

# **LDF**

Local Development Framework

## **Lewes District Council & The South Downs National Park Authority Local Development Framework**

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

July 2011

£5.00



## Contents

<b>Section</b>	<b>Page</b>
1. Introduction	2
2. Local Development Frameworks	5
3. Development Management	15
4. Glossary	20
5. Appendices	23
1. List of Consultees	23
2. Publicising Planning Applications	25
3. Speaking at Planning Committees	27
4. Planning Aid England	31

# 1. Introduction

## Background

- 1.1 Community involvement allows those who live, work and visit an area an opportunity to say how they would like to see that area planned for. There is great benefit in involving a wide range of people in the planning process. It can give the community a sense of ownership and inclusion, can resolve potential conflicts between parties and can draw upon local knowledge.
- 1.2 Lewes District Council (LDC) adopted its first Statement of Community Involvement (SCI) in 2006. In 2008, the Government issued a revised Planning Policy Statement 12 on Local Spatial Planning and also amended the Town and Country Planning (Local Development) (England) Regulations 2004 (further amendments were also made to these regulations in 2009). These regulations are hereafter referred to as the Planning Regulations.
- 1.3 Alongside the changes in Government legislation, the South Downs have been designated a National Park, with the South Downs National Park Authority now the sole planning authority within the National Park. These significant changes have resulted in the need to revise the first SCI. In addition, the Local Government and Public Involvement in Health Act 2007 includes a “duty to involve”. This SCI contributes to Lewes District Council meeting this new duty.
- 1.4 To help inform the review of the SCI the District Council undertook an informal and non-statutory evidence gathering stage in the form of a questionnaire. The results from the questionnaire helped influence the content of the draft version of the SCI that went out for public consultation between 1 October and 12 November 2010. A document containing the results of the questionnaire and the public consultation has been published alongside this document and can be found online at [www.lewes.gov.uk/planning/sci.asp](http://www.lewes.gov.uk/planning/sci.asp).

## Planning Policy Statements

- 1.5 The planning system is guided by Planning Policy Statements (PPSs). These statements are prepared by the Government to provide guidance to local authorities on planning policy and the operation of the planning system.
- 1.6 Of particular relevance to the SCI is PPS 12: Local Spatial Planning. This sets out that “an SCI should:
  - Explain clearly the process and methods for community involvement for different types of local development documents and for the different stages of plan preparation. This needs to include details of how the diverse sections of the community are engaged,

in particular those groups which have been underrepresented in previous consultation exercises.

- Identify which umbrella organisations and community groups need be involved at different stages of the planning process, with special consideration given to those groups not normally involved.
- Explain the process and appropriate methods for effective community involvement in the determination of planning applications and where appropriate refer to Planning Performance Agreements.
- Include details of the Local Planning Authority's (LPA) approach to pre-application discussions.
- Include the LPA's approach to community involvement in planning obligations (S106 agreements).
- Include information on how the SCI will be monitored, evaluated and scrutinised at the local level.
- Include details of where community groups can get more information on the planning process, for example, from Planning Aid and other voluntary organisations.
- Identify how landowner and developer interests will be engaged."

- 1.7 This SCI sets out the policy for involving the community with regards to planning. The policies are split into two sections. Section 2 (**Local Development Frameworks**) of this document concerns the preparation and revision of Local Development Documents (LDDs). The third section (**Development Management**) of this report relates to the decision making process regarding planning applications.

### **South Downs National Park Authority**

- 1.8 The South Downs National Park Authority (SDNPA) has become the sole planning authority for an area that covers parts of 15 local planning authorities, one of which is Lewes District. The SDNPA is now the sole planning authority for 56% of the land area of Lewes District. Through formal agreement between the SDNPA and LDC, the District Council are currently providing Planning Services on behalf of the National Park Authority who have granted LDC with certain delegated powers for determining planning applications. As well as this the SDNPA and LDC are working in partnership to produce jointly adopted policy documents which will apply to the whole of Lewes District, to areas both inside and outside of the National park. This SCI reflects this working arrangement.
- 1.9 This SCI relates to Local Development Documents (LDDs) prepared on a joint basis by LDC and the SDNPA that cover the whole of Lewes District. This SCI also relates to LDDs prepared solely by LDC for the area of the district outside of the South Downs National Park.
- 1.10 This SCI does not relate to LDDs produced solely by the SDNPA or to significant applications determined by the SDNPA. *The SDNPA will produce their own SCI in due course which will cover their specific*

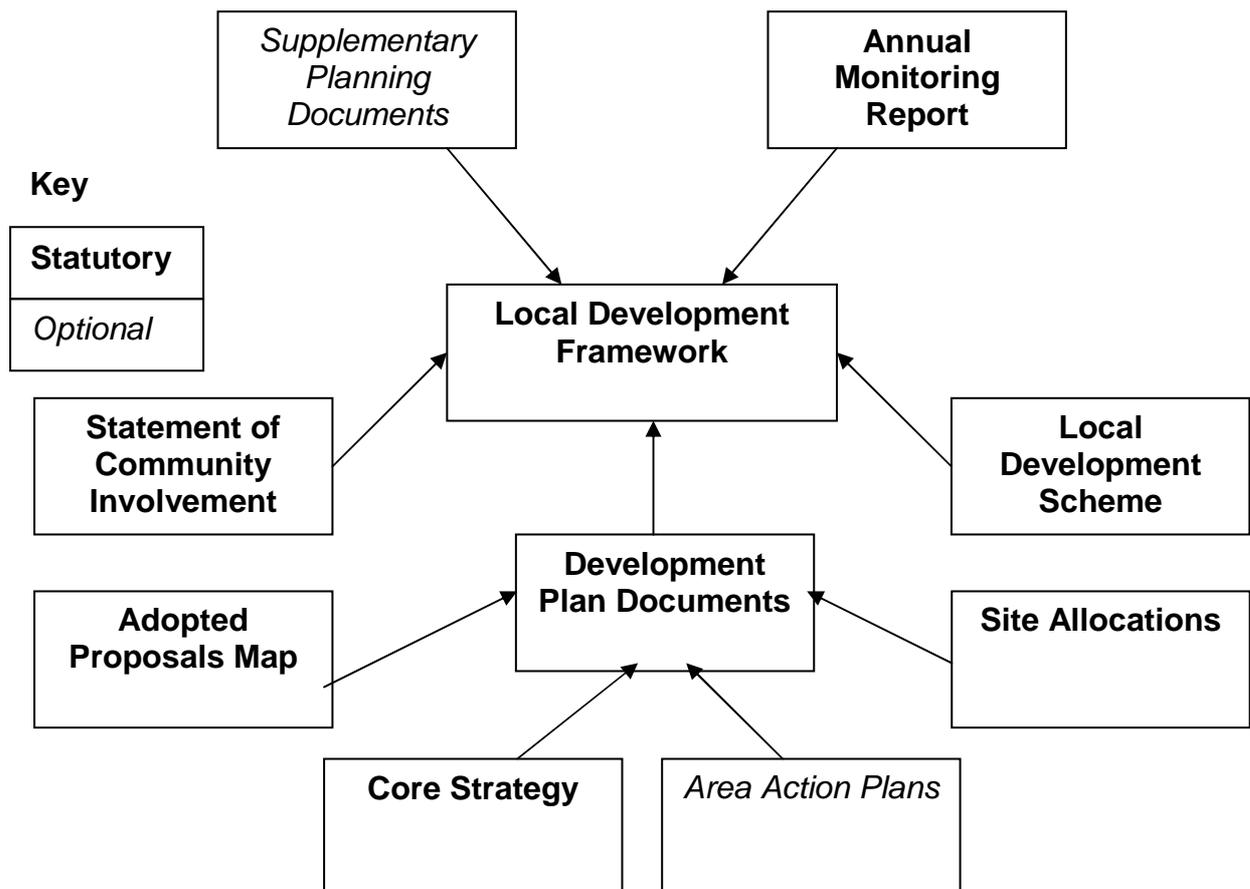
*consultation arrangements for LDDs produced solely by the SDNPA and significant applications determined by the SDNPA. In the meantime, this SCI covers these applications within Lewes District.*

- 1.11 This SCI relates to planning applications that are determined by Lewes District Council either where the application is for development in the area outside the National Park, or in cases where applications are determined on behalf of the SDNPA by Lewes District Council, at least until the SDNPA has approved its own SCI.

## 2. Local Development Frameworks

### Introduction

- 2.1 In 2003, Lewes District Council adopted the Lewes District Local Plan (Local Plan). The majority of policies within this plan have been 'saved' and continue to guide development within the District.
- 2.2 Since the Local Plan was adopted, The Planning and Compulsory Purchase Act 2004 came into effect, introducing a new plan-making system and requiring the review of the Local Plan to be in the form of a Local Development Framework (LDF).
- 2.3 The Council will undertake consultation on all of the Local Development Documents (LDDs) that form the LDF of Lewes District. This includes Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) as well as the Statement of Community Involvement (SCI). A brief description of all of the documents that are found below in the simplified diagram of the LDF can be seen in the glossary.



- 2.4 The SCI, DPDs and SPDs are subject to different stages of consultation and thus the ways in which they will be consulted on differ. This SCI sets out the ways by which consultation will take place on these types of documents.

### **Who will we consult?**

2.5 A wide range of bodies and organisations will be consulted when producing LDDs, in accordance with Planning Regulations. These bodies are categorised as:

- **‘Specific Consultation Bodies’** – bodies that we have a statutory duty to consult with on the whole range LDDs should we believe that they have an interest in the subject.
- **‘General Consultation Bodies’** – bodies that we may consult with should it be appropriate to do so given the content of the LDDs.

Appendix 1 describes the types of bodies that are placed in the above categories.

2.6 Wherever possible, we will seek to coordinate consultation with the Lewes District Local Strategic Partnership (LSP) as outlined in the ‘Planning Together’ document produced by the Department of Communities and Local Government (DCLG)<sup>1</sup>. More information about consulting with the LSP is highlighted in paragraph 2.30.

### **The LDF Database**

2.7 The contact details for members of the Lewes District LSP and the ‘Specific’ and ‘General Consultation Bodies’ are kept in the District Council’s **LDF database**, while the SDNPA also has a consultee database. In addition to these bodies, we hold details of members of the public and local groups/organisations who have either asked to be kept informed of progress on the LDF or have previously made representations on the LDF. These individuals and groups will be contacted when appropriate.

2.8 Any interested individual or group is welcome to add their contact details to these databases. To do this they should inform a member of the Planning Policy team of their contact details, preferably via email to [ldf@lewes.gov.uk](mailto:ldf@lewes.gov.uk) or by post to the Planning Policy Team, Southover House, Southover Road, Lewes, BN7 1AB.

2.9 A number of consultees have changed their contact details since choosing to be part of the database, meaning that they are not being informed of developments regarding the LDF. We would therefore encourage individuals and organisations to tell us if their details have changed so that we can make necessary changes to our database. Additionally, if individuals and organisations no longer want to be on the database they should contact us so that we can delete their details.

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<sup>1</sup> <http://www.communities.gov.uk/publications/localgovernment/planningtogether>

## Consultation Methods

- 2.10 A range of consultation methods will be used to inform and consult individuals and organisations regarding the preparation of LDF documents. These are described in this section.
- 2.11 Whilst there are minimum consultation regulations that must and will be adhered to, it should be noted that the Planning Policy Team has limited **resources** in terms of finance and staff available to undertake consultation on the LDF. This may, in some instances, prevent consultation being of greater scope than those seen in the minimum guidelines as outlined in the Planning Regulations.

### Electronic-based communications

- 2.12 The District Council's **website** ([www.lewes.gov.uk](http://www.lewes.gov.uk)) is an extremely useful tool as it allows information to be gathered at all times by people with internet access. It is and will continue to be utilised to inform and consult with the community about matters regarding the LDF. In addition to the adopted SCI and adopted LDDs, it will contain consultation documents and information about how groups and individuals can get involved in the LDF process and make their views known. The possibility of receiving comments on LDF consultations through a user-friendly online system is also being explored, as is the option of using social media as a platform for community engagement.
- 2.13 Computers are provided in the reception area at Lewes District Council's Planning Offices at Southover House in Lewes. The computers have internet access, ensuring that people can view information on the internet even if they do not have a home computer. For those who are not computer literate, assistance will be provided in reception. In addition, all libraries within the District have computer facilities, which can also be used to view information on the District Council's website as well as gain e-mail correspondence from the Planning Policy Team (see below).
- 2.14 The preferred option of informing the community is by **e-mail** as it is the quickest and most cost effective way of communicating. This is in line with the Lewes District Council Plan (2010 - 11) and the Council's Communication and Consultation Policy (April 2010).
- 2.15 Thus, should we have an email address for any individual or group on the LDF database, we will use it when notifying of the publication of policy documents, including consultation documents, unless such parties have specifically stated that they would prefer to be notified by mail. The email will contain a weblink where the consultation material can be viewed.

- 2.16 During consultation periods on LDDs and the SCI, individuals and organisations can send comments by e-mail to [ldf@lewes.gov.uk](mailto:ldf@lewes.gov.uk). This method is both cheaper and quicker than using the post for the consultee. In addition, the consultee will receive an instant acknowledgement stating that the email has been delivered and that their comments are receiving attention.
- 2.17 In addition to using electronic methods for consulting groups and individuals on the formation of LDDs, '**LDF alerts**' will be e-mailed to addresses in the LDF database. These alerts will keep the recipient informed about matters relating to the LDF. Such alerts may consist of matters such as changes to the national planning system, or the release of evidence for the preparation of planning policy documents.

#### Paper-based communications

- 2.18 Whilst there is a strong emphasis placed on the use of electronic-based information, it is recognised that there is a need for **paper-based** information. It is acknowledged that not everybody has access to the internet and those who do may not choose to gather information from it. Thus, all of the adopted LDDs and documents for consultation will be available to read as hard copies from the District Council's planning offices and from local libraries. Due to printing costs, we will only send hard copies of consultation documents to consultees when absolutely necessary.
- 2.19 We are happy to receive comments on the LDF by **post**. Comments regarding the LDF can be sent to the Planning Policy Team, Southover House, Southover Road, Lewes, BN7 1AB.
- 2.20 Information regarding the production of the LDF will be communicated through **Lewes District Council's District Link** magazine, a quarterly publication that is delivered to all of the District's residents. Members of the public can also ask to receive District Link electronically by registering their email address on the following webpage: <http://www.lewes.gov.uk/newsletter/index.asp>.

#### Public Events

- 2.21 Where appropriate, **public meeting(s)** and/or **staffed/unstaffed public exhibition(s)** will be held throughout the district, which will set out information on emerging policies and proposals in the LDF. They will be organised in various locations such as public libraries, village halls, schools etc. and will be used to both inform individuals and groups regarding the LDF and gather information from them.
- 2.22 Where planning officers are present at public events, they will answer questions appropriate to the event and will assist in recording the comments received.

### Telephone

- 2.23 All officers within the Planning Policy Team has voicemail and therefore it is easy for the community to make contact with team members. All members of the Planning Policy Team aim to respond to voicemail messages within 1 working day. Regrettably, we cannot take formal representations on consultation documents by phone.
- 2.24 Where it is deemed appropriate, telephone calls may be used to inform groups and individuals about the LDF. This may be the most effective means of contacting hard to reach groups.

### Small Group Discussions

- 2.25 The information provided by a number of 'specific consultation bodies' and stakeholders will often be specialised and technical. Therefore, in some cases, it may be appropriate to carry out individual consultation, discussion and technical information gathering meetings with appropriate bodies to inform work on the LDF.

### Publicity of Consultation

- 2.26 In addition to using the District Council's **website** and the SDNPA website and using the **LDF database** to contact consultees to inform of consultation, a range of publicity methods may be used, in order to alert the community of consultation periods on LDF documents.
- 2.27 Where it is felt to be appropriate or if there is a statutory requirement, **adverts** will be placed in local papers, notifying of consultations. These will have information on when and where consultation material can be inspected and the consultation deadline for comments.
- 2.28 **Press releases** will be issued to inform the local press about various stages of the LDF process. These press releases may be used by local media outlets. These press releases are in addition to the information that will appear quarterly in District Link.
- 2.29 **Posters** will be made, where deemed appropriate, to publicise consultation events. These will be placed on Lewes District Council's noticeboards and will be sent to the Town and Parish Council's for those bodies to do the same.

### Role of the Local Strategic Partnership (LSP)

- 2.30 Lewes District has a Local Strategic Partnership (LSP) called 'Local Voices Local Choices'. The LSP comprises representatives from the business, voluntary and statutory sectors of Lewes District. The LSP has produced a strategy which is aimed at improving the quality of life of local people called a Sustainable Community Strategy (SCS). This

has close links with the LDF as it is the LDF that can deliver a number of the priority actions in the SCS. More about the LSP's structure and their responsibilities can be found online, along with the SCS, at: [www.lvlc.info](http://www.lvlc.info).

- 2.31 The work of the LSP is guided by a steering group who meet on a bi-monthly basis. Each meeting of the steering group is attended by a member of the Planning Policy Team who inform of progress on the LDF. Consultation with one of the themed sub-groups, or the full LSP will occur when directed to by the Steering Group or requested by the Planning Policy Team. For instance, consultation with the Facilities sub-group may be needed on infrastructure planning work.

#### Internal Consultation

- 2.32 Where appropriate, we will work with colleagues in other departments to ensure that we are not 'over consulting' and that we can use already established groups to gather views and information. All internal departments will be kept informed on progress of the LDF.
- 2.33 To help us utilise the most effective forms of consultation, and to inform any further revisions to the SCI, we will record how effective various forms of consultation have been throughout the LDF production process. This will be done by gathering comments from public consultations and obtaining the views of the planning officers involved.

#### **Role of the District Council**

- 2.34 The ways by which draft LDDs are approved for public consultation differ. This is explained below:
- Under Regulation 25 of the Planning Regulations, DPDs will be approved for consultation by the Lead Councillor for planning. However, it may be appropriate to refer the decision to approve certain DPDs for consideration by Cabinet or Council. This will be decided on a case by case basis, by the Lead Councillor for planning.
  - At the proposed submission stage of a DPD (Regulation 27 of the Planning Regulations), Cabinet will consider the document and will be asked to approve it for both public consultation and for subsequent submission to the Secretary of State (subject to no significant amendments being made at the consultation stage). Cabinet may decide not to make such a decision and in doing so provide a recommendation to Council as to whether or not the Proposed Submission document should be issued for consultation.
  - Approval for initiating a period of consultation for SPDs and the SCI will be granted by the Lead Councillor for Planning.
  - The adoption of LDDs and SCIs will be considered by Cabinet who will then recommend to Council whether or not a LDD should be adopted.

## **Role of the SDNPA**

- The approval for consultation, submission or adoption of DPDs will be considered by the Planning Committee who will then make a recommendation to the National Park Authority.
- Approval for initiating a period of consultation for SPDs and the SCI will be granted by the Planning Committee. Approval for adoption of SPDs of 'local or non-strategic significance' will be considered by the Planning Committee. Approval for adoption of all other planning policy documents will be determined by the National Park Authority.

## **Monitoring and Review of the SCI**

- 2.35 The success of consultation exercises will be monitored on an ongoing basis. A review of the SCI may be triggered when there is a change in legislation or where consultation techniques are seen to be ineffective.

## **Documents for Consultation**

- 2.36 Consultation will be undertaken on all of the Local Development Documents (LDDs) that form the Local Development Framework (LDF) for Lewes District. This includes Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs), as well as the SCI.
- 2.37 Lewes District Council is committed to the principles and values of consultation seen in the East Sussex Integrated Community Strategy and has shown this by being a signatory to the 'East Sussex Compact'<sup>2</sup>. This commitment underlines the fact that the Council greatly values consultation with all individuals and groups, whether voluntary or professional.
- 2.38 There does however exist pressure from multiple sources to produce documents for the LDF in a timely manner. To this end, it may not always be possible to achieve the 12 week consultation period set out in the 'East Sussex Compact'. Thus, we will seek to consult for at least the minimum length of time, as required by the Planning Regulations, and where feasible extend this period to be in accordance with the 'East Sussex Compact'.

## **Development Plan Documents (DPDs) and Sustainability Appraisals (SAs)**

- 2.39 Development Plan Documents (DPDs) are produced to set out the main planning policies for Lewes District. Thus, when adopted, they are used to guide development in the District.

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<sup>2</sup><http://www.eastsussex.gov.uk/community/partnerships/downloadcompact.htm>

- 2.40 DPDs are subject to different stages of consultation. There are two main consultation stages:
- Under regulation 25 of the Planning Regulations, the relevant Local Planning Authority must notify the 'Specific Consultation Bodies' of the nature of a DPD that they intend to prepare and invite these bodies to make representations about what the DPD should contain. The LPA may, if it is considered appropriate, invite 'General Consultation Bodies' and members of the public to comment at this stage.
  - Under regulation 27 and 28 of the Planning Regulations, the relevant Local Planning Authority must invite formal representations on the DPD which it intends to submit to the Secretary of State from 'Specific Consultation Bodies' and 'General Consultation Bodies' (including members of the public).
- 2.41 After the stages listed above, the DPD will be submitted to the Secretary of State, thereby triggering the start of the Examination in Public process. The Secretary of State will appoint an independent Planning Inspector to test the DPD for soundness. Hearing sessions regarding the DPD are part of the examination process. Those who have sought changes to the DPD and signalled a wish to be heard will be invited to the hearings.
- 2.42 Sustainability Appraisals (SAs) are undertaken on DPDs to test whether the policies in the document are the most appropriate in terms of delivering sustainable development, the key aim of planning in the UK. The SAs are produced alongside DPDs and therefore will be subject to the same consultation stages as described above for DPDs.
- 2.43 The District Council and SDNPA may choose to undertake more consultation to help in the preparation process of DPDs. This may involve the consultation of both 'Specific Consultation Bodies' and/or 'General Consultation Bodies', as well as members of the public.
- 2.44 The consultation period will be for a **minimum of 6 weeks** with regards to both statutory and non-statutory periods of consultation on DPDs and longer where possible.
- 2.45 We understand that the length of some consultations may present a difficulty to some organisations and individuals to make representations on DPDs. Should we be informed before the end of a non-statutory consultation period (i.e. consultation under Regulation 25 of the Planning Regulations) that a late submission is likely to be received, we will seek, where practical to arrange an extended deadline.
- 2.46 Should a representation be made after the deadline for a statutory period of consultation we would be unable to accept it unless the lead member for planning agreed to do so.

- 2.47 To adhere to Regulation 30 of the Planning Regulations, all comments received at the proposed submission stage of a DPD will be made available for public viewing. To conform with the Data Protection Act, we will remove any personal email addresses and phone numbers, as well as signatures by any person who makes a representation.

#### Supplementary Planning Documents (SPDs)

- 2.48 Supplementary Planning Documents (SPDs) can be spatially specific or can cover a particular topic and are used to supplement policies found in a specific Development Plan Document (DPD).
- 2.49 Such are the specific nature of SPDs that the District Council and SDNPA will only consult with specific and general consultation bodies on an SPD should it be appropriate to do so. For instance, Newick Parish Council would be unlikely to be consulted on an SPD that is specific to a development site in Seaford.
- 2.50 Unlike DPDs, SPDs are not subject to examination and thus they are not tested for soundness by a Planning Inspector before they can be adopted.
- 2.51 However, before an SPD is adopted, the District Council will make copies of an SPD available for public consultation and invite representations on the content.
- 2.52 Under regulation 18 of the Planning Regulations **we will consult for 6 weeks on SPDs**. We are unable to consult for a longer period as the regulation states that consultation “must be a period of not less than 4 weeks or more than 6 weeks” starting on the day of publication of an SPD.
- 2.53 Should a representation on an SPD be received after the six week consultation period has ended, we would not be able to accept it as doing so would contravene the regulations.

#### Statement of Community Involvement (SCI)

- 2.54 This document is used to state how and with whom consultation is carried out with regards to the planning process.
- 2.55 To adhere to regulation 26 of the Planning Regulations, we will notify ‘Specific Consultation Bodies’ and such of the ‘General Consultation Bodies’ as deemed appropriate, of the intention to prepare on SCI and will invite comments on what the contents may be.
- 2.56 Like SPDs, they are not subject to examination but copies of the intended final document must be made public for consultation. Any comments received will be taken into account before the final version is

adopted. The consultation for the SCI will last for a **minimum of 6 weeks**.

### **Feedback**

- 2.57 We will aim to acknowledge any comments made during consultation periods on Local Development Documents (LDDs) within 10 working days after the end of the consultation deadline.
- 2.58 After a consultation period has ended, a document will be produced which sets out a summary of the responses received during a consultation on an LDD. At the next stage of production of the LDD, the summary of responses document will be added to in order to explain how the responses received have influenced the content of the LDD.

### **Monitoring and Review**

- 2.59 The success of consultation exercises will be monitored on an ongoing basis. A review of the SCI may be triggered where the consultation methods outlined in the document are found to be ineffective.
- 2.60 A review of the SCI may also be triggered where there are significant changes to the planning system, to Government guidance or best practice on community involvement.

### 3. Development Management

#### Introduction

- 3.1 Applications for planning permission outside of the South Downs National Park and applications for development in the Park which is not “significant” are dealt with by the Development Management section of the District Council.
- 3.2 The local community are able to be involved in the decision making process by commenting on planning applications. This can be done in a number of ways.

#### Consultation on Planning Applications

##### The Weekly List of Planning Applications

- 3.3 Each week, the planning department publishes a list of all planning applications received in the previous week. This list is distributed to all District Councillors, County Councillors representing parts of the District, together with Town and Parish Councils/Meetings (both within Lewes District and those in other districts which border Lewes District), libraries and information centres, other statutory and specialist organisations, (depending on type and site of application) certain local civic and amenity groups, local newspapers, radio stations and notice boards. The list is also published on the following page of the Council’s website: <http://www.lewes.gov.uk/planning/778.asp>.
- 3.4 A further list of major planning applications (See Appendix 2, section 2.3), and applications that are located in the South Downs National Park or affect a Listed Building or Conservation Area is published each week in the Sussex Express, a newspaper which circulates throughout Lewes District.

##### Viewing Planning Applications

- 3.5 **All planning applications** can be inspected at Planning Services, Southover House, Southover Road, Lewes, BN7 1AB between 9am and 5pm Monday to Thursday and between 9am and 4.30pm Friday.
- 3.6 **Planning applications for Newhaven** can be inspected between 9.30am and 4.30pm Monday to Thursday and from 9.30am to 4pm on Friday at the Town Council Office, 18 Fort Road, Newhaven. The offices are closed between 1pm and 2pm.
- 3.7 **Planning applications for Peacehaven** can be inspected between 10am and 4pm Monday to Friday and from 9am to 12.30pm on Saturday at Peacehaven Information Office, Meridian Centre, Peacehaven.

- 3.8 **Planning applications for Seaford** can be viewed by prior arrangement at Seaford Town Council, 37 Church Street, Seaford, by telephoning (01323) 897426.
- 3.9 **Planning applications for Telscombe** can be viewed by prior arrangement between 9.30am – 1pm at Telscombe Civic Centre, 360 South Coast Road, Telscombe Cliffs by telephoning (01273) 589777.
- 3.10 Planning applications and their associated documents can also be inspected on a computerised system found on the Council's website at the following page: <http://www.lewes.gov.uk/planning/1139.asp>. This system is unavailable from 12am to 4.30am daily for maintenance reasons but is otherwise available every day.

#### Commenting on Planning Applications

- 3.11 Any member of the community can comment on planning applications using the system found on the following page of the Council's website: <http://www.lewes.gov.uk/planning/3630.asp>.
- 3.12 Alternatively, any person wishing to make representations about any of these applications may do so in writing to the Director of Planning and Environmental Services, Southover House, Southover Road, Lewes, BN7 1AB. Any representation made should quote the planning application's reference number.

#### Speaking at Planning Committees

- 3.13 The majority of straightforward planning applications are determined by planning officers with powers delegated to them by Councillors. Written reports are made to the Council's Planning Applications Committee to determine in around 10% of cases, normally of a more contentious nature.
- 3.14 Planning Committees are public meetings which anyone is able to attend. Interested parties have the opportunity to speak at Planning Committees for a maximum of two minutes per person. Appendix 3 provides full details of speaking at Planning Committees.

#### **Enforcement**

- 3.15 When unauthorised development has or is taking place it usually comes to the Council's attention through contact from a member of the public. The local community are able to contact a member of the enforcement team on (01273) 484482 or by sending an email to [planning@lewes.gov.uk](mailto:planning@lewes.gov.uk) with the heading of FAO the enforcement team. All cases are dealt with confidentially, owing to the often contentious nature of unauthorised development.

## **Tree Works**

### Tree Preservation Orders (TPOs)

- 3.16 Should anyone wish to carry out works on a preserved tree they need to obtain the written permission of the District Council. When an application is submitted, the Councillors, the Town and Parish Councils/Meetings and the wider public are notified through the weekly list of applications which appears on our website (see para. 3.3) and invited to make comments. The application will be determined within 8 weeks.

### Conservation Areas

- 3.17 Any works to trees located within a Conservation Area require the prior written consent of the council. Under the Conservation Area regulations, the Council has a maximum period of six weeks from the date we receive the notification of works to assess the impact of such works on the character of the area, and where appropriate make a TPO. Like TPOs, we notify the Councillors, the Town and Parish Councils/Meetings and the public, through the weekly online list of applications.

## **Planning Decisions**

- 3.18 The comments raised through consultation are summarised in planning application reports. The final recommendations by the case officer are based on the merits of an application on planning grounds and not by the number of comments received.
- 3.19 Town and Parish Councils/Meetings receive copies of all decision notices and committee reports accompanied by a written explanation of any decision at variance to their views.
- 3.20 Decision notices are sent to the Highway Authority, Southern Water and the South Downs National Park Authority. Copies of decision notices are sent to the Environment Agency if they objected to a planning application.
- 3.21 Details of the decisions made on planning applications are made public and the decision notices are available to download by following the links on the following page of the Council's website: [www.lewes.gov.uk/planning/1139.asp](http://www.lewes.gov.uk/planning/1139.asp).

## **Pre-application Advice**

- 3.22 The Council provides a pre-application advice service. Appointments for this advice should be made in advance. This service increases the chance of a successful application and is likely to speed up a decision on a planning proposal.

- 3.23 Discussions for minor applications or householder applications are free of charge. This includes small house extensions or alterations, small scale business development, listed building consent applications, developments affecting preserved trees, certificates of lawfulness or advice to residents or businesses affected by a proposed development.
- 3.24 Charges are made for advice on development proposals that involve 10 or more dwellings, or relate to more than 1000m<sup>2</sup> of commercial floorspace. This is because such proposals take more time to discuss than minor applications and thus the Council feels that the developer should be charged in such cases, rather than the taxpayer. Full details can be found on the following page of the Council's website: [www.lewes.gov.uk/planning/972.asp](http://www.lewes.gov.uk/planning/972.asp).

### **Developer Consultation**

- 3.25 Developers are encouraged to be actively involved in community consultation before a 'major' development proposal has been submitted (see Appendix 2, paragraph 2.3 for definition of major) and to send a report on the outcome of their consultation work with the application.
- 3.26 Developer consultation with the community is likely to assist in resolving issues early on in the development process, thus it can speed up the determination time for applications and increase the likelihood of permission being granted.

### **Planning Obligations (Section 106 agreements)**

- 3.27 Planning obligations, or section 106 agreements, provide a means of ensuring that developers and landowners contribute towards the infrastructure and services that Lewes District Council, East Sussex County Council or the South Downs National Park Authority consider necessary to facilitate a development proposal and to deliver sustainable development.
- 3.28 The Council takes a positive approach to seeking planning obligations and seeks development contributions that cover a number of elements of infrastructure, including the provision of play space, affordable housing and kerbside recycling.
- 3.29 The development contributions can be monetary or can be provided in-kind. The amount that Lewes District Council asks for is shown on the 'Current amounts for Development Contribution calculations' link which can be found on the following page of our website: [www.lewes.gov.uk/planning/3514.asp](http://www.lewes.gov.uk/planning/3514.asp). Details about the amount of development contributions received and what the money has been spent on can be found at: <http://www.lewes.gov.uk/planning/11297.asp>.

## Applications in the South Downs National Park

- 3.30 Under the terms of an agency agreement between Lewes District Council (LDC) and the South Downs National Park Authority, Lewes District Council is currently providing Planning Services for planning applications on land in Lewes District which falls within the South Downs National Park. This means that all planning applications for development in Lewes District, including those in the South Downs National Park, will be submitted to Lewes District Council.
- 3.31 Through powers of delegated authority given to LDC through the agency agreement, the majority of planning applications on land in Lewes District which falls within the South Downs National Park, will be determined by Lewes District Council's officers or Lewes District Council's Planning Applications Committee. The SDNPA will determine applications considered by the SDNPA to be 'significant' in terms of their potential impact on the Purposes for which the National Park was designated.
- 3.32 'Significance' is determined initially by whether it is
- an application that requires an Environmental Impact Assessment
  - an application that is a minerals or waste application or
  - a major application (see Appendix 2, paragraph 2.3).
- 3.33 If the SDNPA determine that any planning application may have a significant effect on the South Downs National Park, it has the authority to determine it itself. In this event, the SDNPA will serve a direction on LDC, informing it of the decision to "call in" the application to be dealt with by SDNPA officers. This direction notice will be a matter of public record. Any application called in to be determined by the SDNPA will then be subject to the Planning Committee protocols (which can be viewed on the South Downs National park Authority website: <http://www.southdowns.gov.uk/about-us/governance/standing-orders/> ).
- 3.34 Conversely, the SDNPA can allow Lewes District Council to determine a planning application for a development listed in paragraph 3.32 if they believe that the application would **not** have a significant effect on the National Park. In this instance, a direction will be served on LDC, which will be a matter of public record.

## 4. Glossary

4.1 The following table provides a definition of some of the terms used throughout the report.

<b>Term</b>	<b>Definition</b>
<b>Annual Monitoring Report (AMR)</b>	An assessment of the progress of preparing the Local Development Framework (LDF) against the Local Development Scheme (LDS), as well as an assessment on the performance of policies. It is sent to the Secretary of State each December.
<b>Area Action Plans (AAPs)</b>	These provide a planning framework to cover key areas of change or conservation.
<b>Core Strategy DPD</b>	Sets out the vision and spatial strategy for Lewes District and will address important spatial matters including housing, the economy, retail, tourism, transport, areas of regeneration and social infrastructure.
<b>Development Plan Documents (DPDs)</b>	These documents set out planning policies which are used to guide development in the District. The policies are considered when determining planning applications.
<b>Independent Examination</b>	All Development Plan Documents (DPDs) are subject to independent examination by a planning inspector. The inspector will carry out an “assessment of soundness” of the document.
<b>Local Development Documents (LDDs)</b>	The collective term for Development Plan Documents (DPDs), Supplementary Planning Documents (SPDs) and the Statement of Community Involvement (SCI)
<b>Local Development Framework (LDF)</b>	This is the group of documents that form the spatial development framework for the area. Includes Development Plan Documents (DPDs), Supplementary Planning Documents (SPDs), the Statement of Community Involvement (SCI), the Local Development Scheme (LDS) and the Annual Monitoring Report (AMR).
<b>Local Development Scheme (LDS)</b>	Sets out a three year rolling project plan for the preparation and delivery of the various Local Development Documents (LDDs). The purpose of the Local Development Scheme (LDS) is to inform the public of the documents that will make up the Local Development Framework (LDF) and the timescales they can expect preparation and review of these documents.

<b>Local Plan</b>	The Local Plan is, at time of writing, the statutory plan for Lewes District and was adopted in 2003. Until replaced by Local Development Documents (LDDs), its saved policies will still be used to guide development in the District by helping to determine planning applications.
<b>Local Strategic Partnership (LSP)</b>	The Local Strategic Partnership (LSP) brings together organisations from the public, private, voluntary and community sectors to produce and deliver the Sustainable Community Strategy
<b>Planning Policy Statements (PPS)</b>	These are statements from central Government which express national planning policy around certain issues. These statements are to be followed by local authorities when preparing Local Development Documents (LDDs) and determining planning applications.
<b>Planning Regulations</b>	The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended in 2008 and 2009) specifies how local authorities in England should prepare, adopt and withdraw Local Development Documents (LDDs). It also stipulates how consultation and notification of individuals and organisation should be carried out in relation to the production of Local Development Documents (LDDs).
<b>Proposals Map</b>	These show existing and revised designations of areas of land such as conservation areas and flood zones, and the locations of any proposed or actual Area Action Plans (AAPs). It would also define the sites for particular future land uses or developments, and the areas to which specific policies apply.
<b>Site Allocations DPD</b>	This will identify all district wide site allocations for uses including housing, affordable housing, employment land, retail and a range of infrastructure proposals.
<b>Statement of Community Involvement (SCI)</b>	Sets out how the community is to be engaged in the Local Development Framework (LDF) process and sets standards for involving the community in the preparation, alteration and continuing review of all local development documents. It also states how the local community can be involved in the decision making process of planning applications.
<b>Supplementary Planning Documents (SPDs)</b>	These will need to be consistent with parent Development Plan Documents (DPDs) and will elaborate upon certain policies and specific site allocations. They are capable of being a material consideration in the determination of planning applications although afforded less weight.

<p><b>Sustainability Appraisal (SA)</b></p>	<p>Sustainability Appraisal (SA) is required by national policy and regulations and is used to assess policy options in a Local Development Document (LDD) to ensure that the plan contributes towards sustainable development as far as possible. The Sustainability Appraisal (SA) process incorporates the Strategic Environmental Assessment (SEA) process, which is an environmental assessment applied to policies, plans and programmes. This is a requirement of the European 'SEA Directive'.</p>
<p><b>Sustainable Community Strategy (SCS)</b></p>	<p>The Sustainable Community Strategy is a strategy produced by the LSP to improve the quality of life for local people. It provides action plans for 6 themes (A Valued Environment; Decent, Affordable Housing For All; Safer Stronger Communities; Access to Good Local Facilities; Healthier Communities and A Vibrant and Sustainable Local Economy), describing how improvement in the themes will be delivered.</p>

## Appendix 1: List of Consultees

### Specific Consultation Bodies

The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) state that the following bodies must be consulted with in relation to the formation of Local Development Document:

South Downs National Park Authority*
East Sussex County Council
Brighton and Hove City Council, Wealden District Council and Mid Sussex District Council (Adjoining Local Planning Authorities)
West Sussex County Council (Adjoining County Planning Authority)
Town and Parish Councils/Meetings within Lewes District
Town and Parish Councils/Meetings which adjoin Lewes District
The Coal Authority
Environment Agency
Sussex Police
Historic Buildings and Monuments Commission for England (English Heritage)
Natural England
The Secretary of State for Transport
The Homes and Communities Agency
Sussex Downs and Weald Primary Care Trust
Relevant gas, electricity and telecommunications companies who operate in the District
Relevant water and sewerage undertakers who operate in the District

\* The South Downs National Park Authority (SDNPA) is only a specific consultation body in respect of LDDs that are produced by Lewes District Council for an area that does not include any land that is in the National Park. All other LDDs produced for Lewes District will be prepared jointly by Lewes District Council and the South Downs National Park Authority.

### General Consultees

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

Lewes District Local Strategic Partnership
Local Enterprise Partnerships
Highways Agency
Local Community Action Groups
Local Civic and Amenity Groups
Local Business Groups (For example, Chambers of Commerce and Federation of Small Businesses)
Travellers Groups (For example Friends, Families and Travellers)
Religious Groups ( For example Churches Together in Sussex)
Countryside and Conservation Groups at local, regional and national level (For

example the CPRE, Sussex Wildlife Trust and Friends of the Earth)
Bodies that represent the interests of disabled persons in the area (For example the Access in Seaford and Newhaven Committee)
Rural Organisations (For example National Farmers Union)
Older Persons groups (For example Age Concern)

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

## Appendix 2: Publicising Planning Applications

### Introduction

- 1.1 Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 makes local planning authorities responsible for publicising planning applications, so that interested parties can make their views known. The Order provides for three basic types of publicity:
- a notice in a local newspaper
  - a site notice
  - notification to owners/occupiers of adjoining properties
- 1.2 This appendix also sets out the Council's policy for publicising planning applications for Listed Building Consent, Conservation Area Consent, Advertisement Consent, works to preserved trees and hazardous substances consent.

### Publicity

- 2.1 The table below shows the minimum publicity that the Council undertakes with regards to certain types of development:

Nature of development	Minimum Publicity
Application accompanied by environmental statement	Advertisement in local newspaper <b>and</b> site notice
Proposal departs from Development Plan	
Development affecting public right of way	
Major development (see paragraph 2.3)	Advertisement in local newspaper <b>and either</b> site notice <b>or</b> neighbour notification.
Development affecting the setting of a listed building or the character or appearance of a Conservation Area	Advertisement in newspaper <b>and</b> site notice.
Minor development	Site notice <b>or</b> neighbour notification.

- 2.2 In addition to the publicity methods listed in the table above, all applications are publicised on the following page of our website: <http://www.lewes.gov.uk/planning/778.asp>.
- 2.3 The categories of development that are defined as major are listed below:
- erection of 10 or more dwellings, or, if this is not known, where the site area is 0.5 hectares or more;
  - in other cases; where the floorspace to be created is 1,000m<sup>2</sup> or more, or the site area is 1 hectare or more;

- winning and working of minerals or the use of land for mineral working deposits;
- all waste developments, meaning any development designed to be used wholly or mainly for the purpose of treating, storing, processing or disposing of refuse or waste minerals.

### **Site Notices**

- 3.1 Site notices are displayed on or near the application site so that they are visible and legible to anyone passing by without the need to enter the site. Some sites will require more than one notice.

It is a statutory requirement that site notices are displayed for the following types of application:-

- applications accompanied by Environmental Statement
- applications which depart from Development Plan
- applications affecting Public Rights of Way
- development affecting setting of Listed Building or affecting the character or appearance of a Conservation Area.

- 3.2 A site notice will also be displayed for all other planning applications allowing a period of 21 days for comment beginning with the date when the notice is first displayed.

### **Neighbour notification**

- 4.1 Although the Council's statutory obligations is met by press and site notices the appropriate case officer has discretion whether to undertake further publicity by way of neighbour notification.
- 4.2 Where it has been decided to consult neighbours, the minimum requirement is to notify the owners/occupiers of any land/property adjoining the application site, allowing up to 14 day for comments.
- 4.3 Town and Parish Councils/Meetings outside of Lewes District will be notified of applications which immediately adjoin their administrative area.

### **Amendments to applications**

- 5.1 There is no statutory obligation on local authorities to publicise amendments to applications. Nevertheless these amendments can be of concern to objectors and, therefore, where the case officer considers the amendments to be significant, further appropriate publicity will be carried out, either by site notice or neighbour notification.



### **Time limits for speakers**

The maximum time for each speaker is two minutes and this is strictly controlled with start/stop lights. The exception to this is when District Councillors wish to speak on an application within their Ward, in which case they can speak for up to five minutes.

### **Procedure at meetings**

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

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

*\* if the "Opportunity to Speak" is taken up*

Committee members are not able to question speakers directly but can seek points of clarification through the Chair only.

Speakers are asked to make verbal presentations only (unless special disability circumstances apply). If a written copy of a presentation is submitted this is included on a supplementary report, provided it is received by Planning Services not later than the day before the meeting.

If an application is deferred, speakers are allowed an opportunity to speak at a subsequent meeting when the application in which they have an interest is considered again.

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

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

### **Registering interest to speak**

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

This can be done in several ways. You can write to us at:

Planning Services  
Southover House  
Southover Road  
Lewes BN7 1AB

Alternatively, you can send us a Fax on 01273 484452 or telephone 01273 484439 or 484440.

You can also send an e-mail to:

[planning@lewes.gov.uk](mailto:planning@lewes.gov.uk)

Please always quote the application number where known.

### **Relevant issues**

When considering applications the Committee members can only take account of relevant "Planning" issues. These can include:

- Local Plan/Local Development Framework\* Policies
- Government Guidance including Orders and Circulars
- Case Law and previous decisions
- Highway safety, traffic, parking
- Noise, disturbance, smells
- Design, appearance, layout, materials, character
- Overshadowing, loss of privacy, residential amenities
- Effect on Listed Buildings, Conservation Areas, Trees

\*when completed.

There are also certain issues which the Committee members cannot take into account in making planning decisions. Please do not waste your speaking time on these matters.

These include:

- Matters covered by other laws, e.g. licensing
- Private property rights
- Effect on value of property
- Loss of view from a private property

- Possible future development
- Preferable alternative development
- Personal circumstances (except in exceptional cases)
- Applicant's morals or motives
- Moral/religious issues

Please note there is no legal protection for comments made at meetings and it is therefore important that derogatory or defamatory statements are avoided.

**Further information**

If you have any queries about the scheme please contact the Development Control Team Clerk (01273 484439 or 484440).

## Appendix 4: Planning Aid England

- 1.1 Planning Aid England is a charitable organisation which provides free and independent planning advice to communities and individuals who cannot afford to pay professional fees. It is run by the Royal Town Planning Institute (RTPI) and is staffed by volunteers.
- 1.2 Planning Aid South East is the relevant regional branch of Planning Aid England for Lewes District. All members of the community can contact them in relation to any planning matter in Lewes District.
- 1.3 Planning Aid South East can be contacted by the following methods:  
  
Telephone: 0870 850 9806  
Email: [secpa1@planningaid.rtpi.org.uk](mailto:secpa1@planningaid.rtpi.org.uk)  
Letter: Kent Architecture Centre  
1<sup>st</sup> Floor, Admirals Offices  
The Historic Dockyard  
Chatham  
Kent  
ME4 4TZ
- 1.4 More information about the Planning Aid England can be found online at: <http://www.rtpi.org.uk/planningaid>.

**This document can be made available in large print, audiotape, disk or in another language upon request. Please telephone 01273 484141 or e-mail: [lewesdc@lewes.gov.uk](mailto:lewesdc@lewes.gov.uk)**