beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they function. This will include policies which can impact on land use by influencing the demands on, or needs for, development, but which are not capable of being delivered solely or mainly through the granting or refusal of planning permission and which may be implemented by other means. (53)</td>
</tr>
<tr>
<td>Stakeholder</td>
<td>Individuals or organisations who have a strong interest in the issue, or may be affected directly by any decisions or plans. Includes statutory groups or agencies that the council has to consult.</td>
</tr>
<tr>
<td>Statutory requirements</td>
<td>Actions required by the county council as a result of legislation.</td>
</tr>
<tr>
<td>Transparent</td>
<td>Open to public scrutiny.</td>
</tr>
</tbody>
</table>

Appendix B Involving Our Community: Consultees for Policy Development

We are developing a database of contacts for the Minerals and Waste Development Framework. Registration on the database is open throughout the development of the Framework to enable new contacts and interested members of the public to become involved. All consultees will be registered with an account on our planning policy consultation portal. This ensures notification about new consultation events and the option to submit comments on policy documents online.

You can register yourself as a consultee on our consultation portal at http://consult.kent.gov.uk/. Alternatively, you can contact us at the address below with your details, including that of any organisation you represent.

Minerals and Waste Development Framework Team
Environment, Highways & Waste Directorate
Kent County Council
Invicta House
County Hall
Maidstone
Kent ME14 1XX

or email: mwdf@kent.gov.uk

We will aim to continually extend our database in a number of ways:

- by inviting a wide range of organisations to take part at the outset (an extended, open invitation)
- by asking existing contacts and networks to promote awareness of the process so that their contacts may become involved if they so wish, and
- by encouraging any person or group involved in any part of the process to suggest others who may be interested.

The following provides a list of consultation bodies that will be involved in the Minerals and Waste Development Framework. The lists relate to successor bodies where re-organisations occur.
Government requires that planning authorities must consult with a number of Specific Consultation Bodies when preparing development plan documents in which they may have an interest. For the Kent Minerals and Waste Development Framework this list is as follows:

- All District and Borough Councils in Kent.
- Adjoining Local Authorities.
- All Town and Parish Councils in Kent and those neighbouring Kent.
- Kent Police.
- Environment Agency.
- Highways Agency.
- Network Rail.
- Union Railways - High Speed 1 (HS1).
- English Heritage.
- Natural England.
- Homes and Communities Agency.
- Coal Authority.
- Telecommunications companies.
- South East Coast Strategic Health Authority.
- Eastern & Coastal Kent Primary Care Trust.
- West Kent Primary Care Trust.
- Relevant electricity companies.
- Relevant gas companies.
- Relevant sewerage undertakers.
- Relevant water undertakers.

54 Under the 2004 Local Development (England) Regulations (as amended by the 2008 and 2009 Regulations).
The Regulations also specify that we consult a number of General Consultation Bodies where relevant to the specific planning activity. Such organisations can encompass:

- voluntary organisations some or all of whose activities benefit any part of the authority’s area
- organisations which represent the interests of different racial, ethnic, national or religious or disability groups in the authority’s area, or
- organisations which represent the interests of persons carrying on business in the authority’s area.

The list of these general consultation bodies below is not exhaustive but indicative of the types of organisation who may be consulted in the preparation of policy documents:

- Airport operators in Kent.
- Areas of Outstanding Natural Beauty Management Units (Kent Downs and High Weald).
- Ashford’s Future.
- British Aggregates Association.
- British Geological Survey.
- British Marine Aggregates Producers Association.
- Campaign to Protect Rural England - Kent Branch.
- Civil Aviation Authority.
- Confederation of British Industry.
- Country Land and Business Association.
- Crown Estates.
- Defence Estates.
- Environmental Services Association.
- Federation of Small Businesses
- Freight Transport Association.
- Home Builders Federation.
- Kent Association of Local Councils.
- Kent Chamber of Commerce.
- Kent Federation of Amenity Societies.
- Kent and Medway Citizens Panel.
- Kent Thameside Delivery Board.
- Kent Wildlife Trust.
- Local Strategic Partnerships.
- London Green Belt Council.
- Kent Rural Community Council.
- Kent Waste Partnership.
- Mineral operators.
• Mineral Products Association.
• National Trust.
• National Farmers Union.
• Port and wharf operators in Kent.
• Royal Society for the Protection of Birds.
• Sport England.
• Swale Forward.
• Waste management operators.
Appendix C Involving Our Community: Consultees for Development Management

For planning applications there are a range of statutory and non statutory bodies who should be consulted according to the nature and location of the proposed development and its potential impacts.\(^{55}\) However, consultation is not necessary where a relevant body has issued standing advice for particular types of development, or they do not wish to be consulted.\(^{56}\)

The following organisations/individuals must be consulted for every application for planning permission:

- The relevant district, parish or town council(s).
- Neighbouring occupiers **approximately** within a 90 metre radius for county council developments and 250 metres for minerals and waste developments\(^ {57}\)

On a case by case basis, the following organisations may be consulted:

- Airport Operators.
- British Pipeline Agency.
- Civic Aviation Authority.
- Coal Authority.
- County Fire Officer.
- Campaign for the Protection of Rural England.
- Department for Food and Rural Affairs.
- English Heritage.
- Environment Agency.
- Internal county council departments (Highways, Biodiversity, Public Rights of Way, Heritage).
- Health Protection Agency.
- The Health and Safety Executive
- Highways Agency.
- The Historic Buildings and Monuments Commission for England
- Kent Police.
- Kent Wildlife Trust.
- Local Member.
- Ministry of Defence.
- National Grid.
- Natural England.
- Network Rail.

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\(^{57}\) Please note these distances are at the Case Officer's discretion according to the nature and scale of the proposed development.
- The Ramblers.
- Sport England.
- The county council’s technical consultants.
- The Theatres Trust
- Union Railways - High Speed 1.
- Utility companies.
Appendix D Speaking at Planning Applications Committee

Planning Applications Committee leaflet: Page one.

Useful telephone numbers and addresses

Individual planning officers will normally ask you to write to them personally.

The address for general enquiries is

Head of the Planning Applications Unit,
Kent County Council,
Invicta House, County Hall,
Maidstone ME14 1XX
Tel: (01622) 221061

To get in touch with the committee section you should write to

Andrew Tait/Mary Cooper,
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www.kent.gov.uk

Directions to County Hall HQ

By bus and coach
+ 150 bus from the Medway Towns, Tonbridge and
   Tunbridge Wells, and 101 bus from Medway Towns,
   both stop at County Hall HQ.
Travel Enquiries call 08457 696996 (to-call).

By rail
+ To Maidstone East from London Victoria or
   Ashford, Canterbury West and the Kent coast.
+ To Maidstone Barracks station on the Sroads to
   Paddock Wood line (for services from Chatham,
   Gravesend, Dartford, London Bridge and Charing
   Cross, change at Sroads).
+ To Maidstone West Station from Gatwick, Redhill
   and Tonbridge.

By car
County Hall HQ is located on the A229 Maidstone to
Chatham Road. Leave the M20 or M2 at the junction
with the A229 for Maidstone. Follow the direction
signs towards the town centre and continue for just
over a mile along the A229 cross the first roundabout
and at the next roundabout take the first turning into
Lower Boxley Road. At the mini roundabout at the
top of Lower Boxley Road turn right into Well Road.
Take the next turning right into County Road and you
will see County Hall HQ on your right. Car parking
for County Hall HQ is severely limited. Some meter
parking is available outside Sessions House. Pay and
Display Car Parks are also shown. For long term car
parking, the station car park is recommended.

countyhall@kent.gov.uk
www.kent.gov.uk

Speaking to the Planning Applications Committee

October 2005
Members of the public can speak to KCC's Planning Applications Committee to satisfy themselves that members have all the information they need to decide planning applications.

This leaflet explains the process.

Who can speak to the committee?

If you wish to speak to the committee you must already have sent in a written comment about the application.

If that condition has been met, then residents, parish and town councils, residents' associations, local businesses and other people who live in the county can ask the committee section for the opportunity to speak to the committee. Contact them as soon as you know you want to speak so that they can tell you when the application will be considered.

You will not normally be allowed to be represented by solicitors or other professional agents.

How will I know when the committee is meeting?

The committee meets once a month, usually on a Tuesday at 10 a.m.

If you have told the committee section that you may wish to speak, then they will write to you or contact you by e-mail when we publish the report on the planning application you are interested in.

This normally happens six working days before the committee meets to determine it. Copies of the report will be on the web-site or can be obtained from the committee section.

Please read the report carefully before deciding whether or not you want to speak. The committee members will have read the report. What you can add is information that may be missing from the report or a particular emphasis you feel is not being made.

If after reading the report, you decide you do want to speak to the meeting, then contact the committee section by noon on the Friday before the meeting.

How many people can speak?

Normally up to four people can speak on each application.

They are -

two individuals or group representatives;

one parish council representative; and

the applicant, who has the right of reply to any points made.

If more than two individuals or representatives wish to raise similar points, then the committee section will ask them to agree amongst themselves who should speak for them. If necessary, the chairman of the committee will decide which members of the public may speak on the issue.

What happens on the day?

If you are invited to speak to the committee then you should aim to arrive at County Hall, Maidstone, at least a quarter of an hour before the meeting begins (i.e. normally by 9.45 am). A member of staff will meet you and explain the procedures.

What will happen in the meeting?

The chairman will ask the planning officer to introduce the report and explain the reasoning for any recommendations.

Each speaker will be allowed up to five minutes to address the committee about the application. It is, of course, up to you what you decide to say, but it might be useful to bear in mind the following:

• The committee will listen to what you say but will not debate the merit of your opinions with you.

• The chairman will let you know when you have one more minute left to speak and will also tell you when your time is over.

• Concentrate on explaining the points that you (or the group you are representing) have already made in writing. You should not attempt to surprise the committee with new information. Any such information should already have been given to the planning officers in time for them to evaluate it professionally.

• The committee can only consider the application on planning grounds. You should not discuss the applicant's past behaviour nor speculate about what you think their possible future intentions may be.

What happens after I have spoken?

After the speeches by the public and applicants, the committee will consider the application. Although this will be done in public, there will be no further opportunities for non-committee members to speak.
Appendix E Further Information and Assistance


This document can be made available in large copy print, audio and Braille versions. If you require the document in one of these formats or require a copy of the document to be translated please contact the MWDF Project Team on 01622 696815 or email mwdf@kent.gov.uk.

For alternative language services also please see our website (www.kent.gov.uk/website_information/languages.aspx) or call 08458 247 247.