

Royal Borough of Kingston upon Thames
Local Plan

Consultation Draft Statement of Community Involvement
How we will involve you in planning matters

March 2019

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1. What is planning?

- 1.1 Planning affects everyone. It shapes how places look and work. Planning addresses the need for new homes, facilities and infrastructure whilst protecting the countryside, heritage, open spaces and wildlife habitats.
- 1.2 Local councils play an important part in the planning process. They must prepare what is called a 'Local Plan' for their area containing policies and proposals to guide future development. When preparing Local Plans, councils should consider local issues, but they must be consistent with national and in 'general conformity' with regional planning policies in the Mayor's London Plan.
- 1.3 Councils also decide whether to permit or refuse planning applications. When someone applies for permission for a new development or to change the use of land or buildings, the Local Plan will be used to judge the merits of the proposal. Planning policies provide some certainty for all concerned over what may or may not be permitted. Proposals are often small scale, like an extension to a house, but they may be large, for example, a new shopping centre or large housing development. The Royal Borough of Kingston upon Thames receives around 3,000 planning applications each year.

2. What is the Statement of Community Involvement?

- 2.1 Councils are legally required to involve communities in the planning process. They are also required to produce a Statement of Community Involvement (SCI)¹ showing how the council will meet, and in appropriate cases go beyond, the minimum statutory requirements² for engagement.
- 2.2 This is Kingston Council's Statement of Community Involvement. It sets out the council's approach to community involvement in the planning process. It explains our standards for engaging residents, local groups, stakeholders and statutory consultees³ in preparing the council's planning policies, and in the process of deciding planning applications.
- 2.3 The Localism Act 2011 sets out a 'duty to co-operate'. It is a requirement that the council engages with neighbouring local authorities and other statutory bodies (like the Mayor of London and wider Greater London Authority including Transport for London) to consider joint approaches to plan-making. We are committed to meeting this duty and are working closely with neighbouring authorities, other partner organisations and stakeholders.

3. Why is community involvement important?

- 3.1 Planning plays a key part in shaping our environment. It is important that those affected have an opportunity to be heard and have their views considered.
- 3.2 The Government is committed to increasing the ability of local communities to influence

¹ Planning and Compulsory Purchase Act 2004

² Set out in the Town and Country Planning (Local Planning) (England) Regulations 2012

³ Listed in the Government's online National Planning Policy Guidance

planning decisions and future development in their areas. The National Planning Policy Framework (2019) sets out the Government's commitment to involve all interested parties in planning:

"Plans should ... be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees"

"Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community."⁴

- 3.3 There are two key areas where the council involves the community in planning: creating producing planning policies and documents and deciding planning applications. This document explains how we will plan to engage with the community on these matters and how comments can be submitted.
- 3.4 The Government has also introduced the option for a Neighbourhood Forum (or Parish Council) to prepare a Neighbourhood Plan⁵. These plans can be developed to deliver sustainable development within the relevant neighbourhood. They cannot promote less development than is set out in the council's Local Plan, but they can promote more. Also, , unlike council prepared plans, a Neighbourhood Plan must undergo a local referendum prior to being adopted.
- 3.5 Neighbourhood forums are able to decide on how they involve and consult residents, businesses and stakeholders in creating a neighbourhood plan. As local communities are responsible for the development of these plans, it is up to them to decide how they involve people and undertake any consultation. However, the council does have some statutory functions regarding the development of Neighbourhood Plans, which are set out in the Neighbourhood Planning (General) Regulations 2012 (as amended). People should contact (and in many cases will be able to join) a Neighbourhood Forum to be involved in the development of Neighbourhood Plans.
- 3.6 More information on creating neighbourhood plans is available on the council's website, as well as on the Government's neighbourhood planning website:
www.neighbourhoodplanning.org.

4. What do we do with your comments?

- 4.1 We consider every comment sent in to us and shape plans where possible. It is often the case that different groups want the council to take different positions on planning matters. The council also makes decisions in the context of national, regional and local planning policies.

5. How do you find out what difference your comments have made?

- 5.1 If your comments relate to a planning policy document, we will prepare a consultation

⁴ National Planning Policy Framework (2019) paragraphs 16 and 39

⁵ Localism Act, 2011, Chapter 3 p113

statement which sets out the key issues that have been raised during the consultation, the council's response and whether changes have been made to the document as a result. The consultation statement will be placed on the council's website and where appropriate, feedback will be given electronically or in meetings.

- 5.2 If you want feedback, it is important that you give the council your consent to the relevant planning team to get in touch with you in the future. If you do not, the council cannot contact you to update you on future events, updates or decisions.
- 5.3 We are unable to respond individually to all questions and comments made on planning applications. However, all the comments that are submitted on a planning application are taken into account by the planning officer in their assessment of the proposals. Comments, questions and statements of support are summarised and commented on within the planning officer's report. Once a decision is made, this report stays publically available on the council's website so that you can see how your comments were taken into account and addressed.

6. Who do we consult?

- 6.1 The amount of consultation should be in proportion with the likely impact of the plan or planning application. For example, a straight-forward local plan review to bring an existing local plan in line with changes to national policy would need significantly less consultation and engagement than a new local plan. A planning application for an extension on a home would require less consultation and engagement than a large development with hundreds of new homes. This document needs to be applied in every case.

The local community

- 6.2 It is important to understand our local community in order to ensure that we engage and consult in the most effective way, and that the views received are representative of the community as a whole and do not only represent the views of a smaller demographic. When reviewing the responses to consultations, we will examine how they reflect the demographic breakdown of the borough's local population. This will allow us to identify under-represented groups and, where appropriate, improve our methods of engaging with them, or target them directly to ensure we understand our diverse community
- 6.3 The borough has many small and medium sized businesses, together with a number of larger companies who all make a significant contribution to the borough and also rely on sound planning policies and planning decisions. In addition, a significant proportion of the population that work in the borough commute from other areas, which means that Kingston has a sizeable worker population who are affected by how the borough changes and develops.
- 6.4 There is also a strong voluntary and community sector that provides a number of valued services across the borough. These organisations are important in delivering services to local people and, as such, are a key consultee on planning issues.
- 6.5 Utilities companies, and other service providers, like the National Health Service and the Environment Agency, are consulted on planning policy and planning applications, where appropriate.

Statutory consultees

- 6.6 There are certain organisations that the council has a statutory duty to consult. When developing larger documents like a Local Plan or Supplementary Planning Document, regulations state the types of groups that must be included in consultation processes⁶. They are grouped into 'specific' and 'general' consultation bodies (See Appendix 1). Specific bodies are those organisations the council is required to consult on all planning policy. General bodies include voluntary groups and businesses for example who may be interested to find out how proposed policies may affect them. Unlike specific bodies, there isn't a definitive list of general bodies that the council must consult.
- 6.7 In addition, the council works closely with neighbouring boroughs and districts on strategic priorities and areas of common interest. These partnerships help us to meet the Duty to Cooperate, established by the Localism Act 2011. We need to prepare statements of common ground which show how we are working with our neighbours and that the plans are deliverable⁷.
- 6.8 There are also statutory consultees that need to be consulted on planning applications before the determination of a planning application. Consultation depends on the application type and location of the proposed development. Full details of who should be consulted are set out in regulations⁸.

7. What principles guide community engagement?

- 7.1 The principles which guide community involvement in planning policy and guidance and planning applications have been adapted from the council's key principles of community engagement and are as follows:

Clear purpose

- Engagement should explain the role of planning and how people can help shape plans

Early engagement

- Making the most of opportunities for engagement at an early stage to ensure that policies and proposals can be shaped with communities

Manage expectations

- The council will be clear about what we will do and what we will not do

Appropriate engagement

- Engagement should be relevant and focus on issues that matter to particular groups
- The degree of community involvement should reflect the nature and scale of the document or planning application concerned
- Avoid excessive consultation by coordinating engagement on planning policy documents

⁶ Town and Country Planning (Local Planning) (England) Regulations 2012

⁷ National Planning Policy Framework (2019) para 24-27 and National Planning Practice Guidance (Plan Making)

⁸ Part 4 and Schedule 4 of the The Town and Country Planning (Development Management Procedure) (England) Order 2015

- with other council consultation exercises wherever possible
- Ensure updates are posted across council communications channels

Inclusive engagement

- The council will ensure that views expressed by the community are representative
- Consultation should be inclusive.

Accessible engagement

- Opportunities for community involvement should be publicised widely
- Documents should be clear, easily available and accessible.
- Recognise the importance of the internet in improving accessibility to information but also its limitations for consulting with some groups

Provide feedback

- The outcome of consultation should be reported back to the community **where they have given consent to be contacted**, particularly to those that contributed
- Feedback should explain how comments made were taken into account

- 7.2 Consultation events will be arranged with advance notice and held in accessible venues and, where appropriate, at a range of times.
- 7.3 All published documents on planning issues will include a strapline explaining how people with disabilities and people for whom English is not their language can get help accessing the information.

8. How can you be involved in planning policy?

- 8.1 We have a 'plan-led system' in the UK which means that land owners, developers, infrastructure providers, the public and other interested parties have some degree of certainty over what can be built and where.
- 8.2 Planning applications are judged against policies and proposals in the area's development plan. Planning law requires that applications must be determined in accordance with the Development Plan unless material considerations⁹ indicate otherwise¹⁰. The borough's statutory development plan is made up of the Mayor's London Plan, the 'Local Plan' for Kingston (which can be made up of more than one document) and any neighbourhood plans for specific areas¹¹. The current system of producing local plans is set out by the Planning and Compulsory Purchase Act 2004 (as amended), and regulations made under it. The government also produces guidance which sets out the expectations about plan-making and local plans, and brings together the requirements of the legislation and regulations¹².
- 8.3 The council's programme for producing planning policy documents is set out in the Local Development Scheme. This is available from the council's strategic planning team and on

⁹ A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision.

¹⁰ Section 38(6) of the Planning and Compulsory Purchase Act 2004

¹¹ www.kingston.gov.uk/info/200157/planning_strategies_and_policies/285/development_plan_documents

¹² The government's guidance can be found at <https://www.gov.uk/guidance/local-plans>. These are 'living' documents and are changed from time to time so are always up to date.

the council's website. The Local Development Scheme (LDS) lists the documents to be produced, timescales for their preparation, and sets out when consultation periods are expected to take place.

- 8.4 Each year the council publishes an Authority Monitoring Report which looks at the progress made against the work programme set out in the Local Development Scheme, and monitors the effectiveness of the council's policies and proposals. The report can highlight that the Local Development Scheme programme needs to be reviewed or where policies aren't delivering the expected outcomes.
- 8.5 There are two main types of document that set out and explain planning policy. Each has different statutory arrangements which dictate what weight they carry, what they can cover and how they are prepared.

Local plans: This sets out policies that will be used to manage development within the borough and includes a policies map which shows the areas some policies apply to (like conservation areas) and where site-specific proposals apply (allocations, for example key development sites). They have statutory weight in the determination of planning applications. They are consulted on and examined by a Planning Inspector through a public examination.

When used in this document, the term 'local plan' is used to refer to any development plan document. This may include the document entitled Local Plan, which we are currently developing. It also refers to any other development plan document such as the South London Waste Plan. This term also covers a revision to a plan, which could be a relatively minor, single issue change.

Supplementary Planning Documents: These provide additional guidance on policies in the Local Plan (or sometimes the London Plan). Typically they focus on a specific site, area or topic. They cannot introduce new policy, and do not have statutory weight in the determination of planning applications. However, they can be taken into account when planning applications are decided as 'material considerations'. Although they are consulted on, they are not examined by a Planning Inspector.

From time to time, it may be necessary for the council to write a development brief or area plans which follows the processes and procedures of a Supplementary Planning Document, but could have a different status in planning terms. This will be clearly explained in the consultation. The Statement of Community Involvement would not apply to these documents, although the council may choose to use the same consultation methods and approaches.

- 8.6 In addition to Local Plans and Supplementary Planning Documents, you can also comment on any revisions to the council's:
- Community Infrastructure Levy Charging Schedule; and
 - Statement of Community Involvement
- 8.7 The council must consult residents, businesses and other stakeholders on these documents. The following sections outline the stages at which you can have your say.

Preparing or Reviewing Local Plans and Supplementary Planning Documents

- 8.8 All planning policy documents are required to be based on evidence. The evidence used in preparing a plan includes evidence such as census, London-wide or borough data, topic-specific studies, and non-planning strategies and plans. Evidence also includes feedback from consultation, surveys and workshops and discussions with the development industry to make sure proposals are deliverable¹³.
- 8.9 In addition, the council needs to ensure that policies are consistent with national policy set out in the National Planning Policy Framework and in 'general conformity with the Mayor's London Plan. The London Plan includes a specific housing target for the borough, as well as other designations. The council must balance the need to ensure that its policies not only reflect local opinion, as far as possible, but that they are justified by the empirical economic, social and environmental evidence whilst supporting the broad national aims of the Government and in general conformity with the London Plan.
- 8.10 A sustainability appraisal takes place alongside preparing the Local Plan to ensure that the social, economic and environmental effects of different options are fully considered in the plan-making process. In carrying out sustainability appraisals, the council will:
- consult key stakeholders, including the Environment Agency, Natural England and Historic England on the scope of the appraisal
 - consult key stakeholders and the public as part of public participation in the preparation of a Local Plan document
 - carry out public consultation on the final sustainability appraisal which supports the proposed submission Local Plan

Sustainability appraisals are not required for supplementary planning documents.

- 8.11 The sustainability appraisal might be bought together into one single document with an equalities impact assessment and a health impact assessment., which is called an integrated impact assessment. The reason these three might be bought together is because there are often shared objectives from all three assessments. For example, poor air quality is a relevant consideration for a sustainability appraisal (because it has environmental, social and economic impacts), it also disproportionately affects some groups and has health impacts.

¹³ National Planning Policy Framework (2019) paragraph 74

Figure 1: Process diagram for the Preparation of Local Plan Planning Documents

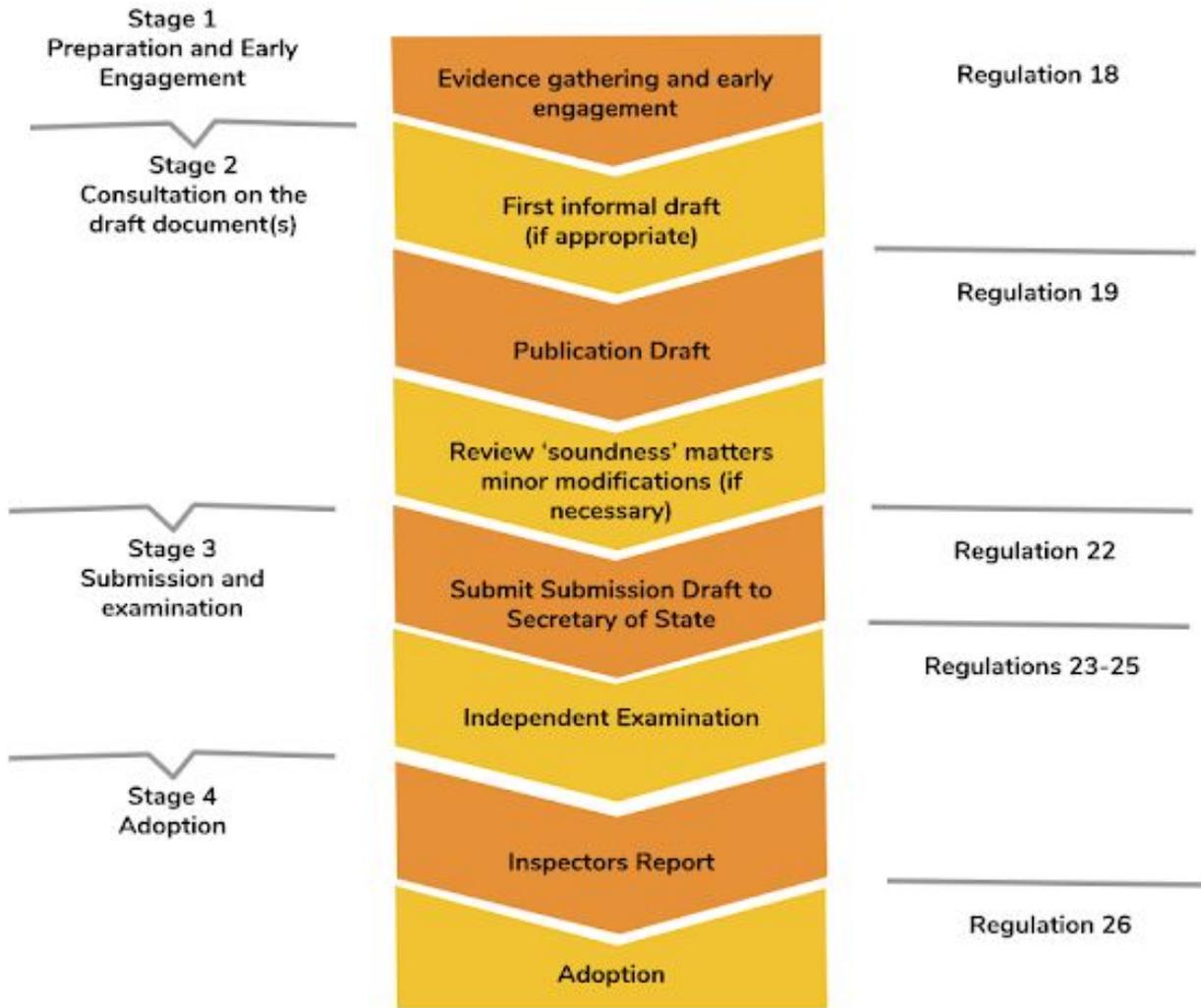
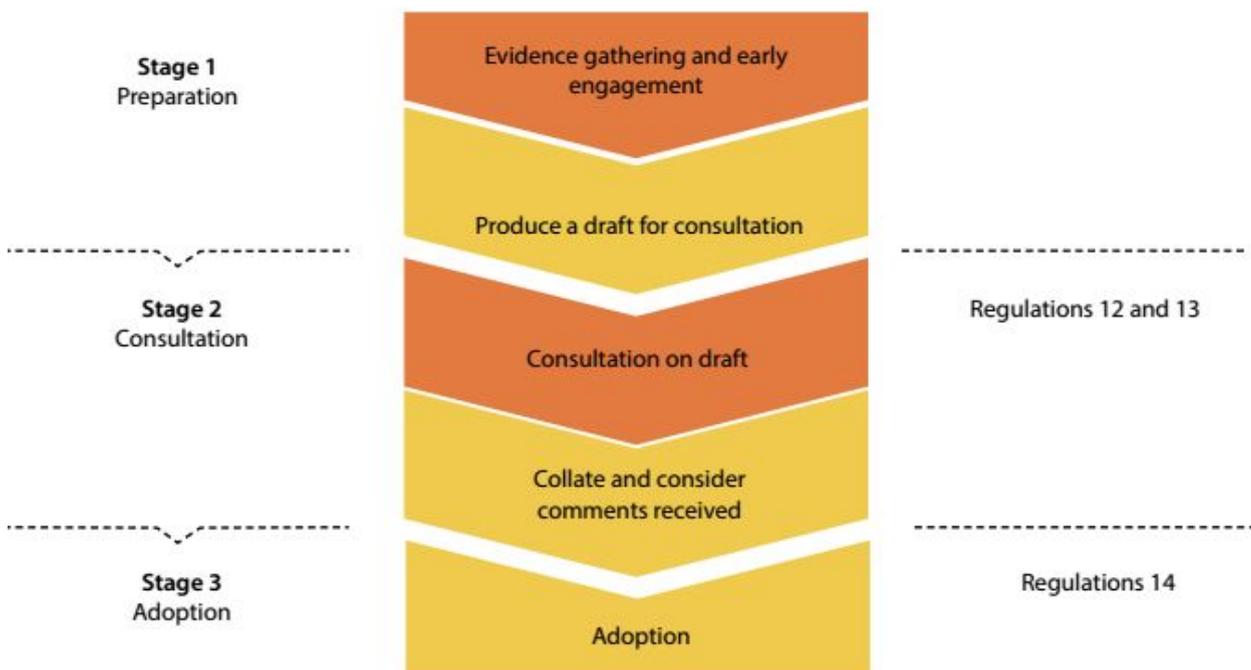


Figure 2: Process diagram for the Preparation of Supplementary Planning Document



Local Plans

Stage 1: Preparation and early engagement

What this stage involves

- 8.12 This is an early stage of plan preparation when the council is gathering evidence, considering the relevant issues and looking at the context for new policies and proposals. This is where the process of engaging with residents, businesses, service providers, utilities and all other stakeholders will begin.
- 8.13 At the preparation stage the planning regulations require statutory consultation, but the requirements are very limited¹⁴. This is the most important stage as the plans are at their most flexible and discussions are taking place on what policies are needed and how this can be achieved.
- 8.14 In addition, the council will consult 'specific' and 'general' consultation bodies that it thinks will be affected by the document in question. These are the national and local bodies that are potentially interested in, or affected by, the document in question. Appendix 1 provides more information on specific and general consultees.

How you can be involved

- 8.15 This is one of the best times to be involved in the plan-making process. Your comments and views form part of the evidence base that the council uses to set the policy direction of the proposed plan. It is also the time to put forward ideas you may have so these options can be considered in detail, including by sustainability appraisal.
- 8.16 The way we engage with people will depend on the type of document, the target audience and the council's resources. For example, making a small change might require less or different consultation than the development of a new local plan. The council will seek to use the most effective approach both in terms of cost and outcome of a consultation
- 8.17 To meet its statutory requirements¹⁵, the council will:
- notify all relevant specific and general consultees, all those on its Local Plans consultation database and anyone else the council considers relevant that:
 - that the council intends to produce (or revise) its local plan or other Development Plan Document;
 - the subject of that plan; and
 - invite them to make representations about what a local plan with that subject ought to contain.
- 8.18 The following list sets out some of the methods of engagement that we will consider using. It is not exhaustive; nor does it represent a list of activities that will be used in every instance. All engagement activities being undertaken will be published on the council's website. The council may also:
- consider publishing an early engagement document to gain wider community involvement. If so, then as a minimum this would be available online, in the council's

¹⁴ Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended)

¹⁵ Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended)

- offices (Guildhall 2) and in local libraries, if requested
- consider how best to engage through the council's consultation portal
- issue a press release to the local newspapers, Talking Newspaper and local radio
- invite views from all individuals, businesses or organisations on the Local Plans consultation database
- meet with representatives of community groups, using existing forums where possible including neighbourhood committees
- consider holding public events, such as exhibitions or workshops,
- consider the use of social media to promote consultations

8.19 If any consultation or early engagement exercise falls within the timeframe of another council consultation event or period then it may appropriate in certain cases to combine these with other such exercises.

Stage 2: Consultation on the draft document(s) including the Publication

Draft

What this stage involves

- 8.20 At this stage all the evidence collected from the preparation and early engagement stage, including the results of early engagement, are considered and a draft document is published for consultation. By this point the council will have a view on what realistic options there are for policies and proposals. A Sustainability Appraisal will also be published at this stage, assessing the social, economic and environmental effects of the options.
- 8.21 For significant policy changes, this stage may be split into two parts: an informal consultation draft, referred to as the **First Draft** followed by consultation on the formal, statutory draft referred to as the **Publication Draft**¹⁶. Only very minor changes can be made to a **Publication Draft**, and for that reason the council will usually consult on an informal draft so responses can be taken into account by making more significant changes. However, there may be instances where there is a relatively small plan revisions (for example, to take into account changes to national or regional tier policy) where a separate first draft may not be necessary.

How you can be involved

- 8.22 Where a **First Draft** is produced, this is an important stage allowing you to comment on whether you consider this to be the correct way forward and gives you the opportunity to raise any concerns regarding the policy or guidance set out in the document and set out any alternative wording.
- 8.23 The **Publication Draft** consultation is a crucial stage for any person who believes the plan is 'unsound' because only those who participate at this stage are involved in the public examination. As it is a formal statutory stage, representations can only relate to whether the plan has been prepared in accordance with the duty to cooperate¹⁷, the relevant legal and procedural requirements¹⁸, and whether it is considered to be 'sound'. As such, your representation at this stage should only make reference to these matters.

¹⁶ Statutory requirements set out in Regulation 19, 35 and 36 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

¹⁷ National Planning Policy Framework (2019) para 24-27

¹⁸ A checklist is provided at www.local.gov.uk/pas/pas-topics/local-plans/local-plan-checklist

Any representations will be considered by an independent inspector at an 'examination'. Those seeking changes to the document will have to show why the plan is unsound.

8.24 The National Planning Policy Framework (2019) sets out the following tests of soundness:

- a) **Positively prepared** – *providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – *an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – *deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent with national policy** – *enabling the delivery of sustainable development in accordance with the policies in this Framework.*

8.25 In London, there is an additional requirement for the plan to be in 'general conformity' with the Mayor's London Plan¹⁹. The council will request the opinion in writing of the Mayor of London as to the general conformity of a development plan document with the spatial development strategy.

For a First Draft or a Publication Draft:

8.26 Any consultation on draft documents will be no shorter than six weeks. The consultation methods used will be advertised on the council's web site and will accord with the Core Principles set out in section 7. Where there is a separate informal draft, the council will use a range of consultation methods, and as a minimum will notify all those on the Local Plans consultation database and specific and general consultation bodies, and all those who responded to the early engagement who have given consent to be contacted

For the Publication Draft, to meet its statutory requirements, the council will, and for a First Draft the council may:

- send all relevant specific, and general consultation bodies consulted at Stage 1 a copy of the draft document and accompanying Sustainability Appraisal
- make the draft document and Sustainability Appraisal available for inspection at Guildhall 2 and all local libraries if requested
- publish the draft document and Sustainability Appraisal on the council's website
- make the document, Sustainability Appraisal and pre-submission consultation statement available for inspection at all those places where documents were made available at stage 2 (Guildhall 2 and local libraries if requested);
- publish the document, Sustainability Appraisal and pre-submission consultation statement on the council's website;
- make a request of the Mayor of London as to the general conformity²⁰ of the document with the London Plan.

¹⁹ Planning and Compulsory Purchase Act 2004 (as amended) Section 24

²⁰ General conformity is a term meaning the document is consistent with the objectives of the London Plan, and would not harm the implementation of the London Plan policies

In addition, the council will consider further possible steps, where relevant, such as:

- contact any other organisation or individuals that the council considers should be involved in the consideration of the draft document. This will include occupants of properties that the council considers to be directly affected by a policy or proposal
- issue a press release to local newspapers
- publish a statement setting out which organisations and individuals were consulted at stage 1, how they were consulted, a summary of the main issues raised, and how those issues have been addressed in the draft plan
- use existing forums and focus groups
- publicise on electronic display screens in the council's reception areas;
- notices on public notice boards and at venues such as Kingston College, Kingston University, schools and places of worship, community halls and suitable public places;
- hold public exhibitions, consultation meetings including Neighbourhood Committees and/or interactive workshops;
- notify by letter, leaflet or site notice those considered likely to be affected by a significant proposal, for example a site allocation
- face to face meetings with key stakeholders or objectors

8.27 For the First Draft, the council will take into account any representations received before the deadline and consider and where necessary make appropriate changes before producing the Publication Draft. The council may also produce additional informal drafts as required before preparing the Publication Draft that it believes is 'sound' and intends to submit to the Secretary of State.

8.28 Following consideration of the comments made on the Publication Draft, the council will consider making minor changes in the light of comments received prior to submission. If we decide we want to make more significant changes in the light of your comments, we will re-publish and re-consult.

8.29 A summary of the main issues raised in the representations to any **First Draft** and how the council has addressed these matters will be included in the consultation statement forming part of the supporting documents for the Publication and Submission Drafts.

8.30 Any representations made in relation to the **Publication Draft** will be acknowledged, published on the council's website and made available at local libraries and in Guildhall 2, and sent to the Secretary of State for consideration at the examination.

Stage 3: Submission to Secretary of State and examination

Submission to the Secretary of State

What this stage involves

8.31 By this stage the council has considered the responses to involvement at stages 1 and 2 and has prepared a complete document for submission to the Secretary of State, which in its view should be the final version. It is the document the council wants to be considered at the independent examination. It may be the same as the Publication Draft, or may include additional modifications to deal with minor matters²¹. The council submits this Submission

²¹ The statutory requirements are set out in Regulation 22, 23, and 24 of the Town and Country Planning (Local

Draft to the Secretary of State together with the supporting documents²², copies of the consultation responses to the Publication Draft and the evidence base documents supporting the plan.

- 8.32 An independent Inspector will be appointed by the Planning Inspectorate to examine the document for 'soundness'. The examination starts when the Local Plan is submitted and finishes when the inspector issues their report to the council.

How you can be involved

- 8.33 If you have made a submission to the statutory Publication Draft, your submission will be provided in full to the Secretary of State and made publicly available. This will include your name but not identifying details such as address, email contact or telephone numbers. A summary of the key issues raised at earlier consultation stages will be summarised in the supporting documents submitted to the Secretary of State.

To meet its statutory requirements, the council will:

- publicise details of the hearing sessions at least 6 weeks before they are scheduled to take place;
- contact those people who requested to be notified of the submission of the document to the Secretary of State;
- make the Submission Draft, and statutory supporting documents available for inspection at all those places where documents were made available at stage 2;
- make any other relevant documents (the examination library) available for inspection at the council's offices (Guildhall 2) by arrangement and at the examination hearings;
- publish the Submission Draft, the supporting documents, and any other relevant documents on the council's website;

In addition, the council will consider further possible steps, where relevant, such as:

- Advise all those individuals, businesses or organisations on the Local Plan consultee database not classified as 'specific' or 'general' consultees (except where they have requested not to be contacted) of the Submission Draft and details of how documents can be viewed;
- contact any other organisations or individuals that have been involved in previous stages of consultation, including occupants of properties contacted at any earlier stage which the council consider to be directly affected by a site allocation;
- issue a press release for the local newspapers, Talking Newspaper and local radio.
- advertising in local newspapers, Talking Newspaper and local radio.

Examination

What this stage involves

- 8.34 An 'examination' will be held by an independent Planning Inspector to test whether the document meets the tests of soundness set out in the National Planning Policy Framework, the duty to cooperate and the legal and procedural requirements. This includes an

Planning) (England) Regulations 2012.

²² These could include a Policies Map (if subject to change), a sustainability appraisal, a consultation statement or any other documents that council deems relevant (Refer The Town and Country Planning (Local Planning) (England) Regulations 2012 Section 17)

assessment of the evidence base for the plan and the outcomes of the sustainability appraisal. The independent inspector will consider any representations made at Publication Draft stage, and the summary of responses made to earlier stages as summarised in the Consultation Statement.

How you can be involved

- 8.35 The council will publicise the examination in accordance with statutory requirements²³, giving people at least six weeks' notice before the opening of any hearing session. The council will advertise the examination venue, date and time on the council's website and will also put a notice in the local newspaper.

People who made representations seeking change to the Publication Draft:

- 8.36 Those people who have made a representation to the statutory Publication Draft document will receive written notification of the examination venue, date and time. They will usually will be contacted by the Programme Officer for the examination, an independent person appointed by the council to give administrative support to the Planning Inspector.
- 8.37 There may be a pre-hearing meeting, the purpose of which is to clarify the critical issues that will be considered at the hearing sessions and explain the procedures. If there is a pre-hearing meeting, all those who made representations to the Publication Draft will be invited to attend. If there is no pre-hearing meeting the Inspector will issue a written note setting out these matters.
- 8.38 Any person who makes representations seeking to change the document must, if they request, be given the opportunity to appear before and be heard by the Inspector carrying out the examination²⁴. The Government encourages representations to be dealt with in writing. However, if people would like to present their evidence in person, a public hearing will be held. Written representations carry equal weight to those presented orally at the examination. The Inspector will decide whether and how any oral representations will be heard, however, this usually takes place as a round table debate chaired by the Inspector. No new representations can be submitted.

Other Members of the Public:

- 8.39 Any interested party can attend the hearing sessions to watch but will not be able to participate unless invited to by the Inspector.

Stage 4: Adoption

What this stage involves

- 8.40 Following examination of a Local Plan, the Inspector will produce a report with recommendations. On receipt of the Inspector's Report, the council will make a copy publicly available and inform those persons who asked to be notified of its publication as soon as reasonably practicable²⁵. Where necessary, the Submission Draft will be amended to reflect

²³ The statutory requirements set out in Regulation 24, 35 and 36 of the Town and Country Planning (Local Planning) (England) Regulations 2012

²⁴ Regulation 20(6) Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

²⁵ In accordance with Regulation 25, 35 and 36 of the Town and Country Planning (Local Planning) (England)

the Inspector's recommendations prior to being presented to the council for adoption at a meeting of all Members of the council²⁶. Once adopted, the document will form part of the Kingston Local Plan and becomes statutory planning policy.

- 8.41 A copy of the adopted Local Plan, and the Inspector's report, will be made available for inspection at Guildhall 2, and on the council's website. A notice will be placed in the local newspaper, and the council will notify anyone who has asked to be notified of adoption. The council will also issue a press release to local newspapers that the document has been adopted, and will consider additional means of publicising the Local Plan as appropriate.

How you can be involved

- 8.42 There is no scope to comment at this final stage of the process unless you wish to legally challenge the document being adopted²⁷. The application must be made promptly, and in any event, not later than the end of the six weeks from the date set out in the Adoption Notice.

Supplementary Planning Documents

- 8.43 Supplementary Planning Documents (SPDs) provide further detail to supplement policies in Development Plan documents, including the council's documents and the London Plan. Though not subject to independent examination, and therefore not having Development Plan status, they will be a material consideration when determining planning applications. Supplementary Planning Documents should be prepared only where necessary and in line with the National Planning Policy Framework. They should build upon and provide more detailed advice or guidance on the policies in the Local Plan. They should not add unnecessarily to the financial burdens on development.
- 8.44 There are three stages to preparing a Supplementary Planning Document (SPD).

Stage 1: Preparation

What this stage involves

- 8.45 This is an early stage of preparation when the council is gathering evidence and considering the relevant issues and options.

How you can be involved

- 8.46 The planning regulations do not require any particular form of consultation, or specifically identify any persons who must be consulted. The council will engage with stakeholders as considered necessary. The council will select organisations from its Local Plans consultee database, and any others it considers should be involved, for early involvement. It is an option at this stage to involve the public, though the merits of this will depend on the nature of the document.

Regulations

²⁶ The council must adopt in accordance with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Meetings of the full council can be found here <https://bit.ly/2E311UG>

²⁷ Any aggrieved person may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 on the grounds that the document is not within the appropriate power or that a procedural requirement has not been complied with.

Stage 2: Formal consultation on a published draft SPD

What this stage involves

- 8.47 At this stage all the evidence collected from the preparation stage, including the results of early engagement is considered and a draft document is published for consultation.

How you can be involved

- 8.48 At this stage the council is required to make the document available for public comment²⁸ (which it will do at Guildhall 2, and on its website). The period for accepting written comments will be between four to six weeks. The council is also required to place a notice in the local newspaper and consult all specific and general consultees it considers to be affected by the document (see Appendix 1 for more information on specific and general consultation bodies).
- 8.49 Depending on the nature of the SPD the council may take additional steps to involve stakeholders and the wider community so that people can comment on the draft document.
- 8.50 When the council publishes the draft document for consultation, it will publish a consultation statement setting out who it consulted at stage 1 when preparing the draft, how those persons were consulted, a summary of the main issues raised, and how those issues have been addressed in the draft document. This consultation statement will, as a minimum, be sent to the specific and general consultees relevant to the document.
- 8.51 The council will acknowledge and consider any representations received and make changes to its SPD where it is considered appropriate and beneficial to do so in light of those comments. A final version of the document will be prepared along with a consultation statement comprising a summary of the main issues raised and how they have been dealt with in the document.

Stage 3: Adoption

What this stage involves

- 8.52 The council adopts the Supplementary Planning Document and will do this at an appropriate committee. Before the council adopts the document, it will consider all the representations made at stage 2, and will prepare a consultation statement setting out a summary of the main issues raised, and how those issues have been addressed in the document.

How you can be involved

- 8.53 A copy of the adopted Supplementary Planning Document along with the consultation statement will be made available for inspection at Guildhall 2, on the council's website and will be made available to people upon request. The council will notify any person who has asked to be notified of the adoption of the document²⁹. The agenda and minutes of the relevant committee meeting are made available to view on the council's website.
- 8.54 There is no scope to comment at this final stage of the process unless you wish to legally challenge the document being adopted³⁰. The application must be made promptly, and in any

²⁸ Regulations 11 to 13 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended)

²⁹ Regulation 14 of the Town and Country Planning (Local Planning) Regulations 2012

³⁰ Any aggrieved person may make an application to the High Court under Section 113 of the Planning and

event, not later than the end of three months from the date set out in the Adoption Notice.

The Community Infrastructure Levy Charging Schedule

- 8.55 The Community Infrastructure Levy (CIL) is a local levy that is placed on new development for the purpose of helping to raise funds for infrastructure to support development. The council has set out in its Regulation 123 list the infrastructure projects that the council may wholly or partly fund through CIL³¹. The council adopted its first Charging Schedule in November 2015. This will be kept under review and it is likely that consultation relating to CIL will take place again within the lifetime of this Statement of Community Involvement.
- 8.56 Regulations³² require local authorities to undertake a clearly defined procedure prior to adopting a CIL Charging Schedule, which sets out the level of charge the council will require for every additional square metre of new development. The requirements for consultation prior to adoption include:
- The publication and consultation of a Preliminary Draft Charging Schedule setting out the council's initial consideration of an appropriate charge (providing this is still a statutory requirement);
 - The publication of a Draft Charging Schedule on which representations can be made prior to its submission for an independent examination. This consultation will be for a minimum of 4 weeks;
 - An examination in public of the Draft Charging Schedule. All those who made representations on the Draft Charging Schedule will have the opportunity to make an oral presentation at a public hearing.
- 8.57 The council will use many of the non-statutory methods of consultation applied to Local Plans in the production or review of a Community Infrastructure Levy Charging Schedule, and where appropriate, will also be informed by relevant consultation responses to local plans and other development plans, and SPDs. The consultation methods to be used will be advertised on the council's website and will accord with the Core Principles set out in section 7.
- 8.58 The council will also consult on changes to the Regulation 123 list. There are no statutory requirements, however the council will consult on any draft changes including inviting anyone on the council's Local Plan consultation database to comment.
- 8.59 The governance arrangements for spending the CIL, and how you can put forward projects for spending CIL on, especially the 'neighbourhood portion' can be found [here](#).

Statement of Community Involvement

- 8.60 When preparing a Statement of Community Involvement the council will prepare a draft document which will be subject to a formal public consultation. This will accord with the Core Principles set out in section 7 with a particular focus on engaging as inclusively as possible so that the community has an opportunity to comment on the statement.

Compulsory Purchase Act 2004 on the grounds that the document is not within the appropriate power or that a procedural requirement has not been complied with.

³¹ The Regulation list can be found at <https://bit.ly/2SEsjHQ>

³² Regulation 15 and 16 of the Community Infrastructure Levy Regulations 2010 (as amended). It is noted that the government has consulted on changes to these Regulations and the council will, as a minimum, undertake the requirements of the Regulations in place at the time.

9. How can you be involved in planning applications?

- 9.1 The council's Development Management team is responsible for the processing of all planning applications within the Borough. Planning applications are formal requests for consent or approval to undertake some form of 'development', for example a new building, an extension to a building, or changes in the use of land or buildings.
- 9.2 When the council decides a planning application, it must judge the merits of the proposal against policies in the 'Development Plan'. It must also take into account relevant Supplementary Planning Documents and any other 'material considerations' (for example national policy or local housing delivery performance). Sometimes material considerations can justify the council reaching a decision which doesn't fully accord with the published policies of the Development Plan.
- 9.3 The council consults affected parties (e.g. neighbours), and relevant statutory consultees, on planning applications. Comments received that are 'relevant to planning' are taken into account when deciding the application.
- 9.4 This section sets out how you can be involved in planning applications at the pre-planning stage, application stage and once a decision has been made.
- 9.5 Some planning applications are so significant that they are referred to the Mayor of London who has certain powers to direct a decision. These include development of 150 residential units or more, development over 30 metres in height and development on Green Belt or Metropolitan Open Land³³.

General advice and assistance

- 9.6 General planning advice can be sought from the council's contact centre, which operates between 9am and 5pm Monday to Friday (4.45pm on Friday). Where necessary, queries will be passed on to the planning team for them to respond individually on a case by case basis.
- 9.7 A wealth of information on the Borough's development management functions including validation requirements can be obtained online at the council's planning home page www.kingston.gov.uk/planning
- 9.8 The Planning Portal is the UK Government's online planning and building regulations resource for England and Wales and also provides advice and services for the public and professionals www.planningportal.gov.uk
- 9.9 Additionally, Planning Aid for London (www.planningaidforlondon.org.uk) provides free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees. This service encourages people to become involved in the planning system.
- 9.10 The contact details for Planning Aid are:
- Telephone: 03007 729 808
 - Email: info@planningaidforlondon.org.uk

³³ Referral criteria for planning applications are contained in The Town and Country Planning (Mayor of London) Order 2008.

Stage 1: The pre-application stage

- 9.11 Applicants are encouraged to hold pre-application discussions with the council. The council has a formal procedure for dealing with pre application enquiries. The assessment of schemes at pre-application stage together with appropriate fees allows us to dedicate time with applicants to improve the quality of development schemes prior to submission.
- 9.12 Pre-application enquiries are not normally open to public consultation. However, the council encourages developers/applicants to consult with the community about their initial schemes. For certain developments³⁴ the Localism Act specifically requires applicants to consult with the community before submitting planning applications. This will give local people a chance to comment when there is an early opportunity to influence the proposal.
- 9.13 The council particularly encourages developers of large or potentially controversial schemes to involve the local community prior to submitting a planning application. Such involvement should be carried out at an early stage enabling the views of the community to be taken on board. Early community involvement can be a way of resolving misunderstandings and tensions, which can arise in the progression of a new planning proposal. It can also help avoid public objections at a later stage. The council will itself undertake consultation once a planning application has been submitted.
- 9.14 The council's Planning Charter will provide guidance on the means the council will normally encourage developers to utilise to involve the local community before they submit their application.
- 9.15 Pre application consultation should provide all groups, statutory and non-statutory, and specialist interest groups, with an opportunity to participate in the evolution of development proposals. Applicants are especially encouraged to liaise early with infrastructure providers for new developments at the pre-application stage.
- 9.16 The results of any pre-application consultation with the community should be reported as part of the submitted application so the council can understand how the community and other stakeholders have been involved and should indicate:
- The methods of consultation used to engage community participation, including hard to reach groups
 - Who was consulted and the level of involvement
 - The quantitative and qualitative findings of the consultation and
 - How matters raised in consultation were taken into account in the submitted development proposals

Stage 2: The application stage

- 9.17 Opportunities for formal community involvement occur when applications are lodged. It is at this point when the majority of residents become involved in the planning system especially if the proposed development affects them directly. The council determines around 3,000 applications a year ranging from householder applications to new housing schemes and retail and office developments. These decisions are important to local people as they have a direct impact on the way an area grows and develops.

³⁴ Localism Act 2011: Chapter 4-Consultation, 122 'Consultation before applying for planning permission'.

- 9.18 The legal requirements for advertising and consulting on planning applications are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. User friendly Government guidance on what steps the local planning authority must take to involve members of the public on planning applications is also available to view online at the Planning Practice Guidance website³⁵.
- 9.19 In addition to the statutory requirements, the council will look to vary our processes for publicising planning applications to ensure that we are using the most appropriate means of engagement on different types of proposals. These different thresholds and different means of engagement are set out in our Planning Charter which can be found [here](#).
- 9.20 Applications, including all of their supporting information, are made available online³⁶. There may be times that some supporting information submitted needs to be held as confidential and not published. However, the council will seek to maximise transparency and default to making as much information public as we are able.
- 9.21 For detailed advice on how to comment on a planning application, please see our online guidance [here](#). Your comments on applications must be made in writing to the council and we strongly encourage all comments on planning applications to be submitted online via our website. Whilst we will continue to accept comments by letter or e-mail, the best way to ensure that your comments have been recorded against the correct application is to use our online planning portal, available [here](#). Verbal comments cannot be taken into account by officers in making their recommendations.
- 9.22 Comments made on planning applications (representations) can be for or against the proposals, but they must be on "planning issues". The council has prepared guidelines which clarify those issues that are relevant to making representations on planning applications and these are contained within the Planning Charter.
- 9.23 Full consideration will be given, and due weight attached, to the views of the community and stakeholders. All responses to applications are considered but, due to the volume of representations that are received, we are not able to individually respond to all questions or issues raised.
- 9.24 All representations received will be redacted in accordance with data protection requirements and placed online within the planning application as a public document. Third parties will therefore be able to see and make copies of any comments you send.
- 9.25 When a planning application is amended or revised, the planning officer will need to decide whether the scale of changes warrants further publicity. This will depend partly on the relevance of the changes to the representations that have been received. When further notification is appropriate, we will contact again those affected to draw their attention to the changes and set out the time scale for further representations.
- 9.26 All the representations received on any application are summarised with a report produced by the planning officer. This report will highlight the issues and set out how these have been taken into account by the planning officer in their assessment of the proposal. At the culmination of the process the report is added to the website so that you can see how your

³⁵ Information on statutory consultation is available at <http://planningguidance.planningportal.gov.uk/blog/guidance/>

³⁶ For those customers without access to the internet, this information can also be viewed using the computers at the council Offices and Borough libraries

concerns have been taken into account. This also ensures that anyone can view the information and assessment upon which a decision has been made.

- 9.27 There are sometimes concerns raised that sit outside the scope of the planning powers held by the Council as the Local Planning Authority. To aid transparency, where we think an issue raised falls outside of the planning process we will highlight why in our report.

Stage 3: The decision stage

- 9.28 Applications will be decided after the expiry date for receipt of representations. All comments we receive by the end of the notification period will be taken into consideration. Any late representations will be considered only up until the application is decided, whether by officers or the appropriate committee.
- 9.29 The Corporate Head of Planning decides most planning applications under powers delegated by the council. However, some applications have to go to a planning committee: either a Neighbourhood Committee or the Development Control Committee. The council's scheme of delegation for planning application can be viewed on the website. Committee meetings are open to the public. In these cases we will write to all those who wrote to us about the application to let them know the date of the committee meeting and direct them to further procedural guidance regarding the meeting, such as speaking rights.
- 9.30 In some cases, prior to a committee meeting, site visits also take place with officers, councillors and where appropriate applicants. These are solely to allow members of the committee to view the site context and ask questions of clarification. There is no debate of the merits of the proposal allowed at these visits and therefore interested parties are not invited to attend.
- 9.31 Occasionally, for large scale or complex proposals, a Pre-Committee Briefing may take place before the Committee meets to determine an application or set of applications. These briefing sessions are designed to enable the Committee to learn more about the details of applications, seek clarification where it is required and to better understand issues raised by objectors prior to the formal determination of the application at a future meeting. Briefing sessions are open to the public. Whilst the running of the meeting is at the discretion of the Chairman, the indicative format is as follows:
- The Developer will supply all presentation materials and these will be displayed in the meeting room.
 - Officers will introduce the proposal and advise of issues arising.
 - Members will be able to ask questions of clarification of the applicant and local residents. The applicant and objectors can only respond to questions from members of the Planning Committee and Ward Councillors
 - An attendance record will be kept, the discussion recorded and a note of the meeting reported to the Planning Committee as part of the final report when the application is submitted for determination.
- 9.32 At the end of the process we provide notification of decisions by updating the application details on our webpages and placing a decision list on the website.

Stage 4: The post application stage

- 9.33 If an application is refused, or the decision includes a condition that the applicant/developer is not satisfied with, or the application has not been determined within the statutory time

period, the applicant/developer can appeal the decision/ or non-determination. Only the applicant has the right to appeal against the council's decision. Third parties and members of the public cannot appeal against the council's decision. Any challenge to a planning decision from third parties or members of the public can only be in the High Court by Judicial Review.

- 9.34 The appeal process is not managed by the council but by the Secretary of State, who will appoint an independent Planning Inspector to hear the appeal. If an appeal is made, we will contact all those originally consulted on the application letting them know the appeal has been made. The council must send copies of all letters originally received about the application to the Planning Inspector. Advice will be given as to how to make further representations to the Planning Inspector who will determine the appeal.
- 9.35 The council lists on our website all planning appeals lodged and all planning appeals decided in the past six months.

10. How well are we doing?

- 10.1 The council seeks to continuously improve the way it engages the public. Whilst the council is committed to providing a high level service to the community, making sure everyone has the opportunity to be involved in the planning process, the council will look to achieve this in the most resource efficient way. Involving the community during all planning processes has time, staff resource and funding implications and must be a key consideration when planning any form of engagement or consultation. Any approach used when engaged stakeholders will reflect the type of work being undertaken. Any non-statutory approaches used during engagement or consultation activities will also be reviewed to assess whether such an approach was effective and achieved value for money.
- 10.2 The effectiveness of the Statement of Community Involvement will be monitored. If you have any comments, write to us at localplan@kingston.gov.uk

Appendix 1: Consultation groups involved in planning policy production

The Town and Country Planning (Local Planning) (England) Regulations 2012 list certain organisations and types of organisation that are “specific” and “general consultees”. Please note this list is not exhaustive and also relates to successor bodies where re-organisations occur.

Specific Consultation bodies

In Kingston the “specific consultation bodies” which the council considers to have an interest are:

- Environment Agency
- Historic England
- Natural England
- Mayor of London (Greater London Authority)
- Civil Aviation Authority
- Homes and Communities Agency
- Primary Care Support
- Network Rail Infrastructure Limited
- Secretary of State for Transport
- Highways England
- Transport for London
- Surrey County Council
- London Borough of Richmond upon Thames
- London Borough of Merton
- London Borough of Sutton
- London Borough of Wandsworth
- Mole Valley District Council
- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Claygate Parish Council
- Mayor’s Office for Policing and Crime
- Relevant telecommunications companies
- Relevant electricity and gas companies
- Relevant water and sewerage undertakers
- Lead Local Flood Authority

General consultation bodies

“General” consultation bodies” are those which the council considers appropriate and fall into the following categories:

- Voluntary bodies some or all of whose activities benefit any part of the Royal Borough of Kingston upon Thames
- Bodies which represent the interests of different racial, ethnic or national groups in the Royal Borough of Kingston upon Thames
- Bodies which represent the interests of different religious groups in the Royal Borough of Kingston upon Thames
- Bodies which represent the interests of disabled persons in the Royal Borough of Kingston upon Thames
- Bodies which represent the interests of persons carrying on business in the Royal

Borough of Kingston upon Thames

Duty to Co-operate bodies

- Environment Agency
- Historic England
- Natural England
- The Mayor of London
- Civil Aviation Authority
- Homes and Community Agency
- NHS England/Primary Care Support
- Office of Rail Regulation
- Transport for London
- Highway Agency
- The Marine Management Organisation

Other Consultees

The council has a Local Plan consultation database, which has been set up in accordance with GDPR. To add your details to the Local Plan database please go to the [Stay Informed](#) page on the council's website and complete the short form.