



Cumberland
Council



Statement of Community Involvement

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Contents

1.0	Introduction	Pages 2-5
	Communicating with the Council	
	Complaints Process	
	Communicating with you	
	Inclusive Planning – engaging with a wider audience	
	Equalities	
	Data Protection	
2.0	Links to wider Cumberland Council strategies/plans	Pages 6-7
	Cumberland Council Plan (2023-2027)	
	Cumberland Council’s Community Engagement Framework (2024)	
3.0	Community Consultation and Involvement in Planning Policy	Pages 8-13
	What is Planning Policy?	
	Methods of engagement	
	How can you respond?	
	How the Council will respond to you	
	Consultation on Planning Policy Documents	
4.0	Community Consultation and Involvement in Development Management	Pages 14-20
	What is Development Management?	
	Procedures for Publicising Planning Applications	
	How will planning applications be publicised?	
	Consultation bodies	
	Methods of engagement	
	Consultation with Local Neighbours	
	Site Notices	
	Press Notices	
	Reconsultation on Revisions	
	Responding to Planning Applications	
	How to View Planning Applications	
	How to comment	
	The outcome of planning decisions	
	Planning Appeals	
	Pre-Application Advice	
	Planning Performance Agreements (PPAs)	
	Planning Committee	
	Planning Enforcement – Unauthorised Development	
	Glossary	Pages 21-25
	Appendix 1 Contact Details	
	Appendix 2 Neighbourhood Planning – Protocol for Community Support	
	Appendix 3 Flowchart of the Environmental Impact Assessment process	

1.0 Introduction

- 1.1 Involving the local community and interested parties is an essential part of the planning process and Cumberland Council is committed to engaging with our communities so they can influence and shape the areas they live and work in.
- 1.2 Planning shapes the places where we live and work, seeking to ensure that there are homes, jobs, shops, parks and other important facilities available to everyone, including making sure these are as accessible as they can be to all. It also seeks to protect and improve the environment and the character which makes places unique. These are important matters and it is only right that communities and those with an interest in Cumberland should be able to contribute to decisions on these issues.
- 1.3 It is a legal requirement for the Council to prepare a Statement of Community Involvement (Planning and Compulsory Purchase Act 2004), reflecting the national and local ambition to increase the ability of communities to influence development in their area. It must be reviewed every five years in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended in 2017).
- 1.4 This Statement of Community Involvement has been prepared by the Council to set out the standards and processes we will use to achieve meaningful consultation through engaging, informing and involving the community, consultees, stakeholders and other interested parties in the planning system. It is intended to ensure that:
 - everyone who wants to, can be meaningfully engaged in the process of preparing the Local Plan;
 - there are appropriate and adequate opportunities for public participation in planning applications that are decided by Cumberland Council;
 - there are satisfactory opportunities for early community involvement;
 - the proposed methods are relevant to the communities concerned;
 - it is clear how involvement can be a continuing rather than a one-off process;
 - the process will be transparent and accessible; and
 - community involvement is encouraged and scheduled into the Plan preparation process.
- 1.5 There are three distinct planning functions that the Council provides: Planning Policy (the preparation of the Local Plan and other policy documents), Development Management (including planning applications, other development applications and Minerals and Waste developments) and Enforcement (breaches of planning control).
- 1.6 The Council also provides support for those undertaking neighbourhood planning activity; this is where communities can create their own planning policy documents to set out proposals for their area. The Council has produced a separate Neighbourhood Planning Protocol which sets out how

the Council will provide support to communities in this process; this is available to view in Appendix 1.

- 1.7 This Statement of Community Involvement applies only to those areas of Cumberland where we act as the Local Planning Authority; for planning within the Lake District National Park, please contact the Lake District National Park Authority¹.

Communicating with the Council

- 1.8 If you need to contact the Council regarding a particular planning application, the best contact is the named officer who is dealing with the case which should be set out on the correspondence you have received, or by viewing the Council website.
- 1.9 Details of how to contact specific teams can be found in Appendix 2.
- 1.10 Anyone who wishes to be notified directly of consultations on planning policy documents can sign up to receive electronic notifications about latest news and consultations via our website².
- 1.11 Information on the planning system can be found online on the websites for the Planning Portal³ and the Royal Town Planning Institute⁴. The RTPI website also hosts Planning Aid England which provides independent planning advice and support to help individuals and communities engage with the planning system.

Complaints Process

- 1.12 If you are not satisfied with the service you have received, please contact the relevant officer directly. If the issue cannot be resolved through this, then the Team Leader will be able to assess the complaint, with senior management available to provide an overview. If the complaint cannot be resolved through this process, then the formal complaints procedure can be viewed online⁵.

Communicating with you

- 1.13 We will promote the use of Plain English as far as possible but Planning has a large amount of technical terms and acronyms. It is sometimes impossible to avoid using such technical jargon as they refer to legislation, are abbreviations of long titles or are required to be used for precision and to avoid misinterpretation. Where relevant, all planning documents will contain a glossary to explain the terms used.

¹ www.lakedistrict.gov.uk

² https://public.govdelivery.com/accounts/UKCUMBERLAND/subscriber/new?topic_id=UKCUMBERLAND_99

³ www.planningportal.co.uk

⁴ www.rtpi.org.uk

⁵ www.cumberland.gov.uk/your-council/have-your-say/make-complaint-or-give-us-compliment/how-make-complaint

- 1.14 In order to circulate documents and decisions quickly, to a large number of people and in a more environmentally friendly manner, they are published online on the Council's website⁶. However, it is recognised that not everyone will be able to view this information in this way; if assistance is required, we can be contacted to arrange this using the contact details set out in paragraph 1.8 and Appendix 2.

Inclusive Planning – engaging with a wider audience

- 1.15 An important aspect of the Statement of Community Involvement is to ensure that all sectors of society are recognised and given the opportunity to engage with the planning process. The Council recognises that some voices are less often heard; it is therefore important make sure that we engage in different ways and in a variety of formats to make it easier for people to take part. Existing networks and organisations in our communities that are connected with groups with 'protected characteristics' can be invaluable in facilitating contact, enabling engagement with a much wider and more inclusive participants.

Equalities

- 1.16 The Council has a duty under the Equalities Act 2010 to ensure that decisions made as part of the planning processes promote equality for all and do not discriminate against any group with protected characteristics.
- 1.17 Equality Impact Assessments will be undertaken on planning policy documents to check the possible impact of planning policies on different groups of people.

Data Protection

- 1.18 Where required by the Town and Country Planning (Local Planning) (England) Regulations 2012, copies of representations submitted to planning policy documents are made publicly available on the Council's website; this may include publishing the names of those making the representations but personal details, such as email addresses, home addresses or telephone numbers, will not be included.
- 1.19 With regard to representations relating to planning applications, the Council may publish submitted comments on its website.
- 1.20 The Council is unable to accept anonymous representations.
- 1.21 The Council is required to conform to the requirements of the General Data Protection Regulations (GDPR). Therefore, the contact data provided to the Council will only be used for the purpose for which it was provided and in line with the Council's Privacy Notice⁷.

⁶ www.cumberland.gov.uk/planning-and-building-control

⁷ www.cumberland.gov.uk/your-council/data-protection-and-privacy/privacy-notice

1.22 The Planning departments regularly review the data they hold and you can request the removal of your details at any time.

2.0 Links to wider Cumberland Council strategies/plans

Cumberland Council Plan (2023-2027)

- 2.1 The Cumberland Council Plan (2023-2027)⁸ sets out the focuses of the Council, how the new Council will work and what residents can expect from the Council.
- 2.2 The change to a unitary authority in April 2023 allows the Council to join-up services and deliver at a scale not previously available to the former authorities; the Council intends to use these opportunities to engage with residents, particularly to improve the health and wellbeing of everyone in Cumberland. The Council is prioritising addressing inequalities, making local economies work for local people and environmental resilience and the climate emergency, along with a priority to deliver excellent public services.
- 2.3 To achieve these priorities the Council will take a multidisciplinary approach across its services; the planning system will be a key part of this approach. The creation of well-designed spaces and places through collaborative planning has direct links to improving health and wellbeing for all as it addresses issues such as the provision and quality of: housing; safe active travel (i.e. walking and cycling); health related infrastructure; green infrastructure; sports and recreation facilities; employment and education opportunities, as well as improving access to healthy food options (e.g. allotments) and good public transport and the safeguarding of amenity (e.g. noise and air quality).

Cumberland Council's Community Engagement Framework (2024)

- 2.4 The Council has produced an engagement framework⁹ which sets out its vision for community engagement, to help shape its services and improve decision-making. There are four principles that make up the framework; the Planning teams will be mindful of the following principles when undertaking engagement and consultations:
 - Inclusive – the Council will engage in different ways and in a variety of accessible spaces and formats, making it easier for people to take part and encouraging and enabling everyone to be involved.
 - Co-ordinated – departments within the Council will work with each other and relevant stakeholders, agencies and community organisations to ensure that activity is co-ordinated and that information and intelligence is shared effectively.
 - Collaborative – the Council will seek to develop relationships with its communities in terms of building their capacity, confidence, skills and knowledge to allow them to be involved and influence the planning, development and delivery of services.

⁸ www.cumberland.gov.uk/your-council/council-documents/council-plan

⁹ www.cumberland.gov.uk/sites/default/files/2024-08/Community%20Engagement%20Framework%C2%A0online%20new.pdf

- Meaningful – the Council commits to working openly, honestly and with integrity by ensuring that the language used is clear, information is easy to find and making it clear how decisions have been made to reflect engagement activity.

3.0 Community Consultation and Involvement in Planning Policy

What is Planning Policy?

- 3.1 Planning Policy is the method by which the Council sets out in writing its economic, social and environmental aims and expectations for the area and how they are expected to be applied when guiding future development. This is done through the production of planning policy documents known as Local Development Documents (either Development Plan Documents or Supplementary Planning Documents); this is commonly referred to as the Local Plan. Cumberland Council has inherited the local development plan documents of each of the former Councils. These documents will continue to be used, in the relevant former Council areas, to determine planning applications until they are replaced by new Cumberland Local Plan documents. All current and emerging Local Plans and supporting documents are listed in the Cumberland Consolidated Policy Document¹⁰.
- 3.2 All planning policy documents will be supported by an evidence base which could include research and technical studies and reports. Alongside the production of Local Plan Documents, an evidence base of supporting documentation will also be prepared including the preparation of a Where relevant, Sustainability Appraisal and Habitats Regulation Assessment which will be consulted upon at the same stages. Health Impact Assessments will be undertaken for Development Plan Documents and Supplementary Planning Documents.
- 3.3 The Council is required to maintain an up-to-date Local Development Scheme which is a programme outlining when the Council intends to produce various planning policy documents. This provides an opportunity for stakeholders (including members of the public), to see when documents are likely to be released for public consultation. The Local Development Scheme is available to view on the Council's website¹¹ or it is available from the Planning Policy team (see paragraph 1.9 for contact details).

Methods of engagement

- 3.4 The term 'stakeholders' is used widely in the context of consultation. It has a broad definition but generally refers to any person or organisation that has an interest in the subject of the document being produced. This term may be used in the context of consultations and may be focused on particular key stakeholders/groups or more widely used to refer to all interested persons.
- 3.5 We recognise that, in order to maximise the impact of its engagement, consultation methods will need to be tailored depending on the document that is being produced, the stage of consultation and the stakeholders that are being engaged. Table 1 summarises some of the methods that the Council will

¹⁰ www.allerdale.gov.uk/en/planning-building-control/planning-policy/

¹¹ www.cumberland.gov.uk/sites/default/files/2024-04/Cumberland%20LDS%20-%20accessible%20version%20-%2012.03.24%20%283%29.pdf

seek to use to ensure stakeholders are able to find information on consultations.

Table 1: Methods of stakeholder engagement

Website	The Council will publish all draft documents for inspection on the dedicated Planning Policy pages of its website ¹² .
Media	<p>At the formal consultation stages (Regulations 18 and 19), a notice is placed in the most appropriate local newspaper(s) with details of when and where the documents can be inspected and details of how and when to respond to consultation documents.</p> <p>The use of social and digital media, such as Facebook and X (formerly Twitter), are now widely accepted as a means of communicating rapidly to a wide range and number of people.</p> <p>The Council may also use press releases, TV and radio interviews, the use of the Council's residents' email newsletter and the Council's internal email updates.</p>
Documents available to view at Deposit locations	Documents published for consultation will be available to view at the Council's principal office (Cumbria House, Carlisle) during its normal opening hours and at other such publically accessible locations within the authority area which the Council considers to be geographically suitable. Details of all locations will be included within the relevant consultation documents.
Direct notification via letter or email	<p>Written notification is sent (via letter or email) to those who have subscribed to Planning Policy notifications and to all statutory consultees and bodies to inform them of formal stages of the production process.</p> <p>These methods of communication will provide a link to the website to provide access to the relevant document(s).</p> <p>The Council's preferred method of consultation is via email as it is more cost effective and better for the environment, however we recognise that this method is not suitable or appropriate for everyone therefore letters will be sent where requested.</p>
Public displays	The Council will endeavour to use public displays where it is considered they will add value; in most circumstances this will be where there is a highly visual element to what is being consulted upon. In most cases the displays will be unmanned and situated in an appropriate, easily accessible location.
Public meeting requests	The Council will consider requests to attend a public meeting (either virtually or face to face) to enable a more in depth discussion to take place. The Council applies this method by attending scheduled meetings (e.g. Town and Parish Council meetings) or with invitations to a separate specifically scheduled meeting.

¹² www.cumberland.gov.uk/planning-and-building-control/planning-policy

- 3.6 In 2020, the Covid-19 pandemic introduced a number of social distancing restrictions which meant that some of the communication measures were not considered appropriate to undertake during public consultations.
- 3.7 Should a similar situation arise whereby the Council is unable to use the more traditional face to face methods of consultation, we will rely more heavily on the use of digital communication where appropriate.
- 3.8 In terms of the display of site notices, this will only take place if restrictions allow us to do this safely. Again, we will explore the use of different advertisement methods for a temporary period.

How can you respond?

- 3.9 Due to the need to publish comments received, we are only able to receive comments which have been written and submitted by letter or email. To support consultations, we may produce a Representation Form which can be completed online or in paper format.
- 3.10 Oral representations and social media engagement (including comments, shares and likes) will not be accepted.
- 3.11 Where possible, we will aim to provide online consultation tools to help facilitate this process.

How the Council will respond to you

- 3.12 As a matter of course, we will not acknowledge receipt of representations unless this is specifically requested. Council officers may contact individuals where there are questions or clarification is required relating to a response.
- 3.13 Following a public consultation, a consultation summary report will be produced and will consider and respond to all matters raised in the representations received; this will be made available to view on the Council's website.
- 3.14 Should copies of representations be placed online, they will be redacted of personal information.

Consultation on Planning Policy Documents

The Local Plan and other Development Plan Documents (DPDs)

- 3.15 The Council is required to produce a Local Plan (which is made up of Development Plan Documents – DPDs) that identifies a strategic vision and framework for future sustainable development within Cumberland (for areas outside the Lake District National Park). The Local Plan will contain policies which identify how development should be carried out, as well as identifying the level of development needed across the district over a certain number of

years (this is referred to as the plan period). Table 2 summarises the regulatory stages of the Local Plan production; at each consultation stage, a more detailed programme of consultation will be developed to outline the exact consultation methods which will be undertaken.

Table 2: Regulation stages of Local Plan production

<p>Pre-Production (Regulation 18)</p>	<p>Survey and evidence gathering, including the production of an Issues and Options document for consultation (for a minimum of six weeks) which outlines the key issues and methods for overcoming these. This stage may involve multiple consultations on the plan as it evolves.</p> <p>Where consultations run over main holiday periods and Bank Holidays, this will be factored into the consultation time period.</p> <p>Following the consultation, we will publish a Consultation Statement which will summarise the responses received and publish the Council's response to the comments.</p>
<p>Publication (Regulations 19 and 20)</p>	<p>We will publish the version of the DPD we propose to submit to the Secretary of State for a minimum six week public consultation. This will enable us to consider any representations received before proceeding to formally submit the DPD. We will publish a consultation statement that details the various strands of consultation undertaken in the preparation of the DPD.</p> <p>Where consultations run over main holiday periods and Bank Holidays, this will be factored into the consultation time period.</p> <p>Following the consultation, we will publish a Consultation Statement which will summarise the responses received and publish the Council's response to the comments.</p>
<p>Submission to the Secretary of State (Regulation 22)</p>	<p>When the draft DPD has been submitted to the Secretary of State, the Council will notify stakeholders and anyone else who has requested to be notified. This notification will include the details of when and where the submitted documents can be viewed.</p>
<p>Independent Examination (Regulation 24)</p>	<p>Following the formal submission of the DPD, an independent Inspector will be appointed and an Examination in Public through Hearing sessions will be undertaken to enable key issues to be discussed in more detail.</p> <p>At least six weeks prior to the Examination, the Council will publish on our website the date, time and place where the Hearing sessions will be held. The Council will directly notify anyone who has made a comment during the Publication stage of the details of the Examination.</p> <p>The exact timetable for the Examination heading sessions and the participants invited will be at the discretion of the Inspector,</p>

	on the basis that an individual has made and maintained a representation at Regulation 19 stage.
Modifications to the DPD	<p>Further consultation may arise as part of the Examination at the instruction of the Inspector. The Inspector may require consultation on additional evidence or work put forward, or on proposed modifications to the DPD in order to make it legally compliant.</p> <p>Where consultations run over main holiday periods and Bank Holidays, this will be factored into the consultation time period.</p> <p>Following the consultation, we will publish a Consultation Statement which will summarise the responses received.</p>
Publications of the Inspectors Report (Regulation 25)	<p>The Council will publish the Inspector's recommendations and their reasons as soon as reasonably practicable after receipt of the report.</p> <p>The Council will notify all those who had made representations throughout the DPD process and anyone else who has requested to be notified that the recommendations have been received, providing details about where it can be viewed. However, there will be no opportunity to comment on this report.</p>
Adoption (Regulation 26)	<p>If the Inspector finds the DPD 'sound', the Council will formally adopt it as soon as practicable following receipt of the Inspector's report unless the Secretary of State intervenes. We will make it available together with an adoption statement, the Sustainability Appraisal report and details of where the DPD is available for inspection.</p> <p>A copy of the adoption statement will be sent to any person who has asked to be notified of the adoption of the DPD. The statement will also include details of how you may legally challenge the adoption of the DPD.</p>

Supplementary Planning Documents (SPDs)

- 3.16 Where considered necessary, the Council will produce Supplementary Planning Documents to provide more detail and guidance to assist in the implementation of policies within the Local Plan or other Development Plan Documents. Supplementary Planning Documents can apply across the whole authority or can be used to provide area specific guidance on policies in the Local Plan (e.g. design, developer contributions and conservation).
- 3.17 Supplementary Planning Documents do not have the same weight as policies within the Local Plan but are a material consideration when assessing planning applications. The timescales for producing a Supplementary Planning Document are shorter than for a Development Plan Document as they are not subject to an Examination process, however they are still required to undergo public consultation in accordance with the Regulations during their preparation (refer to Table 3).

Table 3: Stages of Supplementary Planning Document preparation

<p>Draft SPD</p>	<p>A period of consultation on the draft SPD will run for a minimum of four weeks; where consultations run over main holiday periods and Bank Holidays, this will be factored into the consultation time period.</p> <p>The Council will inform those who have requested to be notified, statutory consultees and identified specific stakeholders about the consultation. The document will be published on the Council’s website and be made available at deposit locations for public viewing.</p>
<p>Finalise SPD</p>	<p>Following the consultation, all representations are gathered and analysed. The Council will publish a Consultation Statement which will summarise the responses received and publish the Council’s response to the comments. Where appropriate, changes may be made to the document to address comments received.</p>
<p>Adoption of the SPD</p>	<p>The document, including changes made in response to representations, progresses through our Committee process for adoption.</p> <p>The Council will publish the adopted document and the adoption statement on its website.</p> <p>A copy of the adoption statement will be sent to any person who has asked to be notified of the adoption of the SPD. The statement will also include details of how you may legally challenge the adoption of the SPD.</p>

4.0 Community Consultation and Involvement in Development Management

What is Development Management?

- 4.1 The majority of new buildings, changes to buildings, change in the use of buildings, significant changes to the local environment and Minerals and Waste developments all require planning permission.
- 4.2 It is the role of the Development Management team to provide advice, determine applications (including applications for Listed Building Consent and Advertisement Consent) and advise the Council's Planning Committee on major and other types of applications; collectively this supports the management of sustainable development in Cumberland, both in the public's interest and to help safeguard the social, environmental and economic environment.
- 4.3 All planning applications must be determined in accordance with the development plan unless there are material considerations that dictate otherwise. Material considerations include the National Planning Policy Framework (NPPF) and site specific matters that relate specifically to a development, which justify a different approach to be taken. The Government provides details on what is a material planning application on their website¹³.

Procedures for Publicising Planning Applications

How will planning applications be publicised?

- 4.4 Once an application has been validated, the Council is required to undertake a formal period of public consultation, prior to making a decision. This is prescribed in article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
- 4.5 There are separate arrangements for applications for permission in principle which are set out in Article 5G of the Town and Country Planning (Permission in Principle) Order 2017 (as amended)¹⁴; for listed buildings which are set out in regulation 5¹⁵ and regulation 5A of the Listed Buildings and Conservation Area Regulations 1990 (as amended)¹⁶ and for applications for prior approval for development which is subject to permitted development rights which are set out in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)¹⁷.

¹³ www.gov.uk/guidance/determining-a-planning-application#how-decisions-on-applications

¹⁴ www.legislation.gov.uk/uksi/2017/1309/article/4/made

¹⁵ www.legislation.gov.uk/uksi/1990/1519/regulation/5/made

¹⁶ www.legislation.gov.uk/uksi/2004/2210/regulation/2/made

¹⁷ www.legislation.gov.uk/uksi/2015/596/schedule/2/made

- 4.6 In addition there are separate arrangements for planning applications requiring an Environmental Impact Assessment; these are set out within The Town and Country Planning (Environmental Impact Assessment) Regulations 2017¹⁸; a helpful flowchart is available online¹⁹ which illustrates the submission and evaluation process. A copy of this has been included in Appendix 3 of this report.

Consultation bodies

- 4.7 There is a requirement set out in planning law to consult specific bodies who are then under a duty to respond and provide advice on the development proposal; these bodies are known as Statutory Consultees. Examples of statutory consultees include: Coal Authority; Historic England; Environment Agency; and Parish and Town Councils; National Highways will be consulted when proposals are likely to affect trunk roads. Statutory Consultees will be given 28 days to comment on proposals, although this timeframe can be extended in agreement with the Council.
- 4.8 In addition to the Statutory Consultees, the Council may also need to consider whether there are any planning policy reasons or other reasons to engage other consultees who, whilst not designated in law, are likely to have an interest in a proposed development; these are known as Non-Statutory Consultees. Examples of non-statutory consultees include: Emergency Services; Forestry Commission; and Woodland Trust. In addition to statutory consultation requirements, Section 110 of the Localism Act 2011 introduced a Duty to Co-operate in relation to planning of sustainable development. The Duty to Co-operate requires local planning authorities to engage constructively with one another and with other specified bodies, as detailed in Regulation 4, Town and Country Planning (Local Planning) (England) Regulations 2012. This Duty to Co-operate is separate to the community involvement detailed in this Statement of Community Involvement.

Methods of engagement

- 4.9 Local Planning Authorities have discretion about how they inform communities and other interested parties about planning applications. This usually comprises a combination of site notices and individual consultation letters, depending on the nature and scale of the development proposed. All planning applications are also published on the Councils website²⁰.
- 4.10 Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015²¹ sets out minimum statutory requirements for applications for planning permission. These are summarised in Table 4 below:

¹⁸ www.legislation.gov.uk/uksi/2017/571/regulation/19/made

¹⁹ <https://assets.publishing.service.gov.uk/media/5a81cc12ed915d74e62342a3/eia-flow2.pdf>

²⁰ www.cumberland.gov.uk/planning-and-building-control/search-planning-applications

²¹ www.legislation.gov.uk/uksi/2015/595/article/15/made

Table 4: Statutory publicity requirements for applications for planning permission and Listed Building Consent

	Site Notice	Site Notice or Neighbour Notification Letter	Newspaper Advertisement	Website
Applications for major development as defined in Article 2 of the Development Management Procedure Order (which are not covered in any other entry)	-	X	X	X
Applications subject to Environmental Impact Assessment which are accompanied by an Environmental Statement	X	-	X	X
Applications which do not accord with the Development Plan in force in the area	X	-	X	X
Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies	X	-	X	X
Applications for planning permission not covered in the entries above (e.g. non-major development)	-	X	-	X
Applications for Listed Building Consent where works to the exterior of the building are proposed	X	-	X	X
Applications to vary or discharge conditions attached to a Listed Building Consent or involving exterior works to a Listed Building.	X	-	X	X
Applications for development which would affect the setting of a listed building or affect the character or appearance of a conservation area.	X	-	X	X

Consultation with Local Neighbours

- 4.11 For the purpose of consulting neighbouring residents and businesses, the Council will send individual letters to properties immediately adjoining/adjacent to the application site. For some proposals this can be extended to a wider area depending upon the scale and nature of the proposal (e.g. for minerals and waste developments, peaking power plants and wind turbine developments). Letters will only be sent to registered addresses and therefore the landowner may not be included in this process.
- 4.12 The consultation letters require comments to be made within a minimum of 21 days (30 days if an application is accompanied by an Environmental Impact Assessment) and provide the details of the Case Officer who is dealing with the planning application, with instructions on how to make comments. Bank and public holidays are not included within the minimum notification periods and additional days will be added to reflect the Bank Holidays.
- 4.13 The Council may, at its discretion, take into account comments that are made after the closing date, but it has no obligation to do so.

Site Notices

- 4.14 Site notices are displayed as required by planning legislation and are used to advertise proposals which are considered to have a wider impact on the community. Site notices may also be used in other certain cases (e.g. where ownership of neighbouring land may be unknown). Site notices will be in place for 21 days.

Press Notices

- 4.15 The publication of press notices for certain types of development is required by government regulation; the Council will publish press notice in accordance with regulation only. It relates to the following application types: major applications; departures from the local Development Plan; developments affecting listed buildings and conservations areas; development affecting a Public Right of Way and applications which are subject to an Environmental Impact Assessment (EIA).

Reconsultation on Revisions

- 4.16 If an application is materially amended during its consideration, the Council may issue further consultation letters if it considers that further publicity and consultation is necessary depending on the nature of the proposed amendments.
- 4.17 For any reconsultation on an amended proposal, the Council will allow a minimum of 21 days to respond.

Responding to Planning Applications

How to View Planning Applications

- 4.18 The Council will publish a copy of applications and accompanying plans for anyone to view on its website²².
- 4.19 If you are unable to access the Council website, then you should contact the Planning team to make alternative arrangements (contact details are set out in paragraph 1.8 and Appendix 2).

How to comment

- 4.20 Anyone has the right to comment on a planning application even if they have not been directly consulted by receiving an individual letter. Comments either in support or in objection are welcomed by the Council, although only material planning considerations can be taken into account by decision makers.

²² www.cumberland.gov.uk/planning-and-building-control/search-planning-applications

- 4.21 Material planning considerations can include concerns such as loss of privacy, overshadowing, noise or disturbance, highways issues and previous appeals. Non-material planning considerations include concerns such as loss of property value, building control matters, private issues between neighbours and loss of view.
- 4.22 Comments in response to planning applications should be made within 28 days from the initial consultation date on the planning application; this is above the minimum consultation period that the Council is required to provide.
- 4.23 Comments can be made either on our website using the online comment function, in writing via email or letter posted/delivered to the Council offices.

The outcome of planning decisions

- 4.24 Once a planning application has been determined, the Council will issue a decision notice representing the formal notification of the outcome. A decision notice outlines whether an application has been granted or refused and this is sent to the applicant.
- 4.25 The Council posts decisions on planning applications on its website under the individual planning application references.

Planning Appeals

- 4.26 If an applicant disagrees with a decision from the Council, or if the Council has not determined an application in the statutory timeframe, there is the right of appeal. Applicants also have the right to appeal against any Enforcement Notice served by the Council.
- 4.27 All appeals are impartially considered by the Planning Inspectorate; members of the public can search for an appeal decision on the Planning Inspectorate website²³ using the 'appeal' search function.
- 4.28 Should an appeal be submitted, it will be displayed on the Council website. All members of the public who were consulted on the original planning application will be notified of any appeal to allow further comment on the proposals to be made to the Planning Inspectorate.

Pre-Application Advice

- 4.29 The Council encourages applicants to contact the Council before submitting formal planning applications. This is through the Council's pre-application enquiry system, for which there is a charge. Details of these charges are available on the planning pages of the Council's website²⁴.

²³ <https://acp.planninginspectorate.gov.uk>

²⁴ www.cumberland.gov.uk/planning-and-building-control/planning-advice/pre-application-advice

- 4.30 Under an enhanced pre-application enquiry, meetings can be arranged with Planning Officers to discuss proposals and obtain advice on how best to proceed; there is an increase in fee for this optional service.
- 4.31 The Council will also encourage potential applicants of large-scale schemes to consult with local community groups and residents who would have an interest in the proposal before the scheme is finalised and an application is submitted. Where possible, applicants are encouraged to hold a public consultation event prior to the submission of any planning application. In particular relation to Minerals and Waste developments, applicants and developers are encouraged to consult Parish Councils and liaison groups where these are set up, as well as the local community.
- 4.32 It is mandatory to carry out pre-application consultation with the local community for planning applications for wind turbine development involving more than two turbines or where the hub height of any turbine exceeds 15 metres.

Planning Performance Agreements (PPAs)

- 4.33 A Planning Performance Agreement (PPA) is a tool which encourages joint working between the applicant and the Council and can also help to bring together other parties such as statutory consultees.
- 4.34 It is agreed voluntarily between the applicant and the Council prior to the application being submitted and can be a useful focus for pre-application discussions regarding the main issues that will need to be addressed as part of the planning application process.
- 4.35 Although PPAs may be appropriate for any application, they are more relevant to larger and more complex planning applications. PPAs also provide an opportunity to identify the preferred approach to community engagement, including the identification of the specific communities to involve, the process of engagement and the best approach to incorporating their views.

Planning Committee

- 4.36 Approximately 95% of the applications received by the Council are determined under powers delegated to officers for decision making. The adopted scheme of delegation is set out in the Council's Constitution which is available on the Council's website²⁵.
- 4.37 The remainder of the planning applications are determined by the Planning Committee which is made up of Elected Members who represent communities across the District. Reports to the Planning Committee can be viewed on the Council website²⁶.

²⁵ www.cumberland.gov.uk/your-council/councillors-and-committees/council-constitution

²⁶ <https://cumberland.moderngov.co.uk/mgCommitteeDetails.aspx?ID=169>

- 4.38 Any Elected Member is able to request that a planning application is determined by the Planning Committee (referred to as a 'call in') when they consider that there is a reasonable and material planning ground for the application to be publicly assessed.
- 4.39 Members of the public are entitled to speak at the Planning Committee meetings by prior arrangement under the Council's public speaking procedure.
- 4.40 This allows a maximum of three minutes to address the Members of the Committee; the applicant (or their appointed agent) has the same period of time to respond, unless there is more than one speaker objecting and therefore the time will be extended proportionately up to a maximum of 10 minutes. In exceptional circumstances, any changes from the agreed timings will be at the discretion of the chair of the Planning Committee.

Planning Enforcement – Unauthorised Development

- 4.41 Planning enforcement is the process through which the Council monitors the implementation of planning permissions, investigates alleged cases of unauthorised development and takes action where it is appropriate to do so.
- 4.42 Members of the public can report any breach of planning control in the following ways:
- Online:
www.cumberland.gov.uk/planning-and-building-control/planning-enforcement
- E-mail – via the email addresses included in Appendix 2
- Telephone – 0300 373 3730
- 4.43 To help the Council investigate a complaint, the following information is useful:
- The location of the breach?
 - What is the nature of the breach?
 - When did you first notice the breach?
 - Who is responsible for the breach?
 - Do you have any evidence?
- 4.44 Once the Enforcement Officer has concluded the investigation into a complaint or report of a breach of planning permission the Officer will inform the complainant of the outcome and of what action has been taken.
- 4.45 The identity of any person reporting a suspected breach of planning control will be treated as confidential unless the complainant advises otherwise. Please note that the alleged offender might still correctly assume who the complainant is, and the Council may also request attendance to provide evidence at any subsequent prosecution.

Glossary

Adoption

The final confirmation of a Development Plan or Local Development Document by a Council, conferring statutory status.

Development Plan Document (DPD)

A planning policy document prepared by the Council which sets out the planning policy framework against which proposals for development are assessed.

Environment Statement

Applicants for certain types of development, usually more significant schemes, are required to submit an "Environmental Statement" accompanying a planning application. This evaluates the likely environmental impacts of the development, together with an assessment of how the severity of the impacts could be reduced.

Equality Impact Assessment (EqIA)

An Equality Impact Assessment is a way of measuring the potential impact (both positive and negative) that a policy function or service may have on different groups.

Evidence Base documents

Collection of specific baseline data for the District which is used to inform the development of all Local Plan policies and Supplementary Planning Documents.

General Data Protection Regulations (GDPR)

The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR). It controls how personal information is used by local authorities, organisations, businesses, or the government.

Habitats Regulation Assessment (HRA)

Assessment of the likely impacts of the possible effects of a plan's policies on the integrity of the Natura 2000 sites (including possible effects 'in combination' with other plans, projects and programmes).

Health Impact Assessment (HIA)

A combination of procedures, methods and tools by which a policy, programme or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population.

Independent Examination

Development Plan Documents are subject to a public examination by an independent Planning Inspector appointed by government to test legal compliance and soundness, involving discussions of selected issues raised by respondents at the Publication stage.

Inspector's Report

A document written by an independent Inspector which assesses the soundness of the Local Plan

Issues and Options

An early stage in the development of a Local Plan identifying and addressing key issues and considering suitable options. Responses received to consultations aid development of the Local Plan.

Local Development Scheme (LDS)

This document sets out the Council's timetable to produce Local Development Documents such as the Local Plan and Supplementary Planning Documents.

Local Plan

The plan for the future development of the local area, drawn up by the Council in consultation with the community. In law this is described as the Development Plan Documents, adopted under the Planning and Compulsory Purchase Act 2004.

Local Planning Authority (LPA)

Cumberland Council is the Local Planning Authority for planning applications in the parts of the Borough outside the Lake District National Park (the Lake District National Park Authority is the Local Planning Authority for those areas within the National Park boundary).

Major Development

For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1000m² or more, or a site of 1 hectare or more.

Material Consideration

A material planning consideration is one which is relevant to making a planning decision (e.g., whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide. However, as planning is concerned with land use in the public interest, the protection of purely private interests such as the impact of a development on the value of a neighbouring property would not normally be a material consideration.

Minor Applications

Any development that is smaller than 'major' (defined above) is considered minor.

National Planning Policy Framework (NPPF)

This sets out the Government's planning policies for England and how these are expected to be applied. It provides guidance for local planning authorities and decision makers, both in drawing up plans and making decisions about planning applications. It must be taken into account in the preparation of Development Plan and is a material consideration in planning decisions. This is accompanied by Planning Practice Guidance which sets out how the NPPF is to be interpreted.

Outline Planning Application

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable in principle to the Council, before a fully detailed proposal is put forward. This type of application allows fewer details about the proposal to be submitted. Once outline permission has been granted, a further approval of the details (a "Reserved Matters" application) is needed before work can start.

Permission in Principle

An alternative method of securing planning permission for housing development. This is a two stage process; the first stage assesses the establishes whether a site is suitable for development in principle, with the second stage is when the detailed development proposals are assessed.

Planning Committee

The [Planning Committee](#) meets regularly to consider certain planning applications that make up the Schedule of Planning Applications and other reports. The Committee may approve, refuse or defer consideration of planning applications for further information or a site visit.

Planning Inspectorate (PINS)

The Planning Inspectorate holds independent examinations by appointed Planning Inspectors to determine whether Development Plan Documents are 'sound.' The Planning Inspectorate also handles planning and enforcement appeals.

Planning Regulations

Rules set by Government which prescribe the process/procedures required to be followed in respect of certain Planning matters.

Preferred Options

A draft stage in the production of the local plan which builds on previous Local Plan consultations, seeking views on the preferred approach.

Prior Approval

A developer must seek approval from the Council that specified elements of the development are acceptable before work can proceed. The Council cannot consider any other matters when determining a prior approval application.

Publication Stage (sometimes called pre-submission draft)

The Publication stage plan is the document that the Council considers ready for Examination. This plan must be published for representations by the Council before it can be submitted to the Planning Inspectorate for examination. This provides a formal opportunity for the local community and other interests to consider the Local Plan which the Council would like to adopt.

Representation

Formal comment made in response to a consultation.

Reserved Matters

A Reserved Matters application deals with some or all outstanding details required following an outline planning application, which may include appearance, means of access, landscaping, layout, or scale. The details of the Reserved Matters application must be in line with the outline approval, including any conditions attached to the permission, and must be within three years of the outline approval.

Sound/Soundness

This describes where a Development Plan Document is considered to 'show good judgement' and to fulfil the expectations of legislation, as well as conforming to national policy.

Stakeholder

Any person, group or organisation that has an interest in the subject of a planning policy document or a planning application.

Submission Stage

The final stage in preparation of Development Plan Documents (DPD). The documents are sent to the Secretary of State and an independent Examination will be held.

Supplementary Planning Document (SPD)

Supplementary Planning Documents add further detail and supplementary guidance to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues. They do not form part of the Development Plan and are not subject to independent examination.

Sustainability Appraisal (SA)

A Sustainability Appraisal is a systematic process that must be carried out during the preparation of local plans and development strategies. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic, and social objectives.

Sustainable Development

Development which meets the needs of the present generation without compromising the ability of future generations to meet their needs.

Appendix 1

Neighbourhood Planning – Protocol for Community Support

What is Neighbourhood Planning?

The Localism Act (2011) and its subsequent regulations introduced the idea of Neighbourhood Planning to give communities an additional way of deciding how their area should develop in the future. It is intended to guide development in line with strategic planning policies and not intended to be used to block or stifle proposed development.

Communities have a choice of three different approaches in Neighbourhood Planning, and it is possible to use more than one at the same time:

- Neighbourhood Plans – a Neighbourhood Plan is a document which sets out planning policies for the identified area. It is written by the local community, rather than the Local Planning Authority. A ‘made’ (adopted) Neighbourhood Plan has the same status as a Local Plan (and other documents that form part of the statutory development plan).
- Neighbourhood Development Orders – this type of Order can grant planning permission for a particular type of development in a specific area.
- Community Right to Build Orders – this is a type of Neighbourhood Development Order. It allows community groups to bring forward small-scale development without the need for planning permission if the development is for the benefit of the community (e.g. affordable housing, playgrounds).

All Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders must be consistent with national and local planning policies and guidance.

There are Acts and Regulations which cover the preparation of Neighbourhood Plans/Orders. Neighbourhood Planning is to be led by the local community, although the Council will provide support for the process from the beginning. The purpose of this Protocol is to outline what the Council will do in order to provide support and guidance to those communities undertaking Neighbourhood Planning and to fulfil its statutory duties.

How to prepare a Neighbourhood Plan

Neighbourhood Plans are produced by those who know the area best, those who live and work in the area. However, there are some things to consider when deciding if it is appropriate to prepare a Neighbourhood Plan:

- Is there community support to produce a Plan?
- Does the community have the necessary resources (e.g. finance, skills, time, commitment from people) to produce a Plan?
- What do you want the Plan to achieve?
- Could there be an alternative method to obtaining the desired outcome? Could consultation representations be made to the Council during the preparation of planning policy documents (e.g. Local Plan, Supplementary Planning Documents)?

[ACTion with Communities in Cumbria](#) supports communities through the neighbourhood planning process, helping them to realise their aspirations.

Locality, a national network that supports local community organisations, has produced a document or 'roadmap' which gives a step-by-step guide on how to produce a [Neighbourhood Plan](#).

Neighbourhood Plans within the National Park

Part of Cumberland lies within the Lake District National Park Area. If the proposed Neighbourhood Planning Area is wholly within the National Park area, then the [Lake District National Park Authority](#) will be the Local Planning Authority to provide support.

Should a proposed Neighbourhood Planning Area lie across the Cumberland/Lake District National Park boundary, then both Local Planning Authorities will agree on how to proceed in terms of support. Both Local Planning Authorities will publicise the proposed area and the draft plan, and should there be a positive referendum result, they will each adopt the part of the Neighbourhood Plan that relates to their own authority area.

Neighbourhood Planning Protocol

Whilst the Neighbourhood Planning process is community led, we have a duty to provide advice, assistance and support to qualifying bodies, arrange for an examination into the Plan, make arrangements for a referendum and adopt the Neighbourhood Plan/Development Order as part of our own Development Plan (if it passes the Referendum).

The Council has prepared a Protocol to outline what we will do to support the preparation of Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders. It is designed to clarify the extent to which we (as the Local Planning Authority) will support the preparation (and any subsequent modification) of Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders. It also outlines what the Parish/Town Council/Neighbourhood Forums will be expected to do at each stage.

The Protocol is set out below and is based on the main Plan preparation stages.

Stage 1 – Designation

The Parish/Town Council/Neighbourhood Forums will:

- arrange to meet the Council to discuss the possibility of producing a Neighbourhood Plan/Neighbourhood Development Order/Community Right to Build Order.
- submit an application for a Neighbourhood Area and the Neighbourhood Forum.
- prepare a project plan showing the expected timescales of the preparation of the Plan/Order.

- consider the formation of a steering group who will lead the development of the Plan/Order and the key contacts for the Council.

We will:

- meet local communities who are interested in producing a Neighbourhood Plan/Neighbourhood Development Order/Community Right to Build Order to provide initial advice and discuss options. Ideally, communities would contact the Council to arrange this meeting prior to the submission of an application.
- assess the acceptability of the proposed designated Neighbourhood Area and, if applicable, the Neighbourhood Forum.
- publicise and consult upon the application on our website and within the area to which the application relates (e.g. in local libraries) for a minimum of a six week period.
- prepare and issue our decision on whether or not the Area/Forum can be designated. If we determine that the Area/Forum is not suitable for designation, we must outline the reasons why. We will produce this decision within 13 weeks of the consultation ending.

Stage 2 – Drafting

The Parish/Town Council/Neighbourhood Forums will:

- talk to the local community and Councillors as the plan develops to ensure that it reflects the community needs. This should include consulting them on options of what should be included in the Plan/Order.
- prepare the draft Plan/Order.
- prepare the Strategic Environmental Assessment, Sustainability Appraisal, Habitats Regulations Assessment or Appropriate Assessment. If these documents are required, then the Parish/Town Council/Neighbourhood Forums will be required to prepare them, or commission consultants to do the work.
- share any new evidence, data and research gathered as part of this process with the Council.
- submit a copy of the draft Plan/Order to the Council for their comments.
- formally issue the draft Plan/Order for consultation for a six week period.
- if necessary, amend the Plan/Order to reflect the comments received during the consultation period.

We will:

- provide electronic copies of available, relevant evidence base documents to support the drafting of the draft Plan/Order.
- provide comments on the draft Plan/Order.
- carry out a Screening Opinion to check if the Plan/Order will need to have a full Sustainability Appraisal.
- publish the draft Plan/Order on its website for the six week consultation. This will include: the details of the draft Plan/Order; where the draft Plan/Order can be viewed; how comments can be made on the draft Plan/Order; and the

closing date of the consultation. In addition, we will notify the consultation bodies as set out in the Neighbourhood Planning Regulations.

Stage 3 – Submission

The Parish/Town Council/Neighbourhood Forums will:

- prepare the following supporting documents: Consultation Statement; Basic Conditions Statement; map/statement which identifies the area to which the Plan/Order relates; and, if applicable, a Sustainability Appraisal.
- submit the draft Plan/Order and all the supporting documents to the Council.

We will:

- formally assess if the submitted documents meets the requirements of the Town and Country Planning Act 1990. We will then write to the Parish/Town Council/Neighbourhood Forum to confirm the outcome of the assessment.
- publish the submitted Plan/Order for a minimum of a six week period on its website (if the basic conditions requirements have been met).
- bring the consultation to the attention of people who live, work or carry out business in the area to which the Plan/Order relates.

Stage 4 – Examination

The Parish/Town Council/Neighbourhood Forums will:

- work with the Council to jointly appoint an independent Examiner.
- respond to questions from the Examiner. Usually, this will be done through written representations, but there may be occasions where a hearing will be organised for evidence to be presented orally.
- amend the Plan/Order following the Examiner's recommendations.

We will:

- work with the Parish/Town Council/Neighbourhood Forums to jointly appoint an independent Examiner.
- fund the cost of the independent Examiner.
- provide an Examination venue if the Parish/Town Council/Neighbourhood Forums cannot provide one and the Local Planning Authority has one available.
- submit all documents and any responses to the consultation received to the Examiner.
- respond to the Examiner's questions.
- fact check the Examiner's report and issue the report once finalised.

Stage 5 – Referendum

The Parish/Town Council/Neighbourhood Forums may want to organise a campaign to raise awareness of the Referendum and encourage people to take part. The cost of the campaign will need to be met by the Parish/Town Council/Neighbourhood Forums.

We will:

- organise and pay for the Referendum to allow those registered to vote in the area covered by the Plan/Order to determine if the Plan/Order should be adopted. In some circumstances, other communities may be invited to vote if the Examiner feels that the proposed Plan/Order may affect them.
- provide advice on the procedures that the Parish/Town Council/Neighbourhood Forums must follow prior to and during the Referendum.

Stage 6 – Making the Plan

We will:

- adopt the Plan/Order if the majority (i.e. more than 50% of the voting turnout) supported this.
- update their website to reflect the new status of the Plan/Order.
- inform those who had provided comments on the draft Plan/Order about the adoption.

General

The Parish/Town Council/Neighbourhood Forums will be expected to provide the Council with regular progress updates.

Where resources allow, we will provide:

- informal ongoing advice and support throughout the process.
- practical assistance such as IT advice, mapping and printing where appropriate.
- relevant contact information for consultation bodies.
- guidance and interpretation of relevant legislation.
- maintain the Neighbourhood Planning page on our website to reflect the current status of a Plan/Order; this will include those in draft and those which have been adopted.

We will not:

- provide funding (unless specified in the protocol), although it will help to identify available sources of funding.
- write any of the policies for the Plan/Order or draft any text for the document.
- provide project management services.

Appendix 2

Contact Details

Development Management

You can call the Development Management team on 0300 373 3730 and ask to speak to a named case officer or email one of the email addresses below and your email will be forwarded to the case officer.

For enquiries relating to the former Allerdale area, please email:
planning1@cumberland.gov.uk

For enquiries relating to the former Carlisle area, please email:
EDA@cumberland.gov.uk

For enquiries relating to the former Copeland area, please email
development.control3@cumberland.gov.uk

For enquiries relating to the former County Council (Minerals and Waste), please email MWplanning@cumberland.gov.uk

Planning Policy

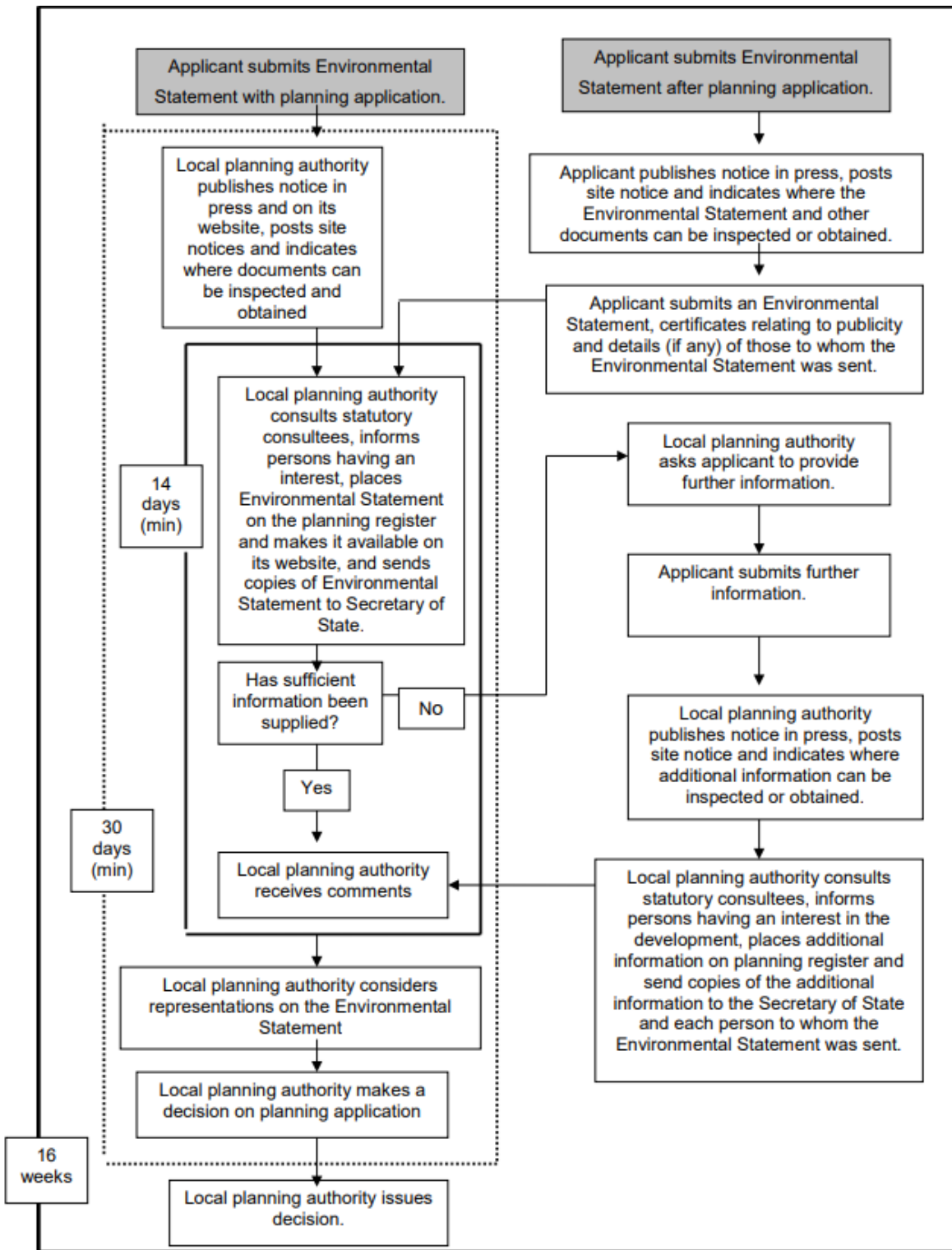
If you would like to contact the Planning Policy team, the contact number is 0300 373 3730 and the email address is planningpolicy@cumberland.gov.uk.

For specific enquiries relating to the St. Cuthbert's Local Plan, please email
stcuthbertsgv@cumberland.gov.uk.

For enquiries relating to Minerals and Waste, please contact mwlp@cumbria.gov.uk.

Appendix 3

Flowchart of the Environmental Impact Assessment process



<https://assets.publishing.service.gov.uk/media/5a81cc12ed915d74e62342a3/eia-flow2.pdf>