

Appendix 2

Derby Local Development Framework Statement Of Community Involvement

Summary of Representations, Director's Responses and Recommendations for Change

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PURPOSE OF THIS SCHEDULE

This schedule sets out comments from local community organisations, members of the public, developers, and the Government Office that were received during the formal consultation period held between 31st August 2005 to 12 October 2005. In some cases the comments are summarised in order to focus on the key issues, others set out the comments word for word. The summarised comments are grouped under common themes.

EXPLANATION OF THE REPORT'S FORMAT

This is an example of how the comments are set out:

Derby Community Network (2/3)

Often the subtly of the top level planning documents are not seen until later in the detailed plans. Will there be a requirement to provide an explanatory document that sets out the implications of the plans during the consultation process?

I agree that it is sometimes difficult to understand how strategic policies will affect future decisions on detailed plans. I am recommending inserting a new paragraph under the heading Consultation Methods.

Recommendation

1. To add the following as Paragraph 3.8:

“Consultation on the Core Strategy and other documents containing strategic policies will explain in clear, concise language the implications of those documents when applied in practice.”

The schedule states the name of each representative in bold text. The first number in the brackets after each name relates to the reference number given to the representative on receipt of their letter. Most people have made a number of key points and so each separate point has been given a reference number, written as the second number in the bracket. The Council's Response is written in italics and is the consideration of each main point in turn. The Recommendation is the suggested change to the draft Statement of Community Involvement to produce the final version that will be submitted to the Secretary of State.

IMPROVING THE CLARITY OF THE SCI DOCUMENT

Derby Community Network (2/3)

Often the subtly of the top level planning documents are not seen until later in the detailed plans. Will there be a requirement to provide an explanatory document that sets out the implications of the plans during the consultation process?

I agree that it is sometimes difficult to understand how strategic policies will affect future decisions on detailed plans. I am recommending inserting a new paragraph under the heading Consultation Methods.

Recommendation

1. To add the following as Paragraph 3.9:
“Consultation on the Core Strategy and other documents containing strategic policies will explain in clear, concise language the implications of those documents when applied in practice.”

Derby Community Network (2/4)

Paragraph 1.0, the introduction, should define the scope of “planning.”

I accept that the way the introduction is written assumes that the reader is familiar with the planning process already. I am therefore recommending an additional paragraph to provide more information on the planning process and also a slight amendment to Paragraph 1.2 to give a clearer explanation of the Local Development Framework.

Recommendations

2. To add a new paragraph to the Introduction as Paragraph 1.1:

“Planning is about how we plan for, and make decisions about, the future of our cities, towns and countryside. Most people get involved in planning system when they put in planning applications for their own projects or when they make comments on building proposals in their neighbourhood. Derby City Council is your local planning authority and it is responsible for deciding whether a development - anything from an extension on a house to a new shopping centre - should go ahead. The decisions that local planning authorities make on planning applications are guided by statutory policies. These policies are concerned with the development and use of land. The Statement of Community Involvement sets out how people who live or have business interests in Derby can be involved in preparing the policies to guide the future development of the City”.

3. To amend Paragraph 1.2 to read:

“The Local Development Framework was brought in by the Planning and Compulsory Purchase Act in 2004 and has replaced the Local Plans system. The Local Development Framework is made up of a package of different documents as illustrated below.”

Arthur Germany (4/1)

The word “methodologies” occurs with boring frequency. It should be replaced with a simple alternative such as “means.”

I accept that the use of the word “methodologies” is repeated too often in Section 4.0. In fact Paragraphs 4.7, 4.11, 4.15, 4.22, 4.28 and 4.34 include unnecessary repetition which could be streamlined by adding text to Paragraph 4.1 in the opening part of this section.

Recommendation:

4. To delete the first 2 sentences of Paragraphs 4.7, 4.11, 4.15, 4.22, 4.28 and 4.34 and to add the following to Paragraph 4.1:

“There will be occasions where we may use other consultation methods and techniques identified in Paragraph 3.5 depending on their suitability to the document being prepared and to the resources available”.

East Midlands Planning Aid Service (6/1), (6/2)

The language used in the SCI is generally very easy to understand and document is structured in a sensible way. However, there is some jargon. For instance, the phrase “front-loading process “ should be replaced with “pre-submission consultation.” There needs to be consistency in the use of terminology.

The phrase “front-loading” was used in Paragraph 2.12 in the context of Supplementary Planning Documents. These are not submitted to the Secretary of State, so the term “pre-submission” consultation is not appropriate in this case. I am, however, recommending a change to this paragraph to refer to ‘community involvement in drawing up the draft SPD’ rather than to ‘Front Loading’.

Recommendation:

5. To amend Paragraph 2.12 to read:

“The procedures for preparing Supplementary Planning Documents are not as extensive as those for DPD’s. Nevertheless, they will still have to be subject to rigorous procedures of community involvement in the early stages of document preparation in order to produce a draft SPD. This draft document will be consulted on for a six-week period in accordance with Regulations 17 and 18 of the 2004 Regulations. Representations made on this draft will be taken into account by the Council in finalising the document for adoption. There is no requirement for it to be submitted to the Secretary of State or subject to independent Examination as is the case for DPDs.”

East Midlands Planning Aid Service (6/5)

Paragraph 4.16 could usefully include a reminder of what ‘LDF’ and ‘LDS’ mean.

The new planning system includes several new terms with its own, often similar, abbreviations. I agree that this can be confusing when people are not familiar with the abbreviations, but I think the best approach is to introduce a glossary of terms rather than use the occasional full term.

Recommendation:

6. To add a Glossary of Terms to Appendix 5, (see Submission version of document on CMIS).

East Midlands Planning Aid Service (6/17)

Key points requiring comments need highlighting. There is no room for debating certain issues such as charging for documents.

The next stage of preparing the SCI is submission and whilst there is an opportunity to make representations on this, comments are not being sought as such. Furthermore, there is no opportunity under the new system for the document to be amended prior to consideration by an Inspector at the Examination.

Recommendation:

No change.

Government Office for East Midlands (11/1)

The diagram of the LDD documents on page 3 is not clear. Consider using colour instead of black and white patterns.

In my view, the diagram is clear though it could be improved by enlarging it. Introducing colour to the document would add unnecessary costs.

Recommendation:

7. To enlarge the Local Development Framework diagram under Paragraph 1.2.

TAKING VIEWS INTO CONSIDERATION IN LOCAL DEVELOPMENT FRAMEWORK DOCUMENTS

Derby Community Network (2/1), (2/2)

The document does not address the conflict between different opinions. It needs to address how opposing views are resolved. Concerned that planning officers pick out the comments that support their opinion and overlook those that are contrary.

Firstly, I do not accept that Officers pick out comments that support pre-conceived opinions. All planning documents and many planning applications are likely to raise issues on which different people and organisations hold different views. These views and other comments will need to be considered against a number of criteria such as national, regional and local policies, the objectives of the document, other points of view and factual or technical issues. The decision making process involves many different issues and will not be the same for each situation. Not making a change to a document or an application does not mean that the point raised has not been considered.

I am recommending including more detail about how views are taken on board through the preparation of local development documents in response to the Government Office for the East Midlands (11/12) below. I am also adding more detail about how comments on planning applications are considered in response to the Government Office's comments (11/14) later in this report.

Recommendation:

No change

Government Office for the East Midlands (11/12)

It would be helpful if the SCI details how the Council would use the representations to feed into the document preparation. It also needs to make clear how it will feedback to the community and report on any changes made to the Local Development Documents.

I agree that this would be useful additional information and I am proposing additional text to Paragraph 2.13. This includes information regarding how the results of consultation are dealt with and does not need repeating in Paragraphs 4.25 and 4.26.

Derby Community Network (2/5)

Paragraph 2.13. Is concerned with the process of “taking your views on board.” What does this process involve, how is it done, is there a formal written procedure, is it based on planning officer’s judgement, how are conflicts of interest resolved? Paragraphs 4.25, 4.26, need to clarify how exactly the results of the consultation are incorporated into the draft plan.

See my response to GOEM above.

Recommendation:

8. To delete the first three sentences of Paragraph 2.13 and insert the following paragraphs:

“For all stages of document preparation, we will produce summaries of the main points raised in workshops, meetings and surgeries and circulate these to attendees afterwards. Views expressed in the early informal stages of the preparation of DPDs will be used to draw up the preferred options that will be consulted on at the formal Pre-Submission Public Participation stage. Representations received at this stage will be summarised and responded to by Officers in a written report to Members. This will make recommendations on the form and content of the submission version of the document.

The Submission version of the DPD will itself be subject to a formal process of consultation. Representations on this will also be summarised and responded to, although in this case this case no changes to the document will be made. The Council may, however, indicate its position regarding objections and supporting representations. The documents will be forwarded to the Inspector holding the Examination into the document.

For SPDs, a similar process of summarising representations will take place following the issuing of a draft document and this will also be reported to Members with recommendations for the final version. SPDs are not submitted to the Secretary of State or subject to Examination”.

ACCURACY AND CLARITY OF PROCEDURES

The Planning Inspectorate (3/1), (3/2)

Advise that when the SCI is submitted for independent examination that the Council will be publishing the required notice and inviting representations in accordance with Para. 3.9 of PPS12.

Before submitting the SCI it will be useful to consult the “Test for Soundness” documents on the PINS website.

I have noted these comments.

Government Office for the East Midlands (11/4), (11/5), (11/10)

Although the SCI states an intention to comply with the Regulations, it does not specifically indicate what is required by them. For instance, there is:

- No reference to the need for authority to make copies of the representations available (Reg 31)
- No reference to the need for a further six week consultation on objection sites where representations are made on site allocations (Reg’s 32 and 33)
- The omission of a reference to the Reg 32 consultation on objector sites is of particular concern

Furthermore, Section 4 does not provide any detail on the form of community involvement at Reg 28 submission stage for DPD's. This is an important stage as it is only objectors at this stage who have a right to appear before the Inspector at the Examination. It would also be helpful to expand the Tables in Section 4 to indicate the methods of consultation that will be employed to consult the community at Submission stage.

I have no objection to these suggestions and I am recommending making changes accordingly.

Recommendation:

9. Insert the following text after the 5th sentence of paragraph 2.9:
“Copies of these representations will be made available for the public to view at the Council Offices at Roman House and at the City’s libraries. Where practicable the representations will be published in the Council’s website.”
10. Insert a new paragraph after paragraph 2.11 as follows:

Site Allocation Representations

The representations on the submitted Development Plan Document (DPD) may include proposals for alternative site allocations or changes to the boundaries of sites identified by the submitted document. The Council will make the site allocation representations available for the public to view and make comments on, for another six weeks. These will be made available in similar ways to those set out in paragraph 2.11. Any comments on the alternative site allocations can be sent to the Council. The Council will then summarise these comments and send copies to the Secretary of State. The appointed Inspector will consider all the representations made about the alternative sites before the examination is held into the DPD.
11. Insert a paragraph at the end of paragraph 2.11 that says the following:
“At the Submission stage, the Council will write to people who have requested at earlier consultations to be notified as to when the DPD has been submitted.”

12. Insert a new column into Tables 4.1, 4.2, 4.3, 4.4 headed “Submission” and tick boxes relevant to consultation at the submission stage (as set out in the recommended changes to the Submission version on CMIS).

Radleigh Homes (13/4)

There needs to be more emphasis on the timing of documents and regular information about changes to the LDS.

Paragraph 1.5 explains that the programme for preparing documents is set out in the Local Development Scheme and gives the website address to access this. I do not think the SCI itself should go further than this because the LDS programme is likely to change from year to year whereas the SCI is intended to have a longer lifespan. More specific information about dates for preparing individual documents would therefore quickly become out of date and misleading.

Recommendation:

No change.

Derby Community Network (2/10)

Regarding the reference to Sustainability appraisals in Paragraph 5.4, it is essential that these are produced and taken into account in the consultation. It should not just be “likely”.

All DPDs and most SPDs will need to be accompanied by a Sustainability Appraisal (SA). However, it is possible that SPDs which cover a small area at local level or which make only minor modifications to existing policy will not need an SA. The term ‘likely’ is therefore the most appropriate. A careful screening process would need to be undertaken where it is thought that an SA is not necessary.

Recommendation

No change.

Government Office for the East Midlands (11/2), (11/3)

At the start of Section 5, it would be helpful to have a brief explanation of what the Sustainability Appraisal is and its purpose.

With regard to Paragraph 5.5, the draft SA guidance produced in Sept 2004 is being revised to remove reference to the preparation of an initial SA Report. The paragraph should refer instead to the interim advice note on the Sustainability Appraisal of RSSs and LDFs.

I agree that there needs to be some explanation of Sustainability Appraisals and I am recommending a new introduction to Section 5 to achieve this. This also clarifies that the SA process is intended to fulfil the requirements of the Strategic Environmental Assessment Directive.

I have referred to the up to date, Government guidance on Sustainability Appraisals issued in November 2005. In order to be consistent with this guidance I am recommending replacing paragraphs 5.1 to 5.6 with new text. In the interests of clarity I am also recommending to delete the reference to Strategic Environmental Assessment in the title of Section 5.

Recommendation

13. To delete the paragraphs 5.1 to 5.6 and insert new text under Section 5 as included in the amended SCI document in Appendix 3 on CMIS. To amend the title to read “ Sustainability Appraisal.”

Radleigh Homes (13/1)

The SCI should clarify why the LDF is coming into place and its link to the Regional Spatial Strategy, particularly the regional led housing figures. Refer to updates of Urban Capacity Studies, housing and employment land availability.

The diagram in Paragraph 1.2 indicates the strategic relationship between the Regional Spatial Strategy (RSS) and the Local Development Framework. Paragraphs 1.2 and 1.3 refer to the emergence of the LDF system through the Planning and Compulsory Purchase Act 2004 and the purpose of SCI's in improving community involvement in the planning process. However, the SCI establishes the Council's consultation arrangements for preparing Local Development Documents and not for the RSS. In light of this, further reference to the RSS is not necessary.

The SCI concerns our consultation strategy for preparing Local Development Documents. We do not widely consult on urban capacity studies, housing and employment land availability and therefore it is not necessary to include a reference to them in the SCI. However, these technical studies and surveys will form part of the baseline information used in the preparation of the Local Development Documents. There will be opportunities to discuss this information during the early consultations on these documents.

Recommendation

No change

IMPROVING COMMUNITY INVOLVEMENT

Arthur Germany (4/2)

Community involvement cannot be switched on and off. There needs to be a framework of understanding established among at least a nucleus of people.

This raises a good point. However, the types of groups that need to be involved will not always be the same. The combination of interested parties involved will depend on the document being produced. We are building up a database of stakeholders and at a very early stage of each document these will be contacted to establish how much they wish to be involved in its preparation.

Recommendation:

No Change

Arthur Germany (4/3)

With respect to presenting information about plans at exhibitions and workshops, is there anyone working in the Council's planning department who has teaching experience? The University of Derby's Geography Department may be willing to help with this.

Several Officers have experience of exhibitions and public consultation exercises, although I am not aware of any with formal teaching qualifications. There may be specific instances where formal teaching skills would be helpful, though I don't think this will normally be necessary. The Council has recently been working with the East Midlands Planning Aid Service, which takes an educational approach to communicating about planning issues. Its approach involves training people about the planning process before asking them to make specific comments on a plan. This is a particularly useful approach when engaging people who do not normally get involved in the planning consultation process. I hope that this joint working will continue.

Recommendation:

No change.

East Midlands Planning Aid Service (6/4), (6/13)

Paragraph 3.7 needs to clarify how exhibitions, workshops and meetings will be advertised. It also needs to highlight that there is free access to the Internet in libraries.

I accept these points and am recommending a revision to Paragraph 3.7 to include reference to workshops, surgeries and public meetings and to explain how these will be advertised. I am also recommending a new

paragraph at the end of this section to refer to the availability of free access to the Internet in Public Libraries.

Recommendation

14. To insert a new paragraph after paragraph 3.6 as follows:

“The Council recognises that not everyone has access to the Internet and so free access is provided in Libraries for Derby library cardholders. Non-cardholders can also gain access if they provide personal identification.”

15. To delete Paragraph 3.7 and insert a new paragraph as follows:

“When public exhibitions, workshops, surgeries and public meetings are arranged, these will be advertised in the local press and on the Council’s website at least one week before the meeting is due to take place. Where possible, we will also use the Council’s public information boards, though space is limited on these. For issues dealing with specific geographical areas, such as Area Action Plans or SPDs for particular development sites, we will also use posters in public places.”

Radleigh Homes (13/3)

There is a need for surgeries to give representatives of local area committees, residential associations and committee groups the opportunity to discuss proposals with relevant officers to keep them well informed. Use service provider organisations to contact hard to reach communities.

General ‘drop in’ surgeries have been used in the past with disappointing results and can be very resource intensive in terms of Officer time. However, they may be useful as ‘one off’ sessions when dealing with plans for specific parts of the City, such as Area Action Plans or SPDs for specific sites. They could comprise booking a room or space for a whole day, preferably in a community centre near to or within the plan area, which members of the public can drop –in and talk to officers on a one to one basis. They could

also help people and organisations who do not have enough time to attend more formal workshops or public meetings.

Recommendation

16. To add “surgeries” to the list of consultation methods in Paragraph 3.5 and to include them in the tables of the specific types of plans in Section 4.

Radleigh Homes (13/5)

Use newsletters, press releases and period email updates in initial stages of plan preparation.

Press releases and emails are listed Paragraph 3.5 as possible consultation methods. The Council does not circulate corporate newsletters on a city-wide basis at the moment and so it would not be appropriate to include these at this stage. I understand that this may be addressed in the review of the Corporate Communications Strategy and, if so, it would be a good idea to explore their use.

Recommendation:

No change.

Radleigh Homes (13/10)

In order to speed up community involvement, it would be beneficial for guidelines to be set in terms of what the community are permitted to comment on, for instance to avoid emotive, non-planning objections.

On the Planning Services pages of the Council’s web-site, there are guidelines that set out how people can comment on planning applications and what issues can be considered.

Recommendation:

No change.

Derby Community Network (2/6)

The reference in Paragraph 2.13 to, 'aims' for feedback should be to 'requirements'.

I accept that this part of the SCI should provide more certainty as to what the Council will do following each stage of community involvement. I am therefore recommending an amendment to the final part of Paragraph 2.13.

Recommendation:

17. To amend the final sentence and bullet points of Paragraph 2.13 as follows:

“After each stage of community involvement on DPDs and SPDs, we will:

- Prepare summaries of the main issues and comments received. These will be general overviews for the early consultation stages and fuller summaries and responses for the formal pre-submission and submission stages. These will be available from Council offices and placed on the Internet.
- Keep you informed of the document's progress.
- Send you an acknowledgement of receiving your comments and explaining the next stages.

Derby Community Network (2/7)

With regard to Paragraphs 2.13 and 6.5, more than an acknowledgement is needed by groups being consulted. They need immediate acknowledgement then a confirmation that their opinion has been taken into account or an explanation as to why it has not. It is crucial for consultation that information is two-way.

Representations are acknowledged to let people know that their comments have been received and how the Council will consider them. Summaries of representations and responses to them, together with changes resulting from them, can be seen at the Roman House Offices or on the Council's website. Responses to formal representations will also be available at Deposit locations. Once the Council has considered people's representations, they will be contacted to let them know where they can see the summaries of their representations and responses to them. They will also be advised of the next stages in a document's preparation. A similar process applies to the consideration of planning applications. Representations are acknowledged and information provided and people are informed when a decision is made. Committee reports are also available for public inspection.

Recommendation:

No change.

East Midlands Planning Aid Service (6/3)

Paragraph 3.1 needs to offer a stronger commitment to provide interpretation services rather than just "aiming to offer".

Paragraph 3.1 identifies a wide range of services and objectives that are considered to be important in providing an effective consultation service. There are two references to 'aiming' to do this. The first is a general one which effectively applies to all services identified in the bullet points. The second is used only in the bullet point referring to interpretation services. The Council actually offers good quality interpretation services and it will usually be possible to accommodate people's needs. However, as with some of the other services listed in the bullet points, it cannot be absolutely guaranteed that it will always be possible to meet all requests, whatever they may be. I therefore think that it is appropriate to maintain the general reference to 'aiming to achieve' in the main body of the text as this applies to all services and is qualified in the same sentence that these services are important. I am recommending, though, that the word 'aim' is deleted from the specific bullet point dealing with interpretation services.

Recommendation:

18. To delete the words “aim to” from the fifth bullet point of Paragraph 3.1 referring to interpretation services.

East Midlands Planning Aid Service (6/15)

Suggest setting out that there is no third party right of appeal on planning applications and what this means for people who have objected to or supported an application and are against the decision that has been taken. It should include contact details for Ombudsman in case of complaint about procedure.

Referring to appeals should help to clarify the full situation for people sending in comments on planning applications. I will add a reference to this at the end of paragraph 6.15. In terms of complaint procedures I will include a reference to the Council's Customer Service Standards regarding complaints in Appendix 4.

Recommendation:

19. To add the following to the end of Paragraph 6.15:

“Applicants for planning permission have a right to appeal against refusal of their application. However there is no right of appeal for people who have objected or supported an application and are against the decision that has been taken.”

20. To add the following to Appendix 4:

“Derby City Council's Customer Service Standards for dealing with complaints, comments and compliments, We will:

- provide you with information about how to report a complaint, comment or compliment
- record complaints, comments and compliments and use them to review and improve our services
- respond to all complaints within 10 working days*
- treat complaints confidentially, while making sure we are fair to everyone concerned
- inform you how you can take your complaint further if you are not satisfied with our response
- apologise when we are at fault and do our very best to put things right.”

Government Office for the East Midlands (11/7)

Paragraph 3.2 needs to explain in greater detail how the Authority intends to contact and consult “hard to reach” groups.

Paragraph 3.2 identifies minority ethnic communities, religious communities, disabled people and women as hard to reach groups. I am recommending that this is expanded to include young people and older people following advice from the Council's head of Communications and Consultation. I am also recommending that the paragraph is amended to refer to individual people as well as groups. I accept the point about the need for greater detail as to how these people will be reached and am recommending additional text. Regular and frequent training sessions are not always realistic because of cost and time implications. However, we will continue to take opportunities to work with the East Midlands Planning Aid Service who provide training services for “hard to reach” groups.

East Midlands Planning Aid Service (6/14)

It needs to be made clearer exactly what methods will be used to consult hard to reach groups. Some groups find it difficult engaging with the planning process. Suggest use of training sessions to provide people with skills and knowledge to get involved.

See my response to GOEM above.

Radleigh Homes (13/2)

Clarify who are ‘hard-to-reach groups’ and how they will be consulted.

See my response to GOEM above.

Recommendation:

21. To amend Paragraph 3.2 as follows:

“Planning Officers will work closely with the Council’s Community Policy Team. We will also seek to reach a broad range of people, groups and organisations to ensure effective community consultation. In particular, we will seek to engage with ‘hard to reach groups’ of people and their representatives, such as minority ethnic communities, faith communities, disabled people, young people, older people and women. In doing this, we will make use of the Council’s Advisory Committees and staff with specialist expertise and contacts. We will also seek to identify groups and organisations representing these people and to hold events in locations that will make it easier for people to attend. This could include:

- Holding events during different times of the day.
- Seeking to use locations that can provide crèche facilities.
- Ensuring venues are accessible by people with disabilities, including being accessible by people using wheelchairs.
- Holding events at locations that provide facilities such as induction loop systems for use with hearing aids.
- Where requested, using signers and interpreters or using interpretation services such as Language Line
- Providing written material in different versions, such as large print size, on tape and in translation.
- Working with other community organisations such as Planning Aid to hold training sessions about planning.”

COMMENTS ON DEVELOPMENT CONTROL SECTION

Derby Community Network (2/12)

The list of publicity mechanisms in Paragraph 6.3 could be expanded to include the scanning of planning applications onto the website. This would make them more easily accessible and help consultation.

Radleigh Homes (13/6)

It would be beneficial to view planning applications and plans on-line.

The Council's "e-planning" service is now up and running on its website. Planning applications and their location plans received by the Council since December 2005 can be viewed on-line.

Recommendation:

No change.

Derby Community Network (2/13)

In Appendix 2, why are hot food takeaways singled out for Neighbour Notification and not betting shops etc.

Hot food takeaways are singled out because problems such as food smells, litter and anti-social behaviour tend to be associated with them and therefore they are considered to require additional consultation. Betting shops are a different type of operation.

Recommendation:

No change.

Derby Community Network (2/15)

Items marked 5 and 7 in Appendix 2 are out of context and need explanation.

Items 5 and 7 in Appendix 2 are taken from separate reports that went to the Council's Planning Control Committee in July 2005 and February 2004 respectively. They contain reasons and explanation for the development of the Council's development control procedures concerning neighbour notification and telecommunications proposals. I agree that the main text of the SCI needs to clearly cross-refer to them. I will add text to paragraph 6.7 to explain the context of the neighbour notification criteria.

Recommendation:

22. To replace paragraph 6.7 with the following:

“Appendix 2 contains copies of 2 items from separate reports that went to the Council's Planning Control Committee in July 2005 and February 2004 respectively. They contain reasons and explanation for the development of the Council's development control procedures concerning neighbour notification and telecommunications proposals. Appendix Two contains details of neighbour notification criteria for types of development such as residential development, hot food takeaways and business development.”

East Midlands Planning Aid Service (6/7)

Paragraphs 6.4 and 6.12 should clarify the terms “special service” and “several” objections.

I accept that more explanation of what is meant by a special service would be helpful and am recommending revised text to Paragraph 6.4. I am also recommending an alteration to Paragraph 6.12 to clarify that any application receiving four or more objections will be determined by Committee rather than Officers.

Recommendations:

23. To amend the third bullet point of Paragraph 6.4 referring to a ‘special service’ with the following:

A “special service” is available to help disabled people and people unable to get to our offices for some exceptional reason, such as caring for a dependant relative to view planning applications. This service involves posting out full copies of planning applications or arranging a visit by the case officer to the person's home to show them the application.

24. To replace the second sentence of Paragraph 6.12 with the following:

“For more complex applications, or if there are four or more representations received that differ from the Planning Officers recommendation, the application will be considered by the Planning Control Committee.”

East Midlands Planning Aid Service (6/8)

With regard to Paragraph 6.5, will people who made representations on the original application be notified on amendments and if not why not? The term “significant new issues” should be defined.

Objectors are notified of amendments to applications if these raise new issues and I have no objections to adding text to the document to explain this. I am making other amendments to paragraph 6.5 in response to the representation from the Government Office for the East Midlands so this change will be addressed in the same recommendation (ref no?)

Recommendation:

25. Include the following text in the amended paragraph 6.5 as follows:

“The Council’s practice is to negotiate improvements to applications when necessary. This may include resolving simple issues raised by objection letters. We will normally re-notify neighbours on amendments, if we consider that they raise new issues that could lead to the need for further comment. We usually give 14 days for such comments to be made.”

East Midlands Planning Aid Service (6/9), (6/10)

Consider adding a summary of the neighbour notification policy into the main text. The table on page 32 could be used. Suggest that the telecommunications issues in Paragraph 6.11 are summarised in similar way to the neighbour notification policy.

The details of the neighbour notification and the telecommunications policies are contained in the appendices so that in future if they are updated then the document can be easily reviewed. I agree however that there is a need to make the key information in these appendices clearer and I am recommending setting these out in a separate non-technical summary of the Statement of Community Involvement document. We will use the Council’s “Plain Talking Group” in the preparation of this summary.

Recommendation

26. To progress the preparation of a separate non-technical summary of the Statement of Community Involvement.

East Midlands Planning Aid Service (6/11)

Paragraph 6.14 needs to clarify whether Committee agendas and reports are available in advance for those wishing to speak at Committee Meetings

Paragraph 6.13 of the SCI document already sets out when Committee agendas and reports are available.

Recommendation:

No change

East Midlands Planning Aid Service (6/12), (6/18)

Appendices 2 and 3 are too technical and too long. They need summarising or shortening. Also, more information is needed on Schedule 1 and 2 developments, and Environmental Impact Assessments. Give examples of site notices in the appendices and include the guidelines for speaking at Committee.

See my response to the Planning Aid Service above. I am recommending producing a separate non-technical summary of the SCI that will contain the key information from Appendices 2 and 3. In light of the overall concerns about the length of the document, it will not help to add further information to the document about the Schedule 1 and 2 developments, Environmental Impact Assessments and site notices. This level of detail would not be appropriate for the document.

However, it may help to clarify the guidelines for speaking at Committee in paragraph 6.14, rather than referring to the Council website for more detail.

Recommendation

27. Replace paragraph 6.14 with the following:
“Applications and objectors can speak in public about applications being reported to Planning Control Committee. To do this they need to:
- Tell the Council their 5 working days in advance
 - Inform the Council of the date of the meeting they want to speak at, the matter on which they are speaking and their contact details.

At the Committee Meeting they are allowed to make statements but not to ask questions to the Members or Council Officers.

Government Office for the East Midlands (11/14)

The SCI should explain how public participation and community representation would be taken into account in determining planning applications.

I have no objections to this. It may help the flow of the document if the additional detail about taking people's comments into account is combined with the procedures for dealing with letters and emails set out in paragraph 6.5.

Recommendation:

28. To delete paragraph 6.5 and to insert a 2 new paragraphs after paragraph 6.11 as follows:

“Making Comments on Planning Applications

Comments or representations on planning applications have to be sent in writing by post or email. People writing in their representations should state:

- Their name and address
- The planning application reference number
- Their concerns about the proposal based on relevant planning matters. A definition and some examples of relevant planning matters, or “material considerations,” are given in the Glossary of Terms in Appendix 5.

People will have 21 days to write to the Council about planning applications. All letters and emails from objectors will be acknowledged by post.

How comments on planning applications are taken into account:

Where relevant planning issues are raised by objections letters from neighbours and the wider public they are considered by a case officer together with the material considerations affecting the proposed development. Advice from internal and external consultees is also taken into account, such as the Council's Environmental Health

officers or the Environment Agency. The case officer then makes a recommendation about the planning application to the Planning Control Committee. The letters from the public are either summarised or copied into the committee report for the Councillors to see.

The Council's practice is to negotiate improvements to applications when necessary. This may include resolving simple issues raised by objection letters. We will normally re-notify neighbours on amendments, if we consider that they raise new issues that could lead to the need for further comment. We usually give 14 days for such comments to be made.

For consultation beyond the minimum requirements, attendees of any public meetings, exhibitions or workshops would be asked to put their comments in writing and these would be considered in the same way as other representations to planning applications."

Derby Community Network (2/1), (2/2)

Paragraphs 6.7 to 6.15 make little mention of consultation. Is it intended that Planning Officers and the Council would make all the decisions without consultation? The SCI should state that planning officers and councillors make the final decision.

Paragraphs 6.7 to 6.15 are actually describing how the Council will consult or notify neighbours of planning applications. The Neighbour Notification Criteria set out where people can expect to be informed about current planning applications on neighbouring properties and land. Paragraph 6.12 states that planning officers make decisions on some minor planning applications. It may help to clarify in this paragraph however, that it is the City Councillors at the Planning Control Committee who make the final decision.

Recommendation:

29. To insert the following after the final sentence of paragraph 6.12:
"At this committee meeting, City Councillors will make a final decision on the planning application."

Government Office for the East Midlands (11/15)

The SCI is an opportunity to set out the authority's policy on pre-application consultation. Paragraph 6.2 refers to developers undertaking pre-application consultation with the community, but provides no guidance on what type or level of consultation the Authority might wish to encourage developers to engage in.

Paragraph 6.9 lists types of consultation that could be used by developers.

Recommendation:

30. Insert a sentence at the end of paragraph 6.2 that says, "Suggested types of consultation are listed in paragraph 6.9."

Government Office for the East Midlands (11/16)

The SCI does not set out how applicants undertake pre-application consultation with the authority. This is a BVP indicator and is important in helping to achieve the benefits of frontloading for major development proposals.

I have no objections to including a reference to this.

Recommendation

31. Insert new paragraph after Paragraph 6.2 that says the following:

"For pre-application discussions between the authority and applicants, the Council has a Charter for Major Planning Applications and Legal Agreements. Major applications are defined in the Glossary in Appendix 5. The Charter ensures the Council's commitment to a prompt and efficient response to development proposals in return for the applicants providing all the necessary information up front."

Government Office for the East Midlands (11/17)

In Paragraph 6.2, the term "significant development" needs to be explained. Item 5 in Appendix 2 and Appendix 3 appear to give different definitions of significant and this should be clarified. They suggest that a cross-reference or definition is inserted into Paragraph 6.2.

East Midlands Planning Aid Service (6/6)

Paragraphs 6.2 and 6.3 should include examples of, and define, “significant development” and “major or controversial applications”.

These are terms that have been used for many years and I accept that it would be helpful to define them. It would be consistent to use the definition of significant development as stated in paragraph 2.19c of Item 5 in Appendix 2, throughout the document. It may help to include the definition in the Detail of Significant Planning Applications in Type 3 of Appendix 3 and also to cross-refer to these details in paragraph 6.2.

Recommendations:

32. To insert the following into the Glossary in Appendix 5:

Major applications: residential development 10 or more dwellings or site area of 0.5 ha or more. For other proposals 1000sqm floorspace or site area of one ha or more.

Significant development: development that is likely to make a substantial change to its local environment, for example, a large increase in car traffic on the local road network.

Controversial applications: applications where the proposed development conflicts with Derby’s development plan, or where there is public opposition to the proposal.

33. Insert after Type 3 in Appendix 3, the following:

“The definitions of scale or development area for Significant Planning Applications Type 3 are:

For residential development Outline applications of 1 hectare and over in site area

Full/ Reserved Matters applications for 25 dwellings and over

For Business or Industrial Development Outline applications of 1 hectare and over in site area

Full/ Reserved Matters for buildings 1000 square metres and above in floorspace”

34. Insert in Paragraph 6.2 the following text:

Definitions of the scale and development areas for “significant development” are set out in Appendix 3.

William Davis Ltd (10/1), (10/2), 10/3)

Paragraph 6.8 and Appendix 3 are not clear about what type of application will be judged to necessitate further engagement with the local community, particularly under the heading for Type 3 Applications. The reference in Paragraph 6.8 to “allocated sites that may not have generated significant objection through the local plan process” is particularly confusing. If they have not prompted previous objection why are they likely to be contentious and require pre-application engagement?

They refer to Charnwood Borough Council's criteria for the types of schemes likely to require engagement with the community. For example, they have a threshold of 100 dwellings or 3ha, and 5ha for employment schemes.

The Council's past experience is that local residents do not tend to engage in the local plan process and only start to become aware of proposals for major development in their neighbourhood when a planning application is submitted. This is a key issue that the new planning system is attempting to address. Engaging the community much earlier on in the local plan process should help to resolve this problem in the longer- term. However in the short to medium term, pre-application community involvement in major development on existing allocated sites should help to iron out potential delays in the application process, for instance when agreeing details on community facilities.

I am recommending inserting clearer definitions in Appendix 3 in response to the comments from GOEM and East Midlands Planning Aid Service above (Recommendations 31, 32, 33).

Radleigh Homes (13/7), (13/8)

They are concerned that community involvement in planning applications could cause delays. There is also a general concern over the action that developers would have to take on, the consultations that have been made and who monitors them.

I understand the concern that the community involvement in planning applications could cause delays. Indeed, the SCI seeks to strike the right balance between effective community involvement and development needs. This can

be helped if discussions take place with the Authority and if appropriate, people affected by the proposal, before a planning application is submitted. The action that developers will have to take on will be dependent upon the scale and nature of the development proposal concerned.

Recommendation:

No change

Radleigh Homes (13/6)

A weekly email listing all current planning applications would be beneficial.

The Council circulates a weekly email containing this list already. Paragraph 6.3 states that the list is “sent” and this includes by email.

Recommendation:

No change

MINERALS AND WASTE SECTION

Derbyshire County Council (9/1), (9/2)

The first sentence of Paragraph 4.20 should be altered to conform to the related paragraph in the Derbyshire SCI by adding the following sentence:

“This draft document will contain the Council’s preferred options that emerged through the initial consultation outlined above.”

I have no objections to this.

Recommendation:

35. To add the sentence as written above to Paragraph 4.20

Derbyshire County Council (9/1), (9/2)

Table 4.4 should be amended to refer to Joint Waste DPDs as well as Minerals DPDs.

I have no objections to this.

Recommendation:

36. To amend the heading of Table 4.4 to read “Joint Minerals and Waste Development Plan Documents.”

Government Office for the East Midlands (11/8), (11/9)

Appendix 1 should include a reference to the types of bodies representing minerals and waste interests.

I have no objections to this and I am recommending adding a reference to the bodies representing minerals and waste interests.

Recommendation:

37. Add the following to the list of consultees in Appendix 1 under General Consultation Bodies: “Minerals and Waste Industry and Operators.”

Government Office for the East Midlands (11/8), (11/9)

It would be desirable if there were consistency between the SCIs of both the City and County Councils in relation to minerals and waste matters, as appropriate.

This SCI has been drafted to be as consistent as possible with Derbyshire County Council’s Statement of Community Involvement for Minerals and Waste.

Recommendation:

No Change

MANAGEMENT OF COMMUNITY INVOLVEMENT

Government Office for the East Midlands (11/11)

There needs to be some discussion of the benefits, drawbacks and resource implications of the various methods of consultation listed in Paragraph 3.5 in order to be consistent with Checklist 7a of “Creating LDFs – a companion guide to PPS12.”

I have no objections to this.

Recommendation

38. Insert the following under the list in Paragraph 3.5:

“An assessment of the costs and benefits of these methods is set out in Appendix 6.”

39. Insert a new table in Appendix 6 of the amended version of the SCI document entitled, “Considerations of Methods of Community Involvement,” (as seen in Appendix 3 on CMIS).

Derby Community Network (2/11)

With regard to Paragraph 5.6, consultants should be employed whenever an independent view is needed not just when resources are available.

The availability of adequate resources to employ consultants will be a key determinant of whether they can be used. There will always be limits to budgets to prepare planning documents and competing pressures on the use of available funds.

Recommendation:

No change.

Government Office for the East Midlands (11/13)

The SCI does not indicate how the Authority intends to monitor the operation of the SCI and review the statement. If its not included in the submission SCI the authority risks not meeting the test of soundness in paragraph 3.10 of PPS12.

I agree that the SCI needs to indicate how the document will be monitored and reviewed. I am recommending including a new paragraph 2.19 to refer to these issues.

Recommendation:

40. Insert the following paragraph under paragraph 2.18:

2.19 Monitoring

The Statement of Community Involvement will be kept under review through the Council's Annual Monitoring Report. Measures such as feedback questionnaires on consultation response forms may help to assess the effectiveness of the various types of consultation methods. This can involve reviewing the number of people attending the various types of events or monitoring the numbers of written representations sent into the formal consultations. There will be an annual review of the SCI mailing list to keep the contacts in the community up to date.

REQUESTS FOR BODIES TO BE ADDED TO SCI MAILIING LIST

Derby Community Network (2/8)

Include Derby Joint LTP Steering Group

Council planning officers already attend the LTP Steering Group and this group would be included under the Derby City Partnership.

Recommendation:

No change

Peacock Smith on behalf of WM Morrison Supermarkets (7/1)

Include Peacock and Smith on database

It would make Appendix 1 too long and unwieldy to include all agents and companies under the General Consultation Bodies. I am recommending recording their details on our consultation mailing list.

Recommendation:

No change

Derbyshire County Council (9/3)/ Government Office for the East Midlands (11/6)

Derbyshire County Council should be included in the list of “Specific Consultation Bodies.”

I have no objection to this.

Recommendation:

41. Include a reference to Derbyshire County Council in Appendix 1.

Ockbrook and Borrowash Parish Council (12/1)

Ockbrook and Borrowash Parish Council would like to receive notification of activities that may impact upon Ockbrook or Borrowash. This includes: planning applications, highway matters, flood prevention schemes, gravel extraction etc.

Their concerns are noted and I am recommending that their details be recorded on our consultation mailing list. They will however fall under the “Adjoining Parish Councils” in the Specific Consultation Bodies list, in Appendix 1 of the SCI.

Recommendation:

No change

East Midlands Development Agency (14/1)

Emda would like to be kept informed of other plans particularly the Core Strategy.

Emda are already included as a Specific Consultation Body.

Recommendation:

No change

DPDS Consulting Group (Central England) (18 late/1)

The Derbyshire and Fire Rescue Service should be included under the list of General Consultation Bodies.

I have no objections to this.

Recommendation:

42. Include a reference to the Derbyshire Fire and Rescue Service in Appendix 1.

GENERAL COMMENTS

Dorothy Skrytek (16/1), (16/2), (16/3)

Have no confidence that the Council can police itself adequately enough to allow for full participation from the community. Do not believe that the Council can adhere to this Statement as there is no independent monitoring review.

One of the main purposes of the SCI is that consultation arrangements for the preparation of planning documents and determination of planning applications is set down in writing, open to consultation and independently Examined. Once in place, the consultation arrangements for development plan documents and planning applications can be considered against it. Development Plan Documents are subject to independent Examination and the consultation arrangements for them will be one of the 'tests of soundness' considered as part of that Examination. It is not, therefore, a matter of the Council policing itself.

Recommendation:

No change.

Dorothy Skrytek (16/1), (16/2), (16/3)

With regard to Paragraph 2.13, Inspector's recommendations have been ignored previously.

Inspector's recommendations are never ignored, even where the Council has considered there to be very good reasons not to accept them. However, under the new planning system the Inspector will issue a binding report rather than recommendations.

Recommendation:

No change.