

Derby City Council Statement of Community Involvement

**Final Version including Inspector's
Amendments**

Contents

	Page No.
1.0 Introduction	3
• The Local Development Framework	4
2.0 Principles for Consultation and Community Involvement	6
• Our link to Derby's Community Strategy	6
• Stages of Community Involvement	6
○ Development Plan Documents	6
○ Site Allocation Representations	8
○ Supplementary Planning Documents	8
• Taking your views on board	8
• Our resources	9
• Monitoring	10
3.0 Community Involvement in the Derby Local Development Framework	11
• How we will contact the community	11
• Who will be involved	12
• Consultation Methods	12
4.0 Details of Consultation on Local Development Documents	14
• Development Plan Documents (DPDs)	14
○ Core Strategy and General Development Policies	14
○ Site Specific Allocations	15
○ Area Action Plans	17
○ Joint Minerals and Waste Development Plan Documents	18
• Supplementary Planning Documents (SPDs)	20
○ Topic- based SPD	21
○ Site Specific SPD	22
5.0 Sustainability Appraisal	24

6.0	Community Involvement in Planning Applications	24
•	Consultations on proposals before planning applications are submitted	25
•	Consultation on all planning applications	25
•	Minimum requirements for consultation	26
•	Neighbour Notification	26
•	Beyond minimum requirements	27
•	Making Comments on Planning Applications	28
•	How Comments on Planning Applications are taken into Account	28
•	How to find out what decisions are taken	29
•	Speaking at Committee	29
•	Finding out the result of your objection	29
	Appendices	
	1. List of Consultees	30
	2. Neighbour Notification Policy	33
	3. Details of Significant Planning Application Types	43
	4. Contacts in Planning Services	45
	5. Glossary of Terms	46
	6. Considerations of Methods of Community Involvement	49

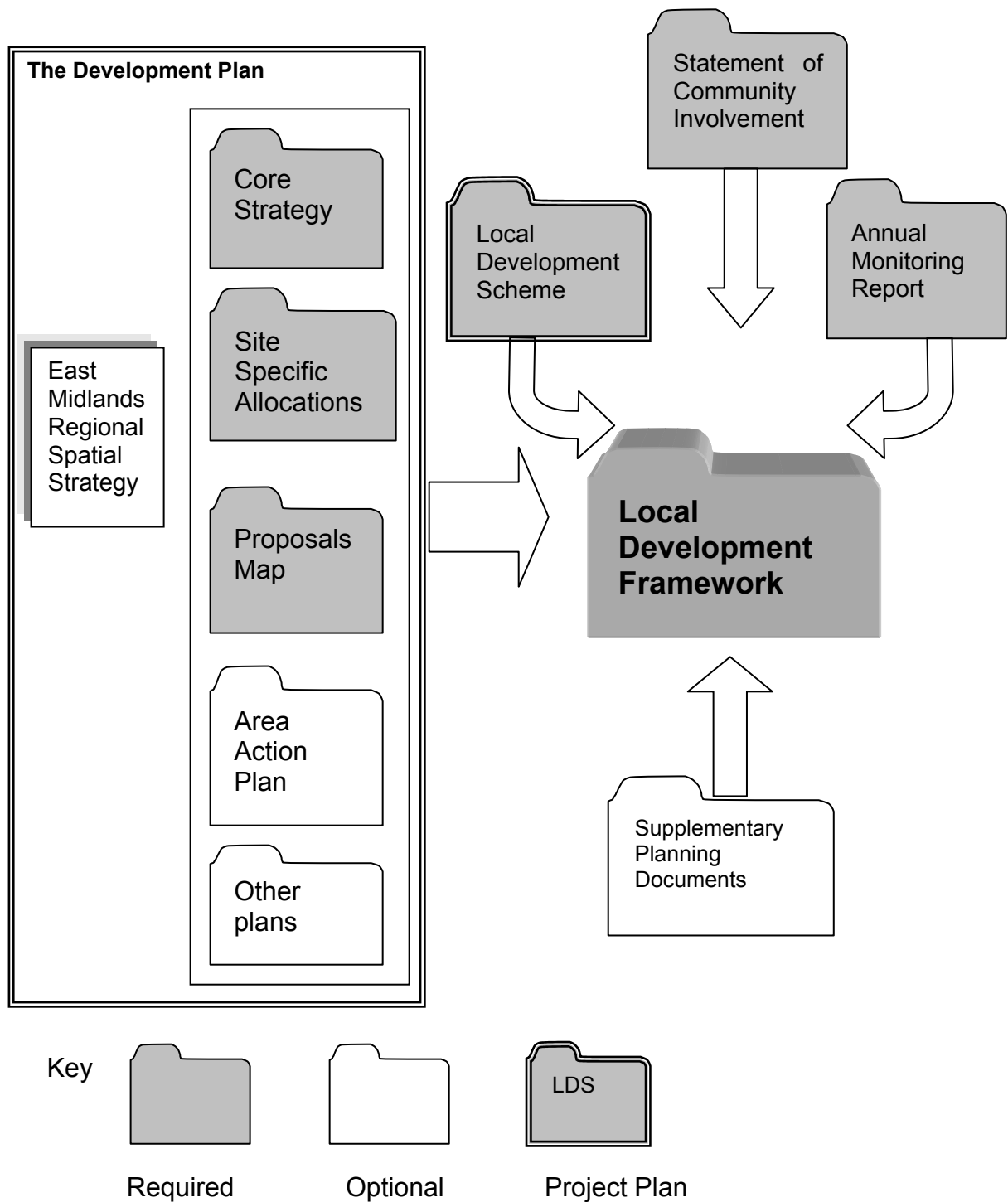
1.0 Introduction

- 1.1 Most people get involved in the 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 the local planning authority for Derby city 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.
- 1.2 This document sets out Derby's policy for community involvement in the Local Development Framework (LDF) and planning applications. It sets out our principles for consultation and community involvement and how they reflect Derby's Community Strategy. It explains the stages of the preparation for the Local Development Documents (LDD), the purpose of each, what needs to be gained from the community involvement and who should be involved and when. The statement contains the Council's procedures for consultation on planning applications. It also outlines the consultation process for sustainability appraisals on LDDs. Finally, the Appendices contain lists of specific and general consultation bodies, the Council's Neighbour Notification Policy, details of planning application consultations, contact details and a glossary of terms.

The Local Development Framework

- 1.3 The Local Development Framework (LDF) was introduced by the Planning and Compulsory Purchase Act in 2004 and has replaced the Local Plans system. The LDF is made up of a package of different documents as illustrated below.

Derby's Local Development Framework



- 1.4 A key objective of the new Act is to encourage more meaningful community involvement in the planning process. The mechanisms for achieving this are set out in the Statement of Community Involvement (SCI). Local planning authorities are therefore legally required to produce one.
- 1.5 A key principle behind improving community involvement in the planning process is the concept of “front-loading.” This means getting ideas and options for plans discussed at much earlier stages of preparation. This should enable agreement to be reached between the various parties involved in the process, rather than wasting time and resources over resolving conflict.
- 1.6 The SCI will be the first point of contact for stakeholders and the community to find out when and how they can become involved in the preparation, alteration and continuing review of all LDD’s, and in the determination of planning applications.
- 1.7 The programme for Derby’s initial Local Development Framework is set out in the Local Development Scheme (LDS), which came into force on 17 May 2005. The LDS will be reviewed each year, so the precise programme of documents will change over time. This is available to view on the planning pages on our web site at www.derby.gov.uk or further information can be obtained from the Policy Team on 01332 256019.
- 1.8 A statement summarising how each of the LDF documents has conformed with this SCI will be made available to the public. For Development Plan Documents, this would be when they are submitted to the Secretary of State. For Supplementary Planning Documents, it will be prior to adoption.

2.0 Principles for Consultation and Community Involvement

Our link to Derby's Community Strategy

- R1
- 2.1 The Council is a member of the Derby City Partnership. This is the Local Strategic Partnership for Derby and is an alliance of organisations including public services, local businesses, community and voluntary groups and individuals who live or work in Derby.
 - 2.2 Derby City Partnership has a lead role in the development of a sustainable community strategy. There are many opportunities to capitalise on the membership of Derby City Partnership which has heavy involvement of the business and voluntary and community sector. Members of the Derby City Partnership team provide direct support and links to Derby Community Network which has been specifically established to influence the Derby City Partnership at all levels.
 - 2.3 Derby's Local Development Framework should express the elements of the community strategy that relate to the development and use of land. There is an opportunity to increasingly position the Local Development Framework and associated materials as documents developed with widespread and genuine engagement with all parts of the Derby community.
 - 2.4 The community strategy can be accessed from the Derby City Partnership website at the following address:
www.derbycitypartnership.co.uk.
 - 2.5 The Council's corporate consultation strategy will provide an overarching framework for the SCI. The corporate consultation strategy sets out principles on consultation and community involvement that will underlie the consultations on each LDD and on planning applications.

Stages of Community Involvement

Development Plan Documents

- 2.6 There are three key stages of community involvement and consultation during the preparation of Development Plan Documents (DPD). These are pre-submission consultation, pre-submission public participation and submission.

Pre-submission consultation

- R8
- 2.7 This consultation will take place before a DPD is drafted. It is the stage for researching, gathering information and identifying relevant issues the document should address. It is also the time for listening to

alternative ideas and suggestions for policies and proposals the document should contain. This process will be fairly informal but the Council must make sure that it consults with appropriate specific and general consultation bodies. These are listed in Appendix 1 and Regulation 25 of the Town and Country Planning (Local Development) (England) Regulations 2004.

Pre-submission public participation

- R8 2.8 This stage aims to find out views and comments on a preferred options document. This draft may contain alternative 'preferred' options that have emerged through the previous consultation stage. This is a more formal process of consultation and is subject to the requirements of Regulation 26 of the 2004 Regulations. Any comments submitted to the Council on the draft document have to be done so, in writing, within a set period of 6 weeks.

Submission stage

- 2.9 Once the comments received through the pre-submission public participation stage have been taken into account by the Council, a revised document will be prepared and submitted to the Secretary of State. This will be the Council's preferred strategy and will have emerged through the consultation process and tested against sustainability objectives. This submitted document would itself be subject to a formal consultation process for a six-week period, similar to that carried out at public participation stage. It will also be subject to an independent examination. Representations received during this consultation stage will be taken into account by the Inspector holding the examination. Copies of these representations will be made available for the public to view at the council offices at the Council House, Roman House and at the city libraries. Where practicable the representations will be published on the Council's website. The Inspector will then issue a 'binding report' that will set out the modified document or may instruct the Council to carry out more work and re-submit it.
- 2.10 On the same day that the Council submits the DPD to the Secretary of State, it has to make a request to the East Midlands Regional Assembly to seek general conformity of the plan with the Regional Spatial Strategy.
- 2.11 At both the public participation and submission stages, we will fulfil the requirements of the 2004 Regulations, including the following:
- make the document and key supporting material available at the Council House, Roman House, Friar Gate and city libraries.
 - display these documents on our website

- send copies of relevant documents to the specific and general consultation bodies consulted at the 'pre-submission consultation' stage
- publicise the consultation process by local notice and by local advertisement

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.

Site Allocation Representations

- 2.12 The representations on the submitted 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 2.9. 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.

Supplementary Planning Documents

- R8 2.13 The procedures for preparing Supplementary Planning Documents (SPD) are not as extensive as those for DPDs. 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 period of not less than 4 weeks or more than 6 weeks 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.

Taking your views on board

- 2.14 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. 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 planning officers in a written report to councillors. This will make recommendations on the form and content of the submission version of the document.

- 2.15 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. However, these will be for the Inspector who holds the examination rather than for further consideration by the Council.
- 2.16 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 councillors with recommendations for the final version. SPDs are not submitted to the Secretary of State or subject to examination. For this reason, the SCI does not address this stage in detail beyond recognising that the requirements of the 2004 Regulations will be met.
- 2.17 After each stage of community involvement on both DPDs and SPDs, we will:
- prepare summaries of main issues and of the 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 put on the Internet and made available at City Council offices **and at City Council libraries in Alvaston, Allestree, Blagreaves, Central, Chaddesden, Mickleover, Peartree, Sinfin, and Spondon.**
 - keep you informed of the document's progress
 - send an acknowledgement of receiving your comments and explaining the next stages

R10

Our resources

- 2.18 The Council will use its officers to arrange meetings, exhibitions and workshops. Internal administration, marketing and printing resources will be used for mailing and publicity. Where possible venues for workshop and exhibitions will be chosen where they are convenient and accessible for the community affected. Limited resources, however, may mean that it may not be possible for staff to attend meetings of individual groups or organisations.
- 2.19 There will be joint working with specialist staff from other Council divisions. For Waste and Minerals Local Plans or on cross boundary issues, there will be joint working with the County Council and neighbouring district authorities respectively. Opportunities will be taken where other external partners or community organisations can assist with event organisation or venue provision. Where it is appropriate and resources allow, external companies will be employed to carry out consultations, surveys or other forms of community involvement.

- 2.20 The availability of funding for each LDD will influence the extent and level of consultation chosen. We will continually have regard to budget constraints throughout the plan preparation programme.
- 2.21 There will be times when the Council officers will not always be best placed to work with community groups and that some people will prefer to seek independent advice. At such times, the Council will seek to ensure that people within the city are made aware of the role of the East Midlands Planning Aid Service (EMPAS).
- 2.22 EMPAS provides a free and independent advice service on all planning related matters for individuals and community groups who cannot afford consultants' fees. The service offers assistance via a help line and through a proactive, community-planning programme. Both services are supported by a caseworker, community planners and a network of professional volunteers. Contact details are contained in Appendix 4.

Monitoring

- 2.23 The SCI 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.

3.0 Community Involvement in the Derby Local Development Framework

How we will contact the community

3.1 The Council will aim to consult members of the community and other stakeholders who have a clear interest in the documents being prepared. For instance, consultation on documents affecting the city as a whole will need to be wider and broader in scope than consultation affecting only a small local area. There are, however, a number of key things we will aim to achieve at all stages of the preparation of all documents. These are:

- we will comply with statutory requirements.
- we will reply to letters, emails and telephone calls in line with the Council's current policies.
- we will be available to talk to you if you wish to discuss concerns or have issues explained to you.
- we will make copies of the main documents available in large print and in braille on request.
- we will offer an interpretation service in languages other than English.
- we will ensure that publicity material includes information in the main minority languages. Where minority ethnic communities are particularly affected by a document, we will aim to produce explanatory material in the main minority languages.
- we will develop and maintain a database of members of community groups and other stakeholders which we shall use to decide who to consult on individual documents.
- You will be able to request your name to be added to this database by contacting the Local Development Framework Support Officer, Derby City Council, Plans and Policies, Roman House, Friar Gate, Derby, DE1 1XB. Tel: 01332 255076, email: derby.ldf@derby.gov.uk.
- you will be able to send us comments and representations either by letter, email or by electronic forms on our web site.

R3

3.2 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. We will seek to engage with 'hard to reach groups' of people and their representatives, such as minority ethnic communities including gypsies and travellers, 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

R9

these people in order to establish the most appropriate ways to engage with these communities. This could include:

- R9
- 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
 - Where requested, holding focus group meetings

Who will be involved

3.3 The consultation bodies will include statutory consultees and general groups and organisations from the following categories:

- the local strategic partnership
- local regeneration agencies or companies
- groups representing neighbourhoods/ local residents
- statutory undertakers/ service providers
- regional bodies
- business and commerce groups
- environmental groups
- land owners/ developers/ local house builders
- voluntary, community and interest groups
- adjoining local authorities and, where appropriate, parish councils
- other departments within Derby City Council

R6 A detailed, but not exclusive, list of these groups is contained in Appendix 1. The statutory consultees (as listed in Appendix 1) will be consulted at all stages of DPD and SPD production.

Consultation Methods

3.4 We have an extensive mailing list developed from previous local plan consultations. We will seek to keep this list up to date and take on new additional contacts where they are suggested during all stages of consultation. We will encourage consultees to inform us of any changes to their organisation or contacts.

3.5 In preparing documents, we will use some or all of the following techniques as appropriate to the document and its stage of preparation:

- use of the corporate website (www.derby.gov.uk)
- adverts in the Derby Evening Telegraph and press releases
- letters or emails to organisations and community groups who are involved in the city and its community
- displays within the reception area at Roman House and other public buildings as appropriate
- workshops and meetings with community groups and other stakeholders
- workshops and meetings with Area Panels, Advisory Committees, resident and tenant associations
- use of corporate surveys such as the Derby Pointer
- public exhibitions or surgeries
- information leaflets to households
- display posters around the city
- Council newssheets and information boards
- consultation aimed at hard to reach groups
- use of the Derby City Partnership
- internal consultation within Derby City Council

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

- 3.6 When updates about local development plan preparations are made to the Council web-site, the Council will circulate emails or brief letters to the groups involved so far with the plans and to those who have requested such information.
- 3.7 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.
- 3.8 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.
- 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.

4.0 Details of Consultation on Local Development Documents

- 4.1 This section sets out the stages of involvement and the various methods of consultation for each of the different types of LDD. 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.

Development Plan Documents (Non Minerals and Waste)

Core Strategy and General Development Policies

What are they?

- 4.2 The Core Strategy will set out the vision, objectives and spatial strategy for the City. It will review and replace relevant policies in both the Structure Plan and the City of Derby Local Plan Review. The Core Strategy will be closely integrated with Derby's Community Strategy and will also reflect other key strategies such as the Regional Spatial Strategy and the Local Transport Plan. All subsequent DPDs and SPDs will have to be in accordance with this Core Strategy.
- 4.3 General development policies set out the criteria against which planning applications for the development and use of land will be considered. They ensure that development accords with the spatial vision and objectives set out in the Core Strategy. These policies are mainly topic related, focussing on, for example, protecting residential amenity, protecting landscape and natural resources, nature conservation, transport and accessibility issues. At present these are set out in the adopted City of Derby Local Plan Review but could be subject to future review.

Stages of Community Involvement

Pre-submission Consultation

- 4.4 The Core Strategy will concern broad, strategic, citywide issues and we will therefore be gathering up to date information on the social, economic and environmental characteristics of the city. We will also be identifying key issues that need to be addressed and considering options for achieving this. Given the broad nature of this document, consultation at this stage will focus on strategic organisations, umbrella groups and groups representing different parts of the community. In particular, we will consult with appropriate government agencies, regional bodies, adjacent local authorities, the Derby City Partnership, Derby Cityscape, the Derby Chamber and Business Link and other representatives of business, environmental groups, community and voluntary bodies.

- 4.5 The early consultation on the general development policies will require input from groups with specialist interest in topic areas such as those listed in paragraph 4.4.

Pre-submission Public Participation

- R8** 4.6 **At this stage we will consult on strategic options and potential policies set out in a preferred options document.** The main aim will be to encourage as wide a cross section of the community to inspect this document, offer to help them understand it, discuss issues with them and to give them an opportunity to make written comments on it.

4.7 Methods of Consultation

Table 4.1 Core Strategy and General Development Policies

Approach	Pre-submission consultation	Pre-submission public participation	Submission
Workshop and/ or seminar	✓	✓	
Contact by letter	✓	✓	✓
Face to face meeting	✓	✓	
Group meeting	✓	✓	
Email circulars	✓	✓	✓
Consultation aimed at hard-to-reach groups	✓	✓	
Posters in libraries and other Council buildings	✓	✓	
Statutory press notice		✓	✓
Press release and /or advert		✓	✓
Website	✓	✓	✓
Public Exhibition/ Surgery		✓	

Site Specific Allocations

What are they?

- 4.8 These identify sites for specific land uses. For instance, the 'Sites for More Sustainable Communities' plan will identify housing sites, guide their development and provide for supporting facilities. They are likely to be city-wide documents.

Stages of Community Involvement

Pre-submission Consultation

- 4.9 At this stage we will seeking to identify key issues and the main principles that should guide site selection and potential development sites. We will also need to establish relevant information that help to assess their suitability and availability. Consultation at this stage will focus on members of the community with specific interests in the subject of the document. For instance, for the 'Sites for More Sustainable Communities' document, we will consult with people with interests in land, developers, commercial agents and Derby City Partnership members.

Pre-submission Public Participation Stage

- 4.10 At this stage, there will be wider public consultation on the preferred options. We will therefore use consultation methods designed to let a wide range of people know about the draft document. We will also consult housing associations, regeneration agencies, environmental groups and community groups.

- 4.11 Methods of Consultation

Table 4.2 Site Specific Allocations

Approach	Pre-submission consultation	Pre-submission public participation	Submission	Further representations on alternative site allocations received at Submission stage (if received will be placed on deposit for a further 6 weeks)
Contact by letter	✓	✓	✓	✓
Face to face meeting	✓	✓		
Group meeting	✓	✓		
Email circulars	✓	✓	✓	
Consultation aimed at hard-to reach groups	✓	✓		
Posters in libraries and other Council buildings	✓	✓		
Statutory press notice		✓	✓	✓
Press release and /or advert		✓	✓	✓
Website	✓	✓	✓	✓
Public Exhibition/ Surgery	✓	✓		

Area Action Plans

What are they?

- 4.12 Action Area Plans are more detailed plans dealing with particular parts of the city rather than the whole. They can be prepared for areas likely to experience significant change, such as major development. They may be areas offering significant regeneration opportunities. They can also be prepared for Conservation Areas to set out policies and proposals for preserving or enhancing the area.

Stages of Consultation

Pre-submission Consultation

- 4.13 At this stage, the focus of consultation will be to gain a good understanding of the physical, social, economic and environmental characteristics of the area. We will also need to identify the main issues the plan should address and begin to consider options for what the plan should contain. We will need to consult with relevant organisations and individuals likely to be significantly affected by the Action Plan. These could be commercial agents, landowners, local businesses, residents and voluntary or interest groups. We will also need to consult experts in economic, social and environmental fields. These could be regeneration agencies such as Derby Cityscape, business or retail representatives such as the Derby Chamber of Trade, specialists in environmental protection such as the Environment Agency or local community groups to provide a social understanding of the area.

Pre-submission Public Participation

- 4.14 At this stage, we will aim to widen the consultation on the preferred options. Whilst we will aim to engage the city community as a whole, we will give greater priority to people living and working in or near to the Action Plan area.
- 4.15 Methods of Consultation

Table 4.3 Area Action Plans

Approach	Pre-submission consultation	Pre-submission public participation	Submission	Further representations on alternative site allocations received at Submission stage (if received will be placed on deposit for a further 6 weeks)

Contact by letter	✓	✓	✓	✓
Face to face meeting	✓	✓		
Group meeting	✓	✓		
Email circulars	✓	✓	✓	
Consultation aimed at hard-to reach groups	✓	✓		
Posters in libraries and other Council buildings	✓	✓		
Statutory press notice		✓	✓	✓
Press release and/ or advert		✓	✓	✓
Website	✓	✓	✓	✓
Public Exhibition/ Surgery		✓		

Joint Minerals and Waste Development Plan Documents

What are they?

- 4.16 These are a series of documents prepared jointly by the City and County Councils that together will form the Minerals and Waste LDF. They will include Minerals and Waste Core Strategies, development control policies as well as site specific policies. The City and County Councils' initial Local Development Schemes propose an Aggregates Allocations DPD and a Waste Site Allocations DPD. Others are likely to come forward through future reviews of the Local Development Schemes.

Stages of Consultation

Pre-submission Consultation

- 4.17 Before a draft LDD is produced, the Council will initially undertake research, information gathering and development of an evidence base to determine current issues and alternative options that are relevant to the document that is being produced.
- 4.18 Informal stakeholder involvement will be sought in formulating these emerging issues and options, for example in terms of writing to landowners/developers inviting them to put forward sites for minerals or waste developments. It will be advantageous at this stage to hold meetings with landowners, operators and developers who suggest sites, so that issues raised can be understood by both parties and steps taken to help resolve these issues at an early stage. Consultation will be undertaken as appropriate on the various emerging issues and options.

Pre-Submission Public Participation

R8

- 4.19 Comments received at the pre-submission consultation stage will be taken into account and will inform the preferred options. **These will be contained in a preferred options document that will be subject to a six week period of consultation.** This document will contain the Council's preferred options that emerged through the initial consultation outlined above.
- 4.20 General broad level consultation with the community and other stakeholders, including statutory consultees, will be undertaken across the area affected by the document in question. However, it is considered that resources should be focused on the communities that are likely to be affected by minerals development and waste management proposals. This will help to ensure that they are informed about the issues and options available and, as a consequence, be involved in the plan making process from an early stage.
- 4.21 Methods of Consultation

Table 4.4 Joint Minerals and Waste Development Plan Documents

Approach	Minerals and Waste Core Strategy and Development Control Policies		
	Pre-submission public consultation	Pre- submission Public participation	Submission
Workshops and/ or seminar	✓	✓	
Public Exhibition/ Surgery			
Contact by letter	✓	✓	✓
Face to face meeting	✓	✓	
Group meeting	✓	✓	
Email circulars	✓	✓	✓
Consultation aimed at hard-to reach groups	✓	✓	
Posters in libraries	✓	✓	
Statutory press notices		✓	✓
Press releases and /or adverts		✓	✓
Website	✓	✓	✓

R12

Approach	Minerals and Waste Site Specific Allocations			
	Pre-submission Consultation	Pre-submission Public participation	Submission	Further representations on alternative site allocations received at Submission stage (if received will be placed on deposit for a further 6 weeks)
Workshops and/ or seminar	✓	✓	✓	
Public Exhibition/ Surgery			✓	
Contact by letter	✓	✓	✓	✓
Face to face meeting	✓	✓	✓	
Group meeting	✓	✓	✓	
Email circulars	✓	✓	✓	✓
Consultation aimed at hard-to reach groups	✓	✓	✓	
Posters in libraries	✓	✓	✓	
Statutory press notices		✓	✓	✓
Press releases and /or adverts		✓	✓	✓
Website	✓	✓	✓	✓

Supplementary Planning Documents (SPD)

What are they?

- 4.22 SPDs provide additional detail and guidance on policies and proposals established in DPDs. They essentially replace old style Supplementary Planning Guidance, but are subject to more formal preparation procedures and will carry more weight. They may be either topic or area based.

Topic-based Supplementary Planning Documents

What are they?

- 4.23 These offer additional detail and guidance on how specific policies within a DPD should be applied. Topics could include subjects such as affordable housing, walking, cycling, nature conservation and design.

Stages of Community Involvement

Pre-draft Consultation

- 4.24 Consultation at this stage will focus on groups and individuals with an interest in the topic being covered by the SPD. In particular, the Council will seek to engage groups with particular knowledge and expertise of the topic and groups likely to use the DPD policy and SPD and those likely to be most affected by it. Stakeholders involved with the development of the relevant DPD will be included in consultation at this stage.

Public Participation on Draft SPD

- 4.25 Once a draft document has been prepared we will seek to reach a wider section of the community as a whole, whilst focussing on those groups likely to be most affected by the contents of the document.
- 4.26 Methods of consultation at this stage will focus on drawing the attention of these groups as well as the city wide community to the document. They will include using the Council's website, local media and publicity in public places.
- 4.27 Methods of Consultation

Table 4.5 Topic Based Supplementary Planning Documents

Approach	Pre-draft consultation stage	Public participation stage
Contact by letter	✓	✓
Face to face meeting	✓	✓
Group meeting	✓	✓
Email circulars	✓	✓

Targeted consultation for hard-to reach groups	✓	✓
Posters in libraries and other Council buildings		✓
Statutory press notice		✓
Press release and /or advert		✓
Website	✓	✓
Public Exhibition/ Surgery	✓	

Site-Specific Supplementary Planning Documents

What are they?

- 4.28 These will offer additional detail and guidance on site allocations in DPDs, such as major housing proposals. They could be similar to master plans for new development or more detailed guidance for designated Conservation Areas.

Stages of Community Involvement

Pre-draft Consultation

- 4.29 At this stage, we will consult with the main parties as appropriate involved in drawing up the SPD proposals. For new development sites, we will seek to ensure that we consult with landowners, likely developers and experts in particular issues likely to be raised such as roads, flooding, trees, environmental features and urban design. We will also seek to consult with nearby residents groups, community groups and any individuals who have formally expressed an interest in the SPD policy.
- 4.30 For established areas, such as Conservation Areas, we will seek to include people with expertise and interests in the area and issues likely to be raised. This may include English Heritage, local civic and conservation groups, the Conservation Area Advisory Committee, the Council's own expert staff and local residents and business organisations. Again, we will seek to include all stakeholders who expressed a formal interest in the development of the associated SPD policy.

Public Participation on Draft SPD:

- 4.31 At this stage, we will also seek to reach a wider section of the community as a whole, whilst focussing on those groups likely to be most affected by the contents of the document.
- 4.32 Methods of consultation at this stage will focus on drawing the attention of these groups to the document. Consultation on new development sites will focus on the nearby area. Consultation on established areas

likely to be of interest to a wider section of the public will include publicity intended to reach a more citywide audience.

4.33 Methods of Consultation

Table 4.6 Site-specific Supplementary Planning Documents

Approach	Pre-draft consultation	Public participation
Contact by letter	✓	✓
Face to face meeting	✓	✓
Group meeting	✓	✓
Email circulars	✓	✓
Targeted consultation for hard-to reach groups	✓	✓
Posters in libraries and other Council buildings		✓
Statutory press notice		✓
Press release and /or advert		✓
Website	✓	✓
Public exhibition/ Surgery	✓	

5.0 Sustainability Appraisal (SA)

- 5.1 Sustainability Appraisal (SA) is intended to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of Regional Spatial Strategies (RSS) and for new or revised DPDs and SPDs. The SA incorporates the requirements of the Strategic Environmental Appraisal (SEA) Directive and a separate SEA will not therefore be necessary. Although a separate process, the SA is carried out alongside the preparation of the LDD and should be well integrated with the preparation of the planning document itself.

Community Involvement in the Preparation of Sustainability Appraisal

Early Evidence-Gathering Stage of DPDs and SPDs

- 5.2 At this stage the City Council has a statutory responsibility to consult on the scope of the sustainability appraisal with four authorities with environmental responsibility, namely the Countryside Agency, English Heritage, English Nature and the Environment Agency. It is also our intention to consult the Derby City Partnership and selected interest groups including groups with interests in conservation of the natural and built environments, sustainability, social and economic issues.

Informal pre-submission consultation

- 5.3 As options for the DPDs or the SPDs are being put together, the sustainability appraisal will provide a commentary on their likely effect. Possible methods of public involvement could include group meetings, face-to-face meetings, and work with the Derby City Partnership.

Pre submission Public Participation stage

- 5.4 A formal Sustainability Report will accompany the publication of the preferred options (subject to a formal 6 week consultation period).

Submission Stage for DPDs

- 5.5 A final Sustainability Report will be submitted to the Secretary of State (again subject to a formal 6 week consultation period).
- 5.6 For SPDs, the level of SA undertaken will be largely dependent upon the type of document and the extent to which it conforms to policies or proposals within a DPD which have already been subject to SA. **A Sustainability Report will be produced alongside the preferred options which will be subject to public consultation.**

R7

6.0 Community Involvement in Planning Applications

- 6.1 Most people become involved in the planning system when they put in planning applications for their own projects or when they make comments on proposals in their neighbourhood. Set out below are the ways in which people can find out what development proposals and planning applications are being considered by the Council.

Consultations on proposals before planning applications are submitted

- 6.2 Developers of significant development will be encouraged to actively consult the community about their proposals before submitting planning applications. Suggested types of consultation are listed in paragraph 6.9. Definitions of the scale and development areas for “significant development” are set out in Appendix 3.
- 6.3 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.

Consultation on all Planning Applications

- 6.4 How you can find out what planning applications have been received:
- a list of the applications received every week is sent to: councillors, an extensive list of subscribers, media contacts and statutory consultees
 - the weekly list is put up on all Council notice boards.
 - the weekly list is also available to view on Derby’s website at www.derby.gov.uk via the Planning Services link. Derby library card-holders can access the Internet free at all city libraries. Non-card holders can also gain access if they provide personal identification.
 - Major or controversial applications and legal notices for certain types of development, such as applications for listed building consent, are advertised in the Derby Evening Telegraph and on site.
- 6.5 Finding out more details about the planning applications:
- all planning applications registered by the Council can be seen at Roman House
 - copies of the application forms, location maps and detailed plans and drawings are available to view at the reception in Roman

House on Friar Gate during week days. Opening times are 8.30 to 5pm Monday to Thursday, 8.30 to 4.30pm Friday

- copies of the plans can be bought at the Roman House reception although these will be subject to copyright provisions
- 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.

- 6.6 The Council’s practice is to negotiate improvements to applications when necessary. 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.

Minimum Requirements for Consultation

- 6.7 The minimum requirements for the Council to notify neighbours of all planning applications are to:
- display a site notice on the land to which the application relates for not less than 21 days; or
 - serve notice on any adjoining landowner or occupier.

In each case, the letters and notices will contain details about inspecting the application and normally the contact details of the planning officer dealing with it.

Neighbour Notification

- 6.8 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. The reports contain reasons and explanations for the Council’s development control procedures concerning neighbour notification and telecommunications proposals. Appendix 2 contains details of neighbour notification criteria for types of development such as residential development, hot food takeaways and business development.

Beyond Minimum Requirements

- 6.9 There will be some types of development where it will be more appropriate to go beyond the minimum requirements for public consultation. These are as follows (further detail about each type is contained in Appendix 3):

Type 1: Applications where there are considerable issues of scale and controversy or contrary to or out of line with the development plan, including development plan departures and Schedule 1 development requiring Environmental Impact Assessment.

Type 2: Applications broadly in accordance with the development plan BUT raising controversial issue or detail on a city wide scale, including greenfield developments, development proposed on playing fields, and applications with significant transport issues.

Type 3: Applications of a scale or development area for which a LPA requires wider community involvement; applications that fall within sites that are 'sensitive' to development pressures and allocated sites that may not have generated significant objection through the Local Plan process. These could include applications for large scale demolition in a Conservation Area or development involving the loss of allotment land.

- 6.10 The following list sets out the types of consultation that could be used by the Council and by the Applicant where appropriate for the different types of significant applications. The type used will depend on the nature of the applications and the precise location.

- public meeting or surgery
- public exhibition
- development briefs
- workshop
- website
- Planning Aid
- conservation/ public art/ urban design advisory groups

- 6.11 There are other types of application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Area) Act 1990, which have their own statutory publicity requirements. These include applications for:

- Listed Buildings consent
- Conservation Area consent, and
- applications subject to Environmental Impact Assessment

- 6.12 Other types of “applications” such as Notification for Telecommunications, Tree Preservation Order consent and Advertisements Consent are also subject to their own publicity requirements. Further details about the publicity requirements for these types of application are set out in Appendix 2 under the Council’s Neighbour Notification Policy. Information about the statutory requirements may be found via the Planning Portal website, www.planningportal.gov.uk.

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. **Bodies such as English Nature will be allowed a longer period of time to comment on applications where this is prescribed by legislation.**

R11

How Comments on Planning Applications are taken into Account:

Where relevant planning issues are raised by letters of objection 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, such as the Council’s Environmental Health officers or the Environment Agency, is also taken into account. 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.

How to find out what decisions are taken

- 6.13 Many decisions on minor planning applications are taken by professional Planning Officers. 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. At this committee meeting, City Councillors will make a final decision on the planning application.
- 6.14 A full report is made to the committee before it makes a decision. The report will be included on the Committee agenda, which will be published five clear working days before the meeting. The meetings are held in public and are normally held every two weeks starting at 6pm on a Thursday evening in the Council Chamber. The agenda and minutes of the Committee Meetings can be viewed under Planning Services on the City Council website.

Speaking at Committee

- 6.15 Applicants and objectors can speak in public about applications being reported to Planning Control Committee. To do this they need to:
- tell the Council their intentions 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 of the councillors or council officers.

Finding out the result of your objection

- 6.16 People who have commented on planning applications will be sent a letter informing them of the Council's decision. 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 made.

Appendix 1: List of Consultees

The following list sets out examples of the stakeholders and community groups that will be involved at some level within the Local Development Framework process or for some planning applications as appropriate.

R4 Please note, this list is not exhaustive and also relates to successor bodies where re-organisations occur.

Specific Consultation Bodies

Amber Valley Borough Council
Adjoining Parish Councils
The Countryside Agency
Derbyshire County Council
East Midlands Regional Assembly
East Midlands Development Agency
English Nature
The Environment Agency
Erewash Borough Council
Government Office for the East Midlands
Highways Agency
Historic Buildings and Monuments Commission for England
South Derbyshire District Council
The Strategic Rail Authority
Providers and operators of telecommunication networks and apparatus
The Strategic Health Authority
Severn Trent Water (water and sewerage undertakers)
Licensed Gas Undertakers

R2 Government Departments

- Department for Education and Skills (through Government Offices)
- Department for Environment, Food and Rural Affairs
- Department for Transport (through Government Offices)
- Department of Health (through relevant Regional Public Health Group)
- Department of Trade and Industry (through Government Offices)
- Ministry of Defence
- Department of Work and Pensions
- Department for Culture, Media and Sport

General Consultation Bodies

Bodies representing the interests of disabled persons in Derby

Bodies representing the interests of different racial, ethnic or national groups in Derby

Bodies representing the interest of different religious groups in Derby

Bodies representing business, commercial and tourism interests

Bodies representing Gypsies and Travellers in Derbyshire

Bodies representing the interests of older people

Bodies representing the interests of women

Bodies representing the interests of young people

Bodies representing voluntary groups in Derby

Community Groups (neighbourhood, interest or activity)

Derby City Partnership and lead partners

Derbyshire Fire and Rescue Service

Electricity, Gas and Telecommunications Undertakers and Companies

Environmental, Heritage and Wildlife Organisations

Learning and Skills Organisations

Minerals and Waste Industry and Operators

Residents Associations

Service providers (health, education, emergency)

Police Authorities

Sports Organisations

Transport Providers (air, road, rail, water as appropriate)

Employment Organisations

Development companies and agencies

Regeneration Companies/ Organisations

Other Departments within Derby City Council as appropriate

Appendix 2: Neighbour Notification Policy



DERBY CITY COUNCIL

PLANNING CONTROL COMMITTEE
7 JULY 2005

ITEM 5

Report of the Assistant Director - Development

Neighbour Notification for Applications for Planning Permission

RECOMMENDATION

- 1.1 Committee is asked to agree the publicity arrangements identified below.
- 1.2 To incorporate the agreed arrangements in the draft Statement of Community Involvement.
- 1.3 Committee is asked to review the detailed arrangement under 1.1 above in 6 months time.

SUPPORTING INFORMATION

- 2.1 Members deferred this matter for me to look at notification and building heights. I have added a section in minor residential development to bring 3 storey developments within a 15 metre notification.
- 2.2 The Best Value report on the Development Control Service identified the need to examine the publicity arrangements for applications for planning permission.
- 2.3 The requirement for publicity is contained within the Town and Country Planning (General Development Procedure) Order 1995.
- 2.4 The Regulations refer to applications subject to Environmental Impact Assessment, major applications and others.
- 2.5 This report does not refer to those applications subject to Environmental Impact Assessment, which have their own specified publicity arrangements.
- 2.6 In looking at the publicity arrangements the main consideration is whether they reach the audience likely to be affected by a proposal whilst not unreasonably increasing the financial burden on Council tax payers as a result of increased administrative and staffing costs.
- 2.7 With any publicity arrangements a consideration has to be made about the reasonableness of the arrangements.
- 2.8 The minimum notification requirement is:

To display a site notice on the land to which the application relates for not less than 21 days, or

serve notice on any adjoining land owner or occupier.

- 2.9 In the case of major applications there is an additional requirement for local advertisement. Major applications are defined for this purpose as 10 or more dwellings, dwellings on sites of 0.5 hectares or more where the number is not known, and the provision of buildings of 1000 sq metres floorspace or more or 1 hectare or more in site area.
- 2.10 Current arrangements exceed these minimum requirements and comprise a combination of notifying neighbours, displaying site notices and local advertisement.
- 2.11 Local advertisement comprises a weekly list of applications received which is published in the Derby Trader newspaper, on the Council's web site and in various display boards around the city. This includes applications for planning permission, listed building consent, conservation area consent, tree preservation order consent, advertisement consent, notifications for works to trees in the conservation area and telecommunications development. In addition, significant major applications are advertised in the Derby Evening Telegraph as are the statutory notices required for certain categories of applications such for listed building consent, development in conservation areas, and proposals involving a departure from the provisions of the Development Plan.
- 2.12 Publicity for most applications is either by site notice or more usually by letters to adjoining occupiers. The current policy is to notify occupants of adjoining residential properties within 4m of the site, within 10m where the proposal is for a hot food take-away or within 15m for industrial development or processes. Where there are no residential neighbours within these distances a site notice would normally be displayed instead.
- 2.13 In reviewing the extent of notification, I am mindful that the nature particularly of residential development has changed with an increased provision of apartments which generally occupy smaller sites than would the equivalent number of suburban dwellings. The numbers of applications for industrial development has declined in favour of office and high technology processes which are predominately located on business estates.
- 2.14 This report accordingly concentrates, therefore, on changes to publicity for residential development and the notification to immediate property occupiers.
- 2.15 Members should be aware that the information available on the Council's web site is constantly under review as is the ability to access it from community buildings. Improvements in these areas will significantly increase public awareness. These technological improvements are an ongoing process.
- 2.16 Under the new local plan arrangements, laid out in the Town and Country Planning (Local Development) (England) Regulations 2004, a Statement of Community Involvement has to be prepared and this will include reference to consultation on applications for planning permission. This Statement itself will be subject to consultation with the public.
- 2.17 My recommendations seek to vary the level of publicity on different categories of application, but particularly at this stage concentrating on applications for residential development.

- 2.18 Where non statutory site notices are recommended, I am proposing that the applicant be requested to display a site notice and to certify that it has been displayed.
- 2.19 I have categorised proposals as below and make recommendations accordingly:
- a. householder applications for extensions to dwellings or development within the curtilage of the dwelling in connection with the dwelling. I consider that this currently works well and propose no changes to notifying occupiers of adjacent properties within 4m or displaying a site notice if no residents are within that distance
 - b. Residential development
 - i. Minor – Outline applications under 0.5 ha site area and full/reserved matters applications for one to nine dwellings. I propose to increase the area of adjoining residential occupiers notified from the current 4m to 10m and display a site notice. However, where the dwellings are 3 storey in height I propose that the notification area be extended to 15 metres. Three storey is defined for this purpose as 3 storey to eaves. Two storeys to eaves with dormers would not be included in this category.
 - ii. Major residential development – Outline applications 0.5 ha and over in site area and full/reserved matters applications for 10 or more dwellings. I propose to increase the area of adjoining residential occupiers notified from the current 4m to 15m and display a site notice.
 - c. Significant major residential development – Outline applications of 1 ha and over in site area and full/reserved matters applications for 25 dwellings and over. I propose to use the same neighbour notification as major applications above but consider additional publicity where appropriate. This could include advertisement as a major application in a local newspaper and on site and consultation with local community groups as defined through the Statement of Community Involvement. Where this would be appropriate would be a matter of my discretion and would be based on factors such as the degree of change in the local area, loss of significant site features, impact on the streetscene and on access and traffic considerations where there is likely to be a significant change in the nature or volume of the traffic. A clear example of this type of significant proposal would be the application for outline planning permission for the residential development of the Wilmorton College site.
 - d. Business or industrial development – I do not propose any changes to these categories and propose to continue to display a site notice or notify adjoining residential occupiers within 4m or within 15m for major proposals of 1000 sqm floor area or over or one hectare or more in site area

- e. Significant business or industrial development or processes - Outline applications 1 ha site area and above and full/reserved matters applications for buildings 1000 sqm and above in floorspace. I propose similar arrangements to those for significant major residential proposals. That is discretionary use of additional publicity where appropriate such as advertisement as a major application in a local newspaper and on site and consultation with local community groups as defined through the Statement of Community Involvement.
- f. Applications for changes of use – no changes proposed - display site notice or notify occupants within 4m, or 10 m if the proposal is for restaurants, snack bars and cafes, pubs and bars, or take away hot food shops (Use Classes A3, A4, or A5)
- g. Applications for works to trees in conservation areas or subject to tree preservation orders – notify occupiers of residential properties within 4m or display a site notice. The inclusion of publicity for works to trees in conservation areas is a new notification process; publicity is advised but not a statutory requirement and publicity is currently carried out on a discretionary basis.
- h. Applications for advertisement consent are not subject to publicity. Currently I include these in the weekly list of applications received and I do not propose alteration to this.

Applications for conservation area consent, listed buildings, and applications accompanied by Environmental Statements are subject to their own precise forms of statutory publicity. I would additionally adopt the same publicity arrangements as outlined above for the particular type of development.

Notifications for publicity for telecommunications policy was recently adopted and no further changes are proposed. The adopted policy is included as an appendix.

- 2.20 For clarification, the width of the road is excluded from the notification distances; if the road width is over 20 metres wide no further notification is necessary.
- 2.21 Any further comments or refinements on these arrangements will be made at the meeting

The publicity arrangements as proposed can be summarised in the table on the following page.

Table (“NN” = neighbour notification)

Proposal Type	NN 4m	NN 10m	NN 15m	Site Notice	Weekly List	Major/ Statutory Advert	Other – Community Consultation
Household	x				x		
Minor residential 1 -9 dwellings or outlines under 0.5 ha		x		x (by applicant)	x		
Ditto but 3 storeys or more			x	x (by applicant)	x		
Major residential 10 + dwellings or outlines 0.5 ha+			x	x (by applicant)	x		
Significant major residential 25+ dwellings or outlines 1 ha+			x	x (by applicant if non statutory)	x	discretionary	discretionary
Minor business or industrial under 1000 sqm or outlines under 1 ha	x			x (if no neighbour notification)	x		
Major business or industrial 1000+ sqm or outlines 1 ha+			x	x (if no neighbour notification)	x		
Significant major business or industrial 1000 sq m+ or outlines 1 ha+			x	x	x	discretionary	discretionary
Changes of use take aways, cafes, pubs		x		x (if no neighbour notification)	x		
Other changes of use	x			x (if no neighbour notification)	x		
Adverts					x		

<p>For more information contact: Duncan Inwood Tel. 01332 255926 e-mail duncan.inwood@derby.gov.uk</p> <p>Background papers: None</p> <p>List of appendices: Appendix 2 – Implications for telecommunications proposals approved 2004</p>
--

Report of the Assistant Director – Development

PUBLICITY FOR TELECOMMUNICATIONS PROPOSALS

RECOMMENDATION

- 1.1 To agree the revised publicity arrangements identified in 2.24 below.
- 1.2 To refer the report to Cabinet for approval

SUPPORTING INFORMATION

- 2.1 Committee is asked to consider the revised arrangements for publicity for telecommunications proposals, which are submitted under the formal Notification procedure and as applications for planning permission.
- 2.2 This report is at the request of the Chair as a start of the review of publicity identified in the Best Value process.
- 2.3 The current arrangements for publicity were agreed in 1998 by the Council in advance of the statutory publicity arrangements and were with respect only to proposals submitted under the Notification procedure.
- 2.4 There are basically three levels of planning control over telecommunications proposals:
 - a. full control for development not qualifying as Permitted Development – normal applications for planning permission which are determined in accordance with the Development Plan and other material considerations. This is predominantly for masts over 15 metres in height;
 - b. some control over Permitted Development in the form of Prior Notifications - where the Authority has 56 days to control the siting and appearance, otherwise the proposal has deemed permission. This is principally masts under 15 m in height and certain apparatus on buildings; and
 - c. no control where the apparatus constitutes Permitted Development below the size limits for Prior Notification, where “de minimis” which is where the proposal is so minor that an application could not be justified, and where the equipment does not constitute development, such as that located within existing buildings.
- 2.5 The current publicity arrangements approved in 1998 relate solely to the Prior Notification procedure, identified above in paragraph 2.2b. This was because

there was no statutory publicity required at that time, unlike those requiring a specific planning permission. The agreed arrangements comprise:

- Freestanding masts / poles outside the city centre – notify neighbours within 4 metres of the site (or display a site notice if more appropriate), but not where neighbours are more than 90 metres from the apparatus, and notify Ward Councillors.
- Apparatus on buildings - notify Ward Councillors
- Apparatus in the City Centre (as defined in the CDLP) - site notice for freestanding masts / poles.
- The neighbour notification letter gave 7 days for comments and indicated that any comments received would be forwarded to the telecommunications operator, and that the Council had limited powers to influence the siting and appearance, but could not oppose the principle of the development.

2.6 It was considered that this would lead to the most affected residents being aware of freestanding proposals and give the Ward Councillors the opportunity to be aware of the freestanding and rooftop proposals and discuss them with their constituents at their discretion. Site notices were considered to be more appropriate when there were no neighbours resident within 4 metres of the site. With respect to more open sites where there were no residents within 4 metres, it was considered that a limit of 90 metres was reasonable, beyond which there would be no publicity arrangements.

2.7 Planning applications were not subject to these special arrangements as they were subject to statutory publicity. For these the arrangements are generally, a site notice and/ or neighbour notification within 4 metres, and inclusion in the weekly list of applications received. This list was published in a local paper, displayed on various notice boards and sent to Councillors. More recently, a discretionary consultation has also been sent to Ward Councillors.

2.8 Since these publicity arrangements were approved there have been legislative changes, brought into force by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001 and identified in the Director's report to Planning Control Committee on 27 September 2001, which introduced for Notifications principally:

- statutory publicity
- the need for the Authority to take into account representations received
- consultations with various bodies similar to applications for planning permission
- notification to owner or agricultural tenant by the operator, and
- a different timescale to consider formal Notifications, being 56 days, rather than 42 days (and before that 28 days). Beyond that period the proposals

benefit from full operability of the permitted development rights, which are conditional on the prior notification.

- 2.9 These changes were accompanied by a revised Planning Policy Guidance Note PPG8 issued in August 2001, to guide the Local Planning Authority in how to consider telecommunications proposals.
- 2.10 Also since the publicity arrangements were approved, Prior Notifications have been included in the same code number system as planning applications, the result of which has been additional publicity in the form of the published, displayed and circulated weekly list of applications received, which is also sent to all Councillors.
- 2.11 Since the Authority's publicity arrangements were approved, there has been a need to increase the number and performance of installations as a result of the greater usage of mobile phones both numerically and technologically. At the same time public interest and concern has increased.
- 2.12 The Best Value Review of the Development Control Service intends to consider the improvement of publicity for planning applications. A recent installation in Oakwood was carried out in accordance with the approved publicity arrangements, which existed when the Prior Notification was received in May 2002 and many current residents were unaware of the proposal. Officers have had some discretion to widen the publicity where appropriate within the established framework, but where this becomes more frequent and in view of the greater public interest, the time is now opportune to review the current arrangements.
- 2.13 My recommended changes are described below. I consider that Prior Notifications and planning applications should be subject to the same publicity arrangements. I suggest this on the basis that the public perception is little different whether a mast is above or below 15m in height.
- 2.14 Prior Notification proposals on buildings should be included within the publicity arrangements. When the original publicity arrangements were devised, visual impact was the only consideration and often the impact of installations on buildings was greater at some distance from the building rather than close to. Since 2001 health issues and public concern can be treated as a material considerations and it is appropriate to treat installations on buildings in a similar manner. I should remind Members, however, that the advice in PPG 8 is that, where the operator confirms that the installation meets the international ICNIRP guidelines for public exposure, the Authority should not consider these aspects further. The introduction of health concerns as a material consideration has, therefore, had little practical effect as to the discretion that the Authority may exercise in circumstances where all notifications and applications that come to us are so certified.
- 2.15 I am proposing a wider publicity, with neighbour notification letters sent to those residential properties within 90 metres of the installation. This distance has relevance in that it is a distance referred to in publicity guidance. Within a suburban area this would include most residents likely to be able to see the

installation, but in denser urban areas would include many residents not so able to see the installation.

- 2.16 Where the installation is on a large more open site, such as a park or agricultural field, and adjoins areas where there are no dwellings within 90 metres, the first residential properties should be notified if within 200 metres of it. At the recent Oakwood installation this would have resulted in some 26 dwellings being notified. This distance has relevance in land searches as the distance beyond which it is considered that a highway proposal would be unlikely to affect a property.
- 2.17 Where there are non-residential properties within 90 metres, either those properties should be notified or a site notice be displayed. This would be determined by the nature of those uses and their proximity to the site. Properties with high concentrations of people such as medical surgeries or children's nurseries should be considered differently to, say, large warehouses with few employees.
- 2.18 Schools or colleges within 200 metres of the installation should be notified. The PPG does recommend such consultation but does not define any notification distance.
- 2.19 Although Councillors receive the weekly list of applications, I propose to continue consultation with Ward Councillors; this should assist in the determination of proposals within the 56 day deadline, especially if the level of representation is increased as a result of the wider publicity.
- 2.20 Where the installation is on land accessible by the public, I would recommend that a site notice be displayed. This would include the highway, parks, leisure and community centres, and car parks on retail centres such as the Wyvern.
- 2.21 I do not propose to change the arrangements within the city centre, except to consult the Ward Councillors. Most of the installations within the City Centre comprise installations in the street or on tall buildings with few residential properties and where the density of properties would result in a considerable administrative burden. With the likely increase in high-density residential development in certain parts of the City Centre this will occasionally need individual discretion.
- 2.22 I would propose extending the deadline for representations to 14 days on Prior Notifications. Extending it to 21 days to be similar to planning applications, would lead to difficulties in meeting the 56 day determination deadline if these are to be reported to Committee. I may also need to consider measures to aid meeting the determination deadline where there are high levels of representation, such as a standard report format or extending determination under delegated powers.
- 2.23 Members may also wish to consider extending public speaking at Committee to include Prior Notification proposals.
- 2.24 In summary, my recommendations for publicity for planning applications and Prior Notifications for telecommunications apparatus are:

- a. neighbour notification letters to be sent to residential properties within 90 metres of the installation;
- b. where the installation adjoins areas where there are no residential areas within 90 metres, the first residential properties within 200 metres of it to be notified;
- c. non-residential properties within 90 metres to be notified or a site notice to be displayed;
- d. site notices to be displayed additionally where the site is on land accessible by the public;
- e. within the city centre, the arrangements in a) to d) above be replaced by a site notice;
- f. schools and colleges to be notified within 200 metres of the installation;
- g. Ward Councillors to be consulted; and
- h. the deadline for the submission of representations to be 14 days in response to Prior Notification proposals but to remain 21 days in response to planning applications.

For more information contact:	Duncan Inwood 01332 255926 e-mail duncan.inwood@derby.gov.uk
Background papers:	None
List of appendices:	Appendix 1

Appendix 3: Details of Significant Planning Application Types

Type 1: Applications where there are considerable issues of scale and controversy or contrary to or out of line with Development Plan (LDF or Area Action Plan) policy (as defined by Regulation 3 (a)-(c) in Annex 1 of circular 07/99

These include

- Development Plan Departures [ref: Circular 07/99, Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999]
- Schedule 1 developments – as defined by the Environmental Impact Assessment Regulations (Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999);
- Development proposals that are subject to:
 - Town and Country Planning (Residential Density) (London and South East England) Direction 2002
 - Town and Country Planning (Shopping Development) (England and Wales) Direction [as Annex D to PPG6 and substituted by Circular 15/93].

Type 2: Applications broadly in accordance with Development Plan BUT raising controversial issue or detail and ‘other’ Departures not covered by Regulation 3 (a)-(c) in Annex 1 of circular 07/99

These include:

- Schedule 2 developments – as defined by the Environmental Impact Assessment Regulations as requiring an EIA;
- Development proposals which fall within the Town and Country Planning (Residential Development on Greenfield Land) (England) Direction 2000
- Development proposed on playing fields as set out in the Town and Country Planning (Playing Fields) (England) Direction 1998 (The Direction applies to any proposal for development of any playing field owned by a local authority or used by an educational institution, as specified in the Direction).
- Applications which require a Full Transport Assessment (to reflect the scale of development and the extent of the transport implications of the proposal)
- The Town and Country Planning (Residential Development on Greenfield Land) (England)

Type 3: Applications of a scale or development area for which a LPA requires wider community involvement; applications that fall within sites that are

'sensitive' to development pressures and allocated sites that may not have generated significant objection through the local plan process.

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

Appendix 4: Contacts in Planning Services

Policy Team

For more information about the development of the Local Development Framework (LDF) and this Statement of Community Involvement, please contact the Policy Team:

Plans and Policies
Derby City Council
Roman House
Friar Gate
Derby
DE1 1XB

Email: derby.ldf@derby.gov.uk

Phone: 01332 256019

Development Control Team

For more information about Development Control and decisions made on planning applications, please contact the Development Control Team at the same address as above or:

Email: developmentcontrol@derby.gov.uk

General Inquiries: 01332 256098

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.

East Midlands Planning Aid Service

Free, independent and professional advice on planning issues for community groups and individuals who cannot afford to pay a planning consultant:

East Midlands Planning Aid Helpline: 0870 850 9802

Email: emcw@planningaid.rtpi.org.uk

Website: <http://www.planningaid.rtpi.org.uk/>

Planning Aid is part of the Royal Town Planning Institute. Registered charity number 262865.
Head Office: RTPi. 41 Botolph Lane, London. EC3R 8DL Tel: 020 7929 9494

Appendix 5 Glossary of Terms

AMR	Annual Monitoring Report
DPD	Development Plan Document
LDD	Local Development Document
LDF	Local Development Framework
LDS	Local Development Scheme
RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SPD	Supplementary Planning Document
Annual Monitoring Report (AMR)	Part of the <i>Local Development Framework</i> , the Annual Monitoring Report will assess the implementation of the <i>Local Development Scheme</i> and the extent to which policies in <i>Local Development Documents</i> are being successfully implemented.
Community Strategy	Local authorities are required under the Local Government Act 2000 to prepare these, with the aim of improving the social, environmental and economic well-being of their areas. Through the Community Strategy authorities are expected to coordinate the actions of local public, private, voluntary and community sectors. The City Council works with the Derby City Partnership to produce Derby's Community Strategy.
Controversial applications	Applications where the proposed development conflicts with Derby's development plan, or where a large number of people have objected.
Core Strategy	This is a Development Plan Document that sets out the long term spatial vision for Derby City, the spatial objectives and strategic policies to deliver that vision.
Development Plan	As set out in Section 38 (6) of the Act, an authority's Development Plan consists of the relevant Regional Spatial Strategy and the Development Plan Documents contained within its Local Development Framework.
Development Plan Document (DPD)	Development Plan Documents perform a similar function to the old style local plans. They can include a Core Strategy, Site Specific Allocations of land and other Development Plan Documents, such as generic development control policies. They will all be shown geographically on an adopted Proposals Map. Derby sets out its programme for preparing Development Plan Documents in the Local Development Scheme,
Examination	The purpose of the Examination is to consider if the development plan is sound. An Inspector is appointed by the Secretary of State to carry out the Examination. Issues may be considered through formal or informal hearings or through

	written representations.
Local Development Document (LDD)	The collective term covering Development Plan Documents, Supplementary Planning Documents and the Statement of Community Involvement.
Local Development Framework (LDF)	The name of the portfolio of Local Development Documents. It consists of Development Plan Documents, Supplementary Planning Documents and the Statement of Community Involvement, the Local Development Scheme and the Annual Monitoring Reports. Together these documents will provide the framework for delivering the spatial planning strategy for Derby and may also include Local Development Orders and Simplified Planning Zones.
Local Development Scheme (LDS)	Sets out the Council's programme for preparing Local Development Documents.
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.
Material considerations/ relevant planning matters	Factors that will be taken into account when reaching a decision on a planning application or appeal. Any consideration which relates to the use or development of land is capable of being a material consideration. Examples are traffic and access, impact on street scene.
Planning Inspector	A Planning Inspector is a person appointed on behalf of the Planning Inspectorate (itself an executive agency of Government) to conduct the Examination, oversee and to carry out site visits, and consider both written and oral evidence in order to reach a reasoned decision on the soundness of proposed Development Plan Documents.
Proposals Map	The adopted Proposals Map illustrates all the policies contained in Development Plan Documents on a scaled map of Derby City Council's area. A key on the map shows how the different policies are indicated by graphics and different colours. The Proposals Map is a DPD in its own right.
Regional Spatial Strategy (RSS)	Sets out the East Midlands region's policies in relation to the development and use of land and forms part of the Development Plan for local planning authorities. The Core Strategy Development Plan Documents must conform with the Regional Spatial Strategy.
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.
Site Specific allocations	Allocations of areas of land for specific purposes (eg housing or employment land), or for mixed uses, or development to be contained in Development Plan Documents. Policies will identify any specific requirements for individual proposals.
Soundness	A Development Plan Document is considered sound if it is based upon good evidence and has been prepared in accordance with all the necessary procedures including the measures set out in the authority's Statement of Community

	Involvement.
Spatial Development	Changes in the distribution of activities in space and the linkages between them in terms of the use and development of land.
Spatial Planning	Spatial planning goes beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they function. This will include policies which can impact on land use by influencing the demands on, or needs for, development, but which are not capable of being delivered solely or mainly through the granting or refusal of planning permission and which may be implemented by other means.
Statement of Community Involvement (SCI)	Sets out the standards that authorities will achieve with regard to involving local communities in the preparation of Local Development Documents and development control decisions. The Statement of Community Involvement is not a Development Plan Document but is subject to independent examination.
Supplementary Planning Document (SPD)	Forms part of the Local Development Framework and provides detail on policies in the Development Plan Documents. They are not subject to independent examination and are not part of the statutory development plan.
Sustainability Appraisal (SA)	A tool for appraising policies to ensure they reflect sustainable development objectives (ie. social, environmental and economic factors) and required in the Act to be undertaken for all local development documents. The SA incorporates the requirements of the Strategic Environmental Assessment Directive.

Appendix 6 Considerations of Methods of Community Involvement

Methods	Main considerations
Use of the corporate website (www.derby.gov.uk)	Provides 24 hour, widespread source of information but cannot assume everyone has equal access to Internet. Can utilise existing internal resources to set up, reduces cost of printing paper documents
Adverts in the Derby Evening Telegraph and press releases	Local paper has a good circulation in the City community. However the costs of the design and placement of adverts can limit the number of times they appear in the paper
Letters or emails to organisations and community groups who are involved in the city and its community	Contacts with organisations that work with different parts of the Council can be used. Letters and emails are covered by existing budgets. Contact names and addresses need to be regularly kept up to date.
Displays within the reception area at Roman House and other public buildings as appropriate	Low cost way to display information. Material needs to be presented in a format that is easy to understand and is accessible to everyone in the community
Workshops and meetings with community groups and other stakeholders	Open and inclusive way for people to engage in debate over planning issues. Require careful preparation and management – can be resource intensive.
Workshops and meetings with Area Panels, Advisory Committees, resident and tenant associations	Utilises existing Council arrangements. Useful way of contacting representatives of hard to reach groups.
Use of corporate surveys such as the Derby Pointer	Surveys can be used in early stages of producing plans for building evidence bases – more useful for assessing general trends than for obtaining specific comments on policies.
Public exhibitions or surgeries	Useful for Area Action Plans, site specific DPDs and SPDs, and major planning applications – can be held close to or within the site or plan area. Resource intensive.
Information leaflets to households	Useful for involving local neighbourhoods in Action Area Plans and site specific DPDs. Leaflets can be produced in different formats and languages. Too resource intensive for city-wide consultation
Display posters around the City	Low cost way to disseminate information but must be in easy to read format.
Council newssheets and information boards	Low cost way to disseminate information
Consultation aimed at hard to reach groups	Can help Council to gain more understanding of specific, public concerns.
Use of the Derby City Partnership	Enables joint working with key stakeholders in City and opportunities to share mailing lists and contacts.
Internal consultation within Derby City Council	Would help to achieve better customer service for people in Derby – joined up working.