



Lewisham Statement of Community Involvement November 2017

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INTRODUCTION

Background

The London Borough of Lewisham (“the Council”) places a great emphasis on engaging with and involving the community in its planning decisions and the production of policy documents and believes in the many benefits this can bring.

The Statement of Community Involvement (or “SCI” for short) is the Council’s overall strategy for ensuring effective community involvement and engagement in the planning process.

The Council's Planning Service is responsible for producing planning policy documents (including the Local Plan) and determining planning and related applications in the borough.

The SCI is a planning document which forms part of the Development Plan. The Development Plan is a collection of documents which contain the Council’s planning policies, strategies and guidance which is used to make decisions on planning and related applications

The Planning Service wants to ensure that our community has the opportunity to participate in the Borough’s planning decisions. This SCI has been prepared to explain how we will involve local people, local businesses and other key organisations and stakeholders in the planning process.

This SCI is prepared under Section 18 of The Planning & Compulsory Purchase Act 2004 (as amended) and reflects the latest relevant legislation, government policy and guidance at the time of writing. The Council is legally required to comply with the SCI once it is formally adopted.

Why is a new SCI required?

Since the previous SCI was adopted in 2006¹, there have been a number of important changes to planning legislation. These changes have been reflected in this new SCI. The new SCI has enabled a review of existing approaches, drawing on the Council’s experience and reflecting new methods of public involvement and engagement, such as the greater use of electronic forms of communication and social media.

Once adopted, this new SCI will update and replace current arrangements made under the existing SCI, adopted back in 2006.

¹ LBL (2006), Statement of Community Involvement

Structure of the document

This SCI is structured as follows:

- **PART 1** – overview of the planning process and different types of planning policy documents and planning applications covered by this SCI
- **PART 2** – sets out the Council’s overall approach to community involvement and engagement in the planning process
- **PART 3** – information on how the Council will involve the public in the preparation of new planning policy documents
- **PART 4** – information on how the Council will engage and consult the public on planning applications and development proposals
- **PART 5** – sets out how the Council will support neighbourhood planning activities
- **PART 6** – where to you can get further help and advice on planning consultation matters covered in this SCI document

Appendix 1 - Local Plan Process

Appendix 2 - Consultation standards for planning applications

PART 1. PLANNING IN LEWISHAM

1.1 What is planning?

Planning ‘makes better and more sustainable places for everyone to live, work and enjoy’². It plays a critical role in identifying what development is needed and where; and which areas in the borough need to be protected or enhanced. Planners manage the competing demands for housing, schools, commercial space, hospitals, roads etc. to shape places and build communities.

1.2 The Council’s role in the planning process

The Council is responsible for producing planning policy documents (including the Local Plan) and determining most types of planning applications in the borough, except those applications “called-in” by the London Mayor or the Secretary of State.

The Council also has a legal duty to support and advise groups (i.e. neighbourhood forums) preparing neighbourhood plans and neighbourhood development orders within Lewisham and engage constructively with prescribed bodies on an on-going basis in preparing Local Plan documents.

Planning decisions are guided by the statutory “development plan” for the borough. The planning system is plan-led and any planning application must be determined in line with the development plan unless other material considerations³ indicate otherwise.

1.3 Our community

Our community is anyone living, working, or/and undertaking other activities in the borough of Lewisham. This SCI also refers to other stakeholders, including individuals, groups and organisations that have a direct influence or interest in planning decisions and matters in the borough.

1.4 Planning Policy Documents

The Development Plan

At the time of writing, the development plan for the borough consists of The London Plan and the following documents:

² Definition taken from the RTPI's web pages

³ See Section 4.8

Core Strategy (2011) - Sets out the Council's overarching vision, objectives and strategic priorities for the borough and the spatial strategy to guide development up to 2026

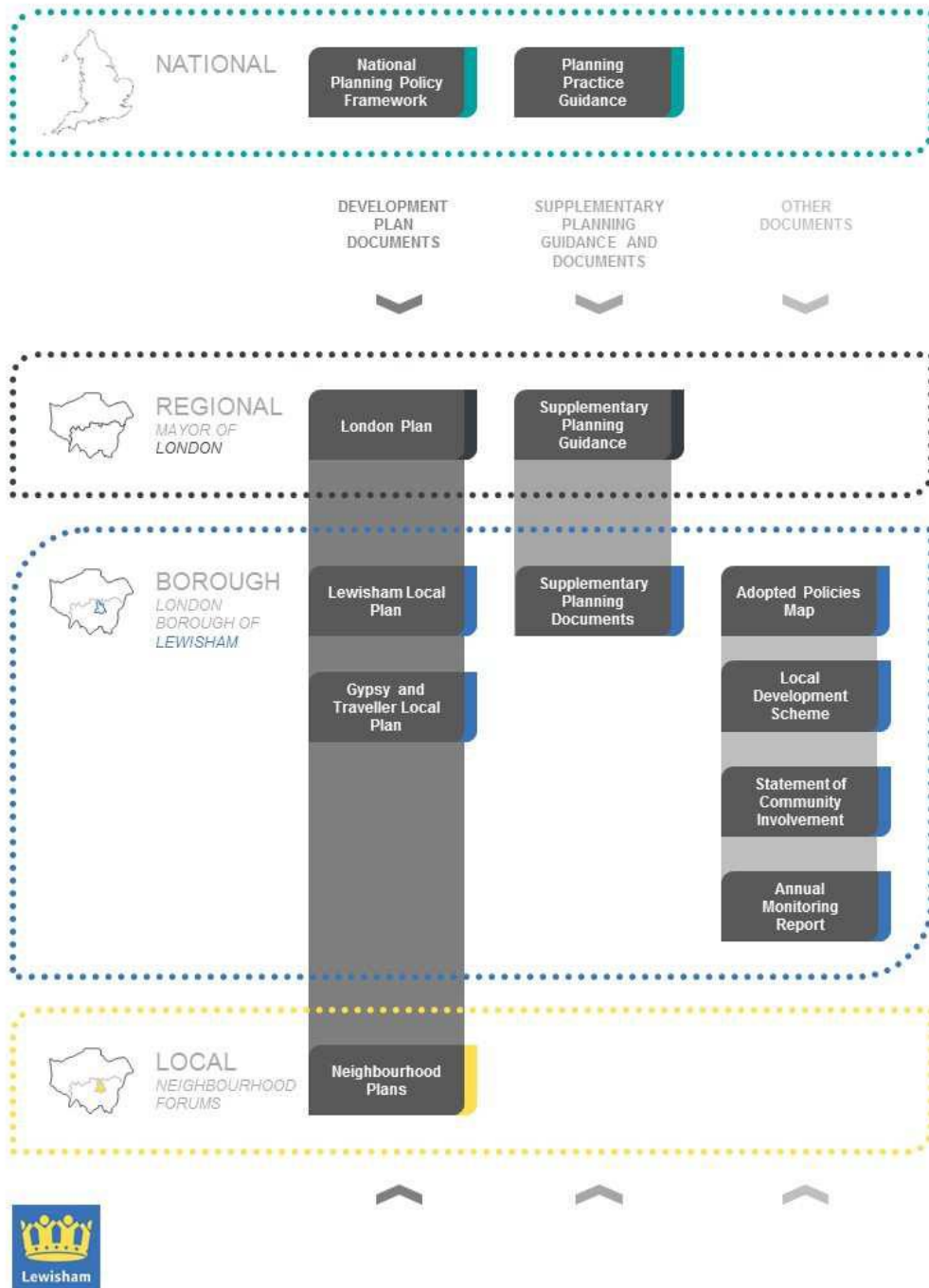
Site Allocations Local Plan (2013) - Identifies and safeguards specific sites and land to contribute towards the delivery of policies in the Core Strategy

Lewisham Town Centre Local Plan (2014) - Sets out a spatial strategy for Lewisham. Provides locally specific policies to coordinate development opportunities in Lewisham Town Centre up to 2026

Development Management Local Plan (2014) - Sets out development management policies against which all the borough's planning applications are determined

Policies Map (updated 2015) - Shows the land use planning and environmental designations in the borough, including site allocations

The relationships between planning policies at different scales



Other planning documents

In addition to development plan documents, the Council also produces a number of Supplementary Planning Documents (SPDs) to provide more detailed advice or guidance on the policies in the Local Plan (e.g. the Council’s Planning Obligations SPD which sets out the circumstances when planning obligations will be sought).

The Council also regularly reviews and produces a number of other planning documents, including the Local Development Scheme (which sets out the Council’s latest programme and timetable for

preparing new development plan documents), and the Lewisham's Annual Monitoring Report (which measures the delivery and performance of Local Plan policies against agreed monitoring indicators). Both of these documents can be viewed on the Council's website.

Neighbourhood Plans

The Localism Act sets out provisions for designated groups including neighbourhood forums to make neighbourhood plans and neighbourhood development orders.

A list of the current neighbourhood plans, their progress and status is published on the Council's website.

Community Infrastructure Levy and Planning Obligations

The Community Infrastructure Levy (CIL) is a charge that authorities can levy against most types of new development in their area to fund infrastructure including parks, schools, community facilities, health facilities and leisure centres.

Lewisham approved its CIL charging schedule on 25 February 2015 and it was applicable from 1 April 2015. The Council's website includes a CIL Charging Schedule. This sets out the charges, charging zones and the current instalment policy. The website also includes a CIL Infrastructure List (Regulation 123 list) which sets out the types of strategic infrastructure that CIL may be spent on. This list is based on our Infrastructure Delivery Plan which identifies infrastructure to support growth in the Local Plan.

Planning Obligations can be both financial and non-financial, and they are used when there is a requirement to address the impact of a development and the impact itself cannot be dealt with through a planning condition on the permission. Advice and guidance on these is also found on the Council's website.

PART 2. OVERALL APPROACH

2.1 Effective community involvement

The Council is committed to ensuring that everyone who wishes to be involved in the planning process will have the opportunity to do so. The Council believes effective community involvement and engagement could help to:

- embed the community's values in planning decisions and empower them in the matters that affect their lives
- bring together different perspectives and increase understanding of the issues and opportunity from all sides
- identify options and solutions at an early stage and increase public involvement in a decision or development. However it is important to note that views gathered from the community (known as 'representations') are only part of the evidence upon which planning decisions are made.

When making a decision on a planning application only certain issues can be taken into account and these are called 'material considerations'⁴. When reaching a decision, the weight attached to a material consideration is a matter of judgement for the decision-maker. The decision-maker must show that they have considered all relevant matters when reaching a decision.

2.2 The Council's approach to involving the community

The Council will seek to offer a wide range of opportunities to get the community involved in the production of new planning policy documents and will set out clear standards with the community and other stakeholders in regard to the consultation on planning applications. Specifically, the Council will:

- be clear about the decision being made, the process and opportunities for involvement and engagement
- engage the community at the earliest suitable opportunity and support effective interactions between interested parties on an on-going basis
- encourage involvement from different groups in the community
- communicate in ways that are relevant and accessible to the community, and to support greater use of electronic / online methods of consultation
- hold regular Community Group Forums and Agent, Developer and Architect Forums
- as a minimum, carry out consultation arrangements and activities set out in this SCI

2.3 Statutory consultation requirements

The Council must (as a minimum) comply with statutory requirements for consultation set out in relevant legislation, including:

- The Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) – for planning policy documents

⁴ See Section 4.8

- The Neighbourhood Planning (General) Regulations 2012 (as amended) – for neighbourhood planning documents
- The Town & Country Planning (Development Management Procedure)(England) Order 2015 – for planning applications
- The Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) – for listed building consents

The requirements set out in the legislation form the basis of the arrangements and commitments made in this SCI.

When consulting on key stages of Local Plan documents, neighbourhood planning activities and planning applications, the Council is also required by the legislation to consult and engage with a number of statutory consultees (a full list can be viewed at <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>).

2.4 Duty to Co-operate

In addition to the statutory consultation requirements, under the Duty to Co-operate (Localism Act 2011), the Council is also required to work collaboratively, constructively and actively on an ongoing basis with other prescribed bodies on cross-boundary strategic matters throughout the preparation of new Local Plan documents⁵.

In addition to the prescribed bodies, the Council will also engage with the following neighbouring planning authorities to ensure the duty is met:

- London Borough of Bexley
- London Borough of Bromley
- London Borough of Southwark
- Royal Borough of Greenwich
- London Borough of Tower Hamlets

2.5 How you can keep up-to-date on planning matters?

The Council's website at <http://www.lewisham.gov.uk/planning> contains useful information, including the following:

- planning and related applications,
- planning policy documents,
- information on neighbourhood planning activities and designated forums
- advice on submitting planning and related applications, forms and pre-application advice
- Conservation area appraisals and article 4 Directions

You can also register to:

Online planning applications service – anyone signed up to this service can be notified of new planning and related applications registered or determined by the Council in their area (by street address, ward and conservation area).

Planning Policy's consultation database – the Planning Service regularly maintains a database of individuals and groups that have expressed an interest to be notified and receive updates on

⁵ Refer to Regulation 4 of The Town and Country Planning (Local Planning)(England) Regulations 2012 for "prescribed bodies"

consultation of planning policy documents and neighbourhood plans. If you wish to be added to the database or need to amend your details, please email planning_policy@lewisham.gov.uk

Social media - social media is of increasing importance for engagement with certain groups (e.g. younger people) and can be a very resource efficient way for keeping the community up-to-date on planning matters.

The Council will announce important public engagement events and consultation activities via the following social media platforms (for planning policy documents):



via Twitter:
[@LewishamCouncil](https://twitter.com/LewishamCouncil)



via Facebook:
[Lewisham-Council](https://www.facebook.com/Lewisham-Council)

2.6 Future review of this SCI

The Council will seek to periodically review the SCI, to ensure it remains effective and continues to meet the needs of our community. The SCI will be reviewed as necessary to reflect new legislation, new methods of communication and other requirements.

PART 3. PLANNING POLICY DOCUMENTS

3.1 New Local Plan Documents

The Council has a statutory duty to keep its Local Plan documents up-to-date and under review. It is responsible for planning matters at a “local level” and works with the London Mayor and neighbouring authorities on any strategic, London-wide planning matter.

All Local Plan documents are available for inspection at the Council’s offices during normal working hours and can be downloaded for free from the Council’s website.

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the (minimum) statutory consultation requirements for new Local Plan documents. **Table 1** sets out the key stages of production for Local Plan documents and how the Council will engage and consult with the public and the process is set out in more detail in Appendix 1.

	Preparation Stage (Reg.18)	Publication Stage (Reg.19)	Submission Stage (Reg.22)	Examination Stage (Reg.24)	Adoption of Local Plan (Reg.26)
Notify			✓	✓	✓
Public consultation on documents	Yes (6 weeks)	Yes (6 weeks)	No	No	No
Publicity -	Yes	Yes	Yes	Yes	Yes
- Council's website	✓	✓	✓	✓	✓
- Email / letters	✓	✓	✓	✓	✓
- Press release	✓	✓	✓	✓	✓
- Local Press	Optional	Optional	Optional	✓	Optional
- 121 meetings	Optional	Optional	Optional	Optional	Optional
- Public exhibition	Optional	Optional	n/a	n/a	n/a

Sustainability Appraisals

Section 19 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to carry out a Sustainability Appraisal for each of the proposals in the Local Plan and prepare a report of the findings of the appraisal.

Sustainability Appraisals (SA) consider how the Local Plan document and its policies contribute to sustainable development, and assess whether the policies and proposals in the Local Plan document

are the most appropriate given the reasonable alternatives. SAs are required for all Local Plan documents⁶.

In accordance with the regulations, when deciding on the scope and level of detail to be included in a sustainability appraisal report, the Council will consult relevant consultation bodies (Historic England, Natural England and the Environment Agency). Where a consultation body decides to respond, it will be required do so within 5 weeks of receipt of the request⁷.

The Council will consult and invite public representations on SAs alongside consultation of Local Plan documents.

Strategic Environmental Assessments

Strategic Environmental Assessments (SEAs) considers only the environmental effects of a Local Plan document, whereas sustainability appraisals consider the wider economic and social effects in addition to its potential environmental impacts.

The Council will screen for SEA for each Local Plan document as part of the initial work on the relevant sustainability appraisal.

Providing Feedback

Providing feedback to consultation activities is an important and integral part of the Council's planning process. Following the consultation of planning policy documents, the Council will prepare and publish (on the website) a consultation statement setting out the key issues raised and how they have been considered in the development plan documents.

⁶ Excluding neighbourhood plans / orders, SCIs, Local Development Schemes or the Authority's Monitoring Report

⁷ Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004

3.2 Supplementary Planning Documents

Table 2: Consultation and publicity for SPDs

	Draft Stage(s)	Adoption Stage
Notify		✓
Public consultation on documents	Yes (4 weeks)	No
Publicity -	Yes	Yes
- Council's website	✓	✓
- Email / letters	✓	✓
- Press release	Optional	Optional
- Local Press	Optional	Optional
- 121 meetings	Optional	Optional
- Public exhibition	Optional	Optional
- Workshops	Optional	Optional

Supplementary Planning Documents (SPDs) provide detailed information, advice and guidance on the interpretation and implementation of planning policies in the development plan (often relating to a specific area or specific planning issue in the borough).

SPDs do not form part of the statutory development plan and cannot introduce new planning policies. Once adopted they are material consideration in the determination of planning applications.

While the stages of preparation are often similar to development plan documents, SPDs are not subject to an independent examination and there are no formal requirements to consult the public at specific stages of its preparation before the document can be adopted.

The Council will consult the public for a minimum of 4 weeks before an SPD is adopted and will consider the representations received. Depending on the scope and purpose of the

SPD, the Council may also undertake informal discussions and consultations with relevant stakeholders / industry bodies prior to a wider public consultation.

Sustainability Appraisals & Strategic Environmental Assessments

SPDs do not require Sustainability Appraisals but may in exceptional circumstances require Strategic Environmental Assessments (SEAs) if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan or other development plan documents.

Where relevant, the Council will consult and invite public representations on any SEAs or screening reports / statements alongside the consultation of SPDs.

Providing Feedback

Similar to the consultation of Local Plan documents, following any consultation activities, the Council will prepare and publish (on the website) a consultation statement setting out the key issues raised and how they have been considered in the SPDs.

3.3 Brownfield Land Register

The Council has a duty, under the Brownfield Land Register Regulations 2017 and Permissions in Principle Order 2017, to prepare, maintain and publish a register of previously developed land (the Brownfield Land Register) which is split into two parts:

- Part 1 includes a list of all previously developed sites that are assessed as being suitable for housing.
- Part 2 includes a list of sites that have been granted Permission in Principle (PIP) by the Council. This is not mandatory and it is for the Council to decide whether sites should be included in Part 2. Once a site has a PIP and has been included in Part 2, a Technical Detail Consent then needs to be submitted to, and approved by, the Council before a site has consent to build.

There are differing requirements for consultation for different parts of the register. Consultation on Part 1 is discretionary. The Council may notify landowners and developers of the sites either newly included in, or newly removed from, Part 1.

Consultation on PIPs is mandatory before they are included in Part 2. The Council will consult for 42 days the first time Part 2 is published, and 21 days thereafter. For sites included in Part 2, where the Council receives an application for Technical Details Consent, there is a requirement to display a notice under Article 15(a) of the Permissions in Principle Order 2017 on or near the site.

The Council may also carry out informal discussions with landowners and developers, prior to publishing Part 1 or Part 2, in order to gain accurate information about site ownership and ability to deliver as well as identifying the amount and type of development suitable for each site.

The register will be available for inspection at the Council's offices during normal working hours and published on the Council's website.

The identification of sites to be included in the register is a continuous process and the Council will update the register at least once each year, usually at the same time as the Annual Monitoring Report. The register will also be reported to Government each year.

Table.2 below sets out the key stages of production for the register and how the council will engage and consult the public.

Table.2 Consultation and publicity on Brownfield Land Register

	Part 1	Part 2
Notification	Optional (for sites being entered, and sites being removed, from Part 1)	Yes (sites being entered, and sites being removed, from Part 2, following public consultation)
Public consultation on the register	No	Yes (42 days the first time Part 2 is published, and 21 days thereafter)
Publicity -	Yes	Yes
- Council's website	✓	✓
- Email/letters	Optional	Optional
- Press release/promotional materials	No	No

Sustainability Appraisals & Strategic Environmental Assessments

Consideration will be given when preparing Parts 1 and 2 as to whether Sustainability Appraisals and/or Strategic Environmental Assessments need to be prepared. This will be dependent upon whether the sites in the register are likely to have significant environmental cumulative effects. In some circumstances, the Council will prepare “screening” reports / statements and will invite public representations on these alongside any consultation of the register.

Providing Feedback

If and when the register is consulted upon, the Council will prepare and publish (on the website) the key issues raised during the consultation and how they have been considered. The register will be amended accordingly.

PART 4. PLANNING APPLICATIONS

This section of the SCI sets out details of how the Council will engage and consult/notify the community and other stakeholders when determining different types of planning and related applications.

‘Planning applications’ are those applications for which the full range of assessment occurs, looking at the principle and full form of development, and may involve full planning permission, outline planning permission, the approval of reserved matters applications that follow outline permission or permission in principle. For the purposes of this SCI, Listed Building Consent and Advertisement Consent applications fall within this definition.

‘Related applications’ are those where the principle is generally already established, either through an initial grant of detailed permission, comprising the discharge of conditions attached to planning permission, or where national ‘Permitted Development’ allowances give consent for a change of use, or for minor extensions, works or alterations (typically involving ‘Prior Approval’ type applications, where a narrow and defined range of considerations are available for the Council to assess). Lawful Development Certificate applications, where the application seeks confirmation that proposed works do not require full planning permission, also fall into this category.

4.1 Public consultation

In general, once a planning application has been made valid, a period of public consultation will follow, usually for 21 days, when comments on the proposed development can be made. For certain types of planning applications, site and press notices may be required, which often result in staggered 21 day consultation periods. In these instances, the overall consultation period expires at the end of the latest 21 day period.

Depending on the nature of the proposed development, the Council may also consult relevant statutory and other non-statutory consultees (including local groups) that have an interest in the proposed development (see section 4.2).

Anyone with an interest in the planning application can respond to the consultation, regardless if they were formally consulted or not.

Article 15 of Development Management Procedure Order sets out the minimum legal requirements for public consultation prior to the Council making a decision on the planning application. There are separate arrangements for Listed Buildings which are set out in Regulation 5 and 5A of the Listed Buildings & Conservation Area Regulations 1990 (as amended). Appendix 2 sets out how the Council will consult on planning applications.

Local residents or anyone with an interest in planning applications and decisions in their area are encouraged to register for email notifications if the Planning Service receives a valid application within a particular ward, road or for a specific property. Please see the Planning Service’s web page to find and comment on planning applications using the following link:

<https://www.lewisham.gov.uk/myservices/planning/find-comment-planning-applications/Pages/default.aspx>

The Council has a duty to determine all planning applications in line with set targets by the government. Consultation comments received after the 21 days period can only be taken into account by the Council if no decision has been made.

Consultation responses

The Planning Service will count all responses from the same address as one response, unless it is clear that they are from separate households or businesses.

Petitions

If a petition is submitted, the Planning Service will consider it if:

- Every page is headed with the aim of the petition;
- Signatories names and addresses are noted and clear; and
- The comments made are material planning considerations

The Planning Service will acknowledge the petition. This will be addressed to the first name and address at the top of the petition. The planning officer will consider the petition and reference it in the officer's report.

Petition type standard responses

Objection responses that are received using a standard template will be treated as a petition. The Planning Service will record the number of template objection responses received, but they may not be separately acknowledged or registered individually on the Council's system. The planning officer will consider the content of the template objection responses, the number received and reference them in the officer's report.

Amenity Society responses

An objection from an amenity society group will only trigger the planning application being heard at a planning committee if the case falls within their amenity group area. If not, it will be treated as if it were a standard objection response. If a case does go to committee, as a result of the amenity group objection, a representative from that amenity group will be expected to attend the committee to verbalise their views.

Neighbourhood forum responses

An objection from a neighbourhood forum in regard to a planning application which conflicts with a policy within their "made" neighbourhood plan will trigger the case being heard at committee. If a case does go to committee, as a result of the neighbourhood forum's objection, a representative from the forum will be expected to attend committee to verbalise their views.

Other responses received from forums in relation to planning applications will be treated as if they were a standard objection response.

Local Meetings

A local meeting will be arranged for those that have made representations and the applicant prior to a decision being made on a planning application in the following circumstances:

- where a petition is received containing more than 25 signatures; and / or

- where 10 or more individual written objections (not standard / template based objections) are received from different households. However, objections received after the end of the formal consultation period will not trigger a local meeting.

In cases where a development proposal is identified at an early stage as requiring a refusal, a local meeting will not be held. Where an application is recommended for refusal of planning permission and is referred to a Planning Committee, if they are minded to grant the application, members will be advised to defer their decision to allow for a local meeting.

Notes of the discussions of the local meeting will be published on the planning service webpage as part of the planning application file. A summary of the meeting will form part of the planning officer's report to planning committee members.

The Council may decide at their discretion that a drop-in session may be more appropriate than a local meeting. A summary of the proceedings (if any) of the drop-in session will be published on the planning service webpage as part of the planning application file and will form part of the planning officer's report to planning committee members.

4.2 Statutory & Non-Statutory Consultees

Depending on the type of application or development being proposed or/and its location, the Council will consult with relevant statutory and non-statutory consultees or bodies:

- **Statutory consultees** – the Council is required by legislation to consult these specific bodies who are in turn under a duty to respond to the Council on the relevant planning application (e.g. Environment Agency, Highways Authority, neighbourhood forums, etc.)
- **Non-statutory consultees** – other national / local bodies that may have an interest (planning reasons) in the relevant planning application (e.g. amenity societies, resident's associations, neighbourhood forums, emergency services, etc.)

4.3 Revisions to current applications

When the Planning Service accepts revisions to current planning applications it is generally when the revisions are minor and further consultation is not required. If the Planning Service does accept significant revisions and further consultation is considered to be required then the service will usually re-consult for 14 days.

4.4 Pre-application advice

The Council's Planning Service operates a range of pre-application advice services providing advice to householders, small businesses and developers. They can also advise on the type of application that should be submitted and what supporting documentation will be needed.

Details on the available services offered and associated fees can be found online. The Planning Service encourages applicants and developers to use the pre-application services only after undertaking initial feasibility work and before drawing up detailed proposals. Further information about these services can be found on the Planning Service's website.

4.5 Pre-application consultation

Applicants, agents and developers of major development proposals or/and schemes that are likely to have significant impacts are strongly encouraged to seek pre-application advice from the Council's Planning Team, to discuss how the proposal could benefit from pre-application consultation and to what extent should this be carried out (by the applicant/developer).

The Planning Service strongly encourage all applicants, irrespective of the scale of scheme, to consult any neighbours, community groups and statutory consultees who may be affected by their proposals before they submit a planning application. It is especially important to undertake consultation on a wider scale for major, or potentially controversial proposals where:

- the proposals are likely to have a significant impact on the environment or on the local community, and
- the nature of the development is likely to attract significant local interest.

Pre-application consultation provides an opportunity for neighbours, local communities and stakeholders to discuss any proposals with the applicant and influence their proposals.

The Council cannot require an applicant to undertake pre-application discussions or pre-application consultation but we strongly encourage it.

As part of pre-application discussions, the Planning Service expect the applicant / agent to agree the extent and type of pre-application consultation with us to make sure that the consultation process proposed is suitable. Whilst the consultation will be undertaken by the applicant, Council officers will recommend suitable methods, such as exhibitions, public meetings or drop-ins.

Where pre-application consultation is carried out, applicants should prepare a report summarising the type and extent of consultation carried out, the key issues raised and how the scheme addresses these issues. This report should be submitted with any subsequent planning application.

4.6 Planning application process

Once a planning application has been received by the Council, the Planning Service will validate the application to check all necessary information and documentation have been provided in accordance with national requirements and our own 'local requirements list' (or local information requirements). It is also given an application number. After validation, the application is placed on the Council's planning register.

The Council will then publicise the proposal and notify the public and relevant bodies about the application. Appendix 2 sets out how the Council will consult on planning applications.

4.7 Decision-making process

Once the public consultation period has concluded (21 days), the Council will consider all the representations made and proceed to determine the application.

This is usually within 13 weeks for major applications and 8 weeks for all other types of applications (unless the application is either subject to an Environmental Impact Assessment, which extends the time given to determine the application to 16 weeks, or a Planning Performance Agreement (PPA) that sets out an agreed project timetable for processing the application).

In general, planning applications are assessed against the development plan and policies adopted for the area, unless there are material considerations that indicate otherwise⁸.

It is important to note that views gathered from the community are only part of the evidence upon which planning decisions are made.

Most planning applications in the borough are determined by planning officers under delegated powers, however, some decisions are made by elected members at one of the Council's Planning Committees. Planning Committees are currently held every two weeks and Strategic Planning Committee are generally held monthly.

Information on which cases are heard at committee can be viewed on the Planning web site.

If a planning application is referred to the Planning Committee, the public are entitled to attend, and if necessary to represent their views or highlight the relevant issues for the proposal. Where there are a number of interested parties wishing to speak it will be necessary for a single representative to speak, or for the available time to be shared. Those parties will be required to make their own arrangements to do so. Anyone that wishes to speak at a Planning Committee meeting is required to register in advance by contacting planning@lewisham.gov.uk.

Once the decision has been made, the Council will notify the applicant and those who made comments in writing, and publicise the decision on the planning web page.

4.8 Material considerations for planning applications

When a decision is made on a planning application, the Council can only take into account certain issues and these are often referred to as 'material planning considerations'.

Many issues can be material considerations, but in broad terms should relate to the use and development of land. For example, this could include (not an exhaustive list):

- National planning policy and guidance
- Local Planning Policies and supplementary planning documents / guidance
- Design, scale, density, layout and materials
- Impact on the character or setting of a listed building or conservation area
- Loss of important green space / trees
- Loss of community facilities
- Safety or drainage issues (which are not otherwise reserved for consideration by the Building Control system)

As a general principle, the planning system works in the public interest and matters that affect solely private interests are not usually material considerations in planning decisions, such as loss of a personal view or reduction in the value of the property. However, each application is considered on its own merits.

4.9 Planning officer's report

The officer's report sets out the planning officer's recommendation for the planning application, and its justifications, including relevant material considerations, and planning policy relevant to the proposal.

⁸ See section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004

4.10 Appeals

If an application has been refused planning permission, did not receive a decision within the statutory or agreed time-frame, or was approved and you are not happy with the planning conditions; then the applicant may lodge a planning appeal, to be made to the Planning Inspectorate. Further information can be read using the following link: <https://www.gov.uk/appeal-planning-decision>

4.11 Call ins / Referable applications

Call ins

The Secretary of State for Communities and Local Government has the power to take over ('call in') planning applications rather than letting the local authority make the decision. This will only normally happen if the application conflicts with national policy in important ways, or is nationally significant. Further information can be read using the link below:

<https://www.gov.uk/government/collections/planning-applications-called-in-decisions-and-recovered-appeals>

Referable applications

An application is referable to the Mayor of London if it meets the criteria set out in the Mayor of London Order (2008). The criteria includes:

- development of 150 residential units or more
- development over 30 metres in height (outside the City of London)
- development on Green Belt or Metropolitan Open Land
- A power is also available to the Mayor of London to direct refusal of, or to call in, and determine a planning application that has been referred to him/her.

4.12 How you can comment on a planning application?

Comments on a planning application must be made to the Council in writing within the 21 day consultation period.



We strongly encourage representations to be made online, by going to the Council's planning website, using the online application service: www.lewisham.gov.uk/planning



Representations can also be made by email: planning@lewisham.gov.uk



Or where you are unable to use the above methods, by letter to:

The Planning Service,
Lewisham Council
1 Catford Road
London SE6 4RU

Please ensure the following information is provided with any comments made by email or letter as without these we will be unable to register your comments:

- Planning application reference number and address
- Your name and address

- Your email address

Please note that your comments form part of the planning application file and will be available for the public to view. As such, careful consideration of personal and sensitive information contained within any responses, is required.

PART 5. SUPPORTING NEIGHBOURHOOD PLANNING

5.1 What is the Council's role in neighbourhood planning?

Under the Localism Act 2011, local communities can produce neighbourhood plans or neighbourhood development orders (as well as Community Right to Build Orders) to guide the future development and use of land in the local area.

Neighbourhood planning is not a legal requirement but a right which communities can choose to use. A neighbourhood plan should contain planning policies to support good growth in the designated area, while a neighbourhood development order could designate an area where the particular type of development could proceed without the need for planning permissions.

Once a neighbourhood plan has been approved for referendum then the Council will use it as part of the development plan. If a Neighbourhood Development Order is made it will give permission for a certain type of development within an area and the Council will use these Orders in assessment of any development proposals.

Most of the community engagement and consultation activities in the preparation of neighbourhood planning documents will be undertaken by the designated neighbourhood planning group (i.e. neighbourhood forums).

The preparation of neighbourhood plan documents, including community engagement, is led by local communities. The Council has a duty to support, advise and make necessary arrangements (e.g. organising the referendum) at key stages.

We will set out on the website how we will carry out these duties, the support we can provide and keep this up-to-date in response to any changes to the regulations. The Council will also prepare a detailed step-by-step guide to neighbourhood planning (called "Guide to Neighbourhood Planning at Lewisham") and this will be kept on the website.

If you would like to discuss whether neighbourhood planning is right for your community or would like more information what neighbourhood planning can offer, please get in touch with the Planning Service on planning_policy@lewisham.gov.uk.

PART 6. FURTHER HELP & ADVICE

6.1 Where you can get more help and advice?

Planning Service

Detailed information is available on our website and it is best to first look there before seeking further advice. The Planning Service offer a paid advice service details of which can also be viewed online. If you wish to contact the Planning Service please email planning@lewisham.gov.uk

Local Councillors

Local Councillors are elected members of the Council. All Councillors have a role to play in representing the community's views and aspirations in their local ward area.

If you wish to discuss planning matters with your local councillor, you can contact them directly and their contact details are available on the Council's website.

Planning Aid for London

Planning Aid is an independent voluntary organisation offering planning advice to individuals and groups affected by specific planning applications or decisions made by the Council. Further information can be read using the following link <http://planningaidforlondon.org.uk/>

The Planning Portal

The Planning Portal is an online planning resource and application service (in England and Wales). It also provides an interactive guide on whether planning permission or building regulations approval will likely be required for a proposal <http://www.planningportal.co.uk>

Guide to the Planning System

The government's Plain English Guide to the Planning System provides an overview of how planning system in England works. This can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/391694/Plain_English_guide_to_the_planning_system.pdf

6.2 Alternative formats

The Council can make this document available in alternative formats on request.

In addition, paper copies of planning policy documents and planning applications can be viewed at the Council's offices during normal working hours.

Appendix 1: Consultation and the Local Plan process

Preparation Stage (Regulation 18)

There is flexibility in how the initial stages of plan production can be carried out, provided the Council comply with the requirements in the regulations.

There is a requirement for the Council to formally notify specific and general consultation bodies and invite public representations on the scope of the document at this stage.

Depending on the scope and purpose of the document, the Council may undertake more than one Regulation 18 consultation – these consultation documents are often referred to as “pre-publication” document or “issues & options document” following by “preferred options document”.

In preparing Local Plan documents, the Council must take into account any representations made in response to invitations under this stage.

The Council will consult for a minimum of 6 weeks for Local Plan documents consulted at this preparation stage.

Publication Stage (Regulation 19)

The next stage involves publication of the draft Local Plan document (taking into account any issues and concerns raised in the preparation stage) to enable further public representations to come forward that can be considered at examination stage. Again, specific and general consultation bodies will be formally notified.

The Council will consult for a minimum of 6 weeks for Local Plan documents consulted at this publication stage.

At this stage, the Council will also formally request an opinion from the London Mayor on the document’s conformity with the London Plan.

Submission Stage (Regulation 22)

Following the publication stage, the Council will then submit the draft Local Plan document to the Secretary of State. In accordance with the regulations⁹, the Council will make available, for public inspection, a copy of the draft Local Plan document submitted, along with a statement setting out:

- the individuals and groups invited to make representations under Regulation 18 (Preparation Stage)
- how were they were invited to make representations under Regulation 18
- summary of the main issues raised by the representations pursuant to Regulation 18, and
- how representations under Regulation 18 have been taken into account in the submitted document

Again, specific and general consultation bodies will be formally notified. The Council will also give notice to those persons requested to be notified of the submission of the Local Plan document to the Secretary of State.

⁹ Requirements under Regulation 35 of the Town and County Planning (Local Planning)(England) Regulations 2012

However, no material (planning-related) changes will be made to the Local Plan document at the submission stage.

Examination Stage (Regulation 24)

Following the submission of the draft Local Plan document to Secretary of State, the Secretary of State will then appoint an Inspector to carry out an independent examination of the document.

The examination in public (EiP) process starts when the Local Plan document is submitted to the Planning Inspectorate and will be conducted by the appointed Inspector.

In accordance with the regulation, at least 6 weeks before the examination, a notice will be published in the local press detailing the time and place where the EiP is to be held and name of the appointed Inspector. The Council will also continue to notify the public through its website, by press release and those persons requested to be notified through emails and letters.

The Council will appoint a programme officer to be the main point of contact for members of the public through the EiP process (with the programme officer reporting to the Planning Inspector).

Public representations (written evidence and appearing at hearings) at the EiP will be at the discretion of the appointed inspector.

During the examination, the Inspector will assess whether the Local Plan document has been prepared in line with the relevant legal, procedural and policy requirements.

If necessary, the Inspector may be asked by the Council to recommend modification to the Local Plan to address any soundness issues or procedural requirements that are identified during the EiP.

Adoption Stage (Regulation 26)

Following the conclusion of the EiP, the Inspector will prepare and publish a report that will set out the Inspector's recommendations and any necessary modifications to the Local Plan document to be found sound.

The Inspector's Report is legally binding to the Council (i.e. the Council must accept the recommendations should the Local Plan document seek to proceed to formal adoption).

While the Council is not required to accept recommendations in the Inspector's report, the Council is expected to proceed quickly to adopt the Local Plan document once it is found sound at EiP.

The decision on whether to adopt the Local Plan document will be made by the Council's cabinet (elected Councillors) and the elected mayor.

Following the decision to adopt, the Council notify the public through its website, press release and those persons requested to be notified through emails and letters.

Appendix 2: Consultation standards for Planning and related applications

Please note that the Planning Service will not individually notify neighbours living in purpose built blocks of flats / apartments. Instead, a minimum of one site notice will be displayed in the building's foyer.

Type of development	Supplementary Site Notice	Statutory Site Notice & Press advert	Email to registered/recognised groups ^{10*}	Neighbour Consultation
Listed Building Consent applications including approval of details involving extensions or alterations to the external appearance of a listed building (all Grades) and internal alterations only to Grade I and II* buildings.	Yes	Yes	Yes	Notification to adjoining properties
Planning Applications for major developments ¹¹ or those which are the subject of an Environmental Statement	Yes	Yes	Yes	Notification to properties up to 50m from application site dependant on the scale of the proposal. Adjoining properties should be consulted in every instance.
Minor-material amendment (s.73)	Yes	Yes, if in a Conservation Area	Dependent on nature of application ¹²	Dependent on nature of application ¹²
Planning applications (which fall outside other categories)	Yes	Yes, if in a Conservation Area	Yes	Notification to adjoining properties
Telecommunications Prior Approval	Yes	Yes, if in a Conservation Area	Yes	Yes, dependent upon the type and scale of works proposed.
Retrospective planning applications (to regularise a	Yes	Yes, if in a Conservation Area	Yes	Notification to adjoining properties

¹⁰ Groups being registered amenity societies/neighbourhood forum/registered community groups *unless the group/society or forum opts out

¹¹ Major development is defined as:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where—
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.

¹²The consultation undertaken will be in accordance with legislation and/or other Government guidance that is applicable.

situation after enforcement investigations)				
Prior approval applications.	No	No	No	Notification to adjoining properties
Applications for Lawful Development Certificates (Proposed and Existing)	No	No	No	No
Applications for approval of details and non-material amendments (s.93a)	No	No	No	No
Tree works	No	No	Yes, if applications involve felling of trees in either conservation areas or subject to Tree Preservation Orders.	Notification to adjoining properties if applications involve felling of trees in either conservation areas or subject to Tree Preservation Orders.

Site Notices

Both Statutory and Supplementary Site Notices, will include the following information:

- the address or location of the proposed development
- a description of the proposed development
- the date by which any representations about the application must be made
- where and when the application may be inspected
- how representation may be made about the application

The site notice(s) will be placed on or near the application site.