

# Revised Statement of Community Involvement

October 2016



## REVISION SCHEDULE

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# 1. Introduction

- 1.1 Most people get involved in the planning system when they submit a planning application for their own project, when they comment on planning applications or when they become involved in the production of the Council's Development Plan.
- 1.2 Derby City Council is the local planning authority for the City and it is responsible for deciding whether a development, which can be anything from an extension to a house to the construction of a new housing development to the building of a new shopping centre, should go ahead.
- 1.3 The Council is also the authority which produces the Development Plan, in this case the Local Plan which sets out the spatial vision for the City and contains policies which all planning applications will be considered against.
- 1.4 This Statement of Community Involvement (SCI) sets out Derby City Council's policy for community involvement in the planning process: the preparation and review of local planning policy and decisions on planning applications through the Development Management process. 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 planning process.
- 1.5 Our original SCI was produced through extensive consultation with the public, statutory bodies and other interested parties and was submitted to the Secretary of State for examination by an independent Planning Inspector. However, since its adoption in January 2007, legislative changes require us to update the document to ensure that it is legally compliant and fit-for-purpose. However, the requirement to undertake a formal consultation and submit the document for examination by an independent Planning Inspector no longer exists.
- 1.6 It is important to note that this SCI does not contain an exhaustive list of all groups and persons who may be consulted. However, this SCI does provide an indication of who the Council intends to engage with within the resources available. New consultation methods may also emerge following the adoption of this revised SCI and any future consultation will take account of these developments.

## **What are the principles of community involvement?**

- 1.7 A key objective of the Planning and Compulsory Purchase Act 2004<sup>1</sup> is to encourage meaningful community involvement in the planning process. The mechanisms for achieving this are set out in Section 2 for the Development Plan process and Section 3 for the Development Management process.
- 1.8 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

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2004/5/contents>

enable agreement to be reached between the various parties involved in the process, rather than wasting time and resources over resolving conflict.

- 1.9 The Localism Act<sup>2</sup> enables the local community to get more involved in the planning process. A key thread running through the Act allows communities to have a greater influence on how their area evolves either through engaging in the planning process or by embracing neighbourhood planning.
- 1.10 The Council's corporate policies are important to ensure that it functions efficiently and takes a consistent approach to promoting the Council's aspirations, working with partner organisations and engaging with the community. In this respect, the Council's corporate policies were taken into account as part of the SCI review.

### **The Council's Communication Strategy**

1.11 The Council's Communication Strategy was approved in 2012 and subsequently updated in 2013, 2015 and 2016. It sets out our commitment to carry out targeted and easily accessible consultation. It recognises that effective consultation will enable the Council to make informed decisions on policy and services and will improve accountability.

1.12 It states that all consultation should:

- meet quality standards set out in the Consultation Strategy
- be compliant with statutory guidance
- be economical and effective
- maximise participation
- not be susceptible to legal challenge
- be used safely to inform decisions
- be trusted and gets the buy-in of consultees
- meet the Council's equality and diversity responsibilities

1.13 This updated SCI reflects the requirements of the Council's Communications Strategy and will be amended should the strategy change.

### **What can people get involved in?**

1.14 People can become involved in two aspects of the planning system; the Development Plan process and the development Management process.

- **The Development Plan process** (the Core Strategy/Local Plan, Supplementary Planning Documents or Neighbourhood Planning). Planning policy in the Council's Local Plan sets the framework for development across the City; where new housing and employment can be accommodated, the provision of open space and leisure facilities, the protection of the historic environment and ensuring the long-term

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<sup>2</sup> <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

economic prosperity of Derby. It is against these policies which all planning applications are determined. Consultation is undertaken to help test certain options on the plans strategy, on draft policies and on the final plan before submission to the Secretary of State. Community involvement in this process is discussed in Section 2.

- **Development Management** (planning applications). Most types of development require a planning application to be submitted and approved. The Council has procedures to ensure that anyone can view and make comments on an application. Although a final decision is normally made based on policies in the Council's Local Plan, any comments which are deemed to represent a material consideration will also be considered in the decision making process. Community involvement in the Development Management process is discussed in Section 3.

### **Our resources**

- 1.15 We are committed to ensuring that all of our consultations are effective but they must be achieved within finite budget and staffing constraints.

### **Reviewing the Statement of Community Involvement**

- 1.16 This SCI will be subject to a regular review process to ensure that it takes account of any amendments to planning legislation, new consultation techniques and as a result of a continual assessment of every consultation method to determine what does, and what does not work.

## **2. Community Involvement in the Development Plan Process**

- 2.1 We are required to produce documents which set out the spatial strategy for the City; in this instance it is the Council's Local Plan, which allocates land for development and provides policies which inform decisions on planning applications. Consultation is primarily undertaken on draft policies and, on some occasions, on the evidence base which informs specific policies.
- 2.2 In this instance, there are two types of document: the Development Plan (DP) for the City such as the Council's Derby City Local Plan Part 1 - Core Strategy (including the Sustainability Appraisal) and Supplementary Planning Documents (SPDs) which provide further information and detail on Core Strategy policies.
- 2.3 There will be occasions, in the preparation of our Development Plan, where we will work with Amber Valley Borough Council and South Derbyshire District Council and Derbyshire County Council (our Housing Market Area Partners). Opportunities will be taken where other external partners or community organisations can assist with event organisation or venue provision.
- 2.4 Where it is appropriate and resources allow, external companies will be employed to carry out consultations, surveys or other forms of community involvement. If the Council commission consultants, any consultation will be undertaken will have regard to this SCI.

## **The Duty to Co-Operate**

- 2.5 Section 110 of the Localism Act<sup>3</sup> and paragraphs 178-181 of the National Planning Policy Framework<sup>4</sup> (NPPF) create a 'duty' on all local planning authorities and other bodies to cooperate with each other to address strategic issues, these bodies are listed in Appendix 1. Both the Act and the NPPF highlight the importance of joint working to meet development requirements that cannot be wholly met within a single local planning area, through either joint policies or informal strategies such as infrastructure and investment plans. Further clarification is provided in the Planning Practice Guidance<sup>5</sup>.
- 2.6 The 'Duty to Co-operate' requires on-going constructive and active engagement throughout the plan preparation process and associated activities relating to sustainable development and the use of land, in particular in connection with strategic infrastructure.

## **Stages in the Preparation of a Development Plan**

- 2.7 There will be instances in the early stages in the creation of the Development Plan where we will need to gather information, establish an evidence base and explore various issues. In these early stages we will have regard to the consultation methods set out later in this section. However, given the nature of the work, the disparate subjects and the varying organisations and bodies interested in a subject, any consultation will be tailored to the subject.
- 2.8 There are four formal stages of community involvement and consultation during the preparation of the Development Plan (DP). In all cases, each consultation will last for a minimum of six weeks, where appropriate the consultation will have regard to the Council's Corporate Consultation Strategy which suggests a minimum of 12 weeks.

### **Stage 1 Pre-Submission Consultation**

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 consultations.

### **Stage 2 Submission Stage**

This stage will see the publication of the final version of the DP, the final Sustainability Appraisal (SA), a document outlining any proposed changes to the Proposals Map and a Statement of Consultation which sets out the findings from all previous stages of consultation leading up to this point. This illustrates how representations have shaped the development of the DP.

### **Stage 3 The Independent Examination**

The DP will be examined by an independent Government Inspector who will test its 'soundness', alongside all other

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<sup>3</sup> <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

<sup>4</sup> <http://www.communities.gov.uk/publications/planningandbuilding/nppf>

<sup>5</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/duty-to-cooperate/>

related documents (including the SA). At this stage it is the Inspector who invites those consultees or interested parties who made representations at the previous stage to appear in person at the examination.

#### **Stage 4 Receipt of the inspectors report and adoption**

After the examination, the inspector will write a report that will identify what changes, if any, need to be made to the DP to make it sound. The Council is not obliged to implement proposed changes. However, the Council will need to respond to the report in a way that will not undermine the strength of the DP going forward. Ultimately, when all changes (if any) have been made in line with inspector recommendations, this version of the DP will be adopted.

### **Methods of Engagement in the Preparation of the Council's Development Plan**

2.9 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 comply with the Council's Corporate Consultation Strategy
- 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, in braille and in different languages on request
- 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 Spatial Planning Team at the Council House, Corporation Street, Derby, DE1 2FS, by telephoning 01332 64 0807, minicom 01332 640 666 or by emailing [derby.ldf@derby.gov.uk](mailto: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 website
- we will process and hold data in accordance with the Data Protection Act

2.10 Planning officers will work closely with the Council's Corporate Communications Team to ensure that we reach a broad range of people, groups and organisations. We will seek to engage with groups and their representatives, such as minority ethnic communities including gypsies and

travellers, faith communities, disabled people, young people, LGBT people, older people and women.

2.11 We may use the following methods of consultation in the preparation of our Development Plan. The methods required by the Town and Country Planning (Local Planning) (England) Regulations 2012 are highlighted in yellow, the rest can be considered to be optional and used as, and when, the Council feels appropriate. Any method with a cross against it is not considered to be appropriate for the DP stage.

Methods of Consultation	Development Plan Preparation Process				
	Pre-Submission Consultation	Submission	Receipt of the Inspector's report	Adoption	Required or Optional
Information and documents on the Council's website	✓	✓	✓	✓	Required
Stakeholder notification by letter or email	✓	✓	✓	✓	
Make information and documents available for inspection at the Council House and other publically accessible locations where practicable	✓	✓	✓	✓	
Adverts or statutory notice in the Derby Telegraph	✓	✓	x	✓	Optional
Posters in public buildings	✓	✓	x	x	
Issue a press release	✓	✓	✓	✓	
Exhibitions or drop-in events in publicly accessible	✓	x	x	x	Optional

Methods of Consultation	Development Plan Preparation Process				
	Pre-Submission Consultation	Submission	Receipt of the Inspector's report	Adoption	Required or Optional
buildings					
Workshops and meetings with community groups and other stakeholders	✓	x	x	x	
Face-to-Face meetings	✓	✓	x	x	
Use the Council's internal communications network	✓	✓	✓	✓	
Engage with groups we need to reach out to	✓	✓	✓	✓	
Internal consultation within Derby City Council	✓	x	x	x	
Publicise through the Council's external partners	✓	✓	✓	✓	
Use social media such as Facebook and Twitter	✓	✓	✓	✓	

2.12 The Council acknowledges that not everyone has access to the Internet and so free access is provided in all of Derby's 14 libraries. Non-cardholders can also gain access if they provide personal identification.

## **Methods of Engagement in the Preparation of a Supplementary Planning Document**

- 2.13 Supplementary Planning Documents (SPDs) provide additional detail and guidance on policies and proposals established the Council's Development Plan. An SPD could focus on certain topics such as planning obligations, affordable housing, walking, cycling, nature conservation and design or cover a specific site.
- 2.14 Preparation of a SPD must follow the requirements of Part 5 of The Town and Country Planning (Local Planning) (England) Regulations 2012<sup>6</sup>.
- 2.15 Preparation of a SPD follows a slightly different route to the Development Plan; the following stages sets out the minimum process the Council will undertake in developing a SPD. Additional stages may be considered.

### **Stage 1 Preparation of a draft SPD**

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 DP policy and the SPD and those likely to be most affected by it. Stakeholders involved with the development of the relevant DP policy will be included in consultation at this stage. 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.

### **Stage 2 Prepare the final SPD**

Any representation made during the previous stage will be considered and, if necessary, appropriate amendments will be made to the draft SPD.

### **Stage 3 Adoption of the SPD**

The final SPD will be adopted in-line with the requirements of regulation 14 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

- 2.16 We may use the following methods of consultation in the preparation of a SPD. The methods required by the Town and Country Planning (Local Planning) (England) Regulations 2012 are highlighted in yellow, the rest can be considered to be optional and used as, and when, the Council feels appropriate.

## **Taking your views on board**

- 2.17 It is vital that the comments we receive are considered and the outcomes reported back to all stakeholders following the completion of a consultation.

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<sup>6</sup> <http://www.legislation.gov.uk/ukxi/2012/767/part/5/made>

2.18 After every consultation undertaken in the Development Plan process, we will produce a report which will demonstrate how the consultation was carried out, the issues raised by those who contributed and, where necessary, how the comments have been considered and influenced changes to the document in question.

2.19 At certain stages in the production of a Development Plan document we will produce a Statement of Consultation in line with current regulations. This will be made available for public viewing along with any other publication/submission documents in line with and as required by the regulations.

Method of consultation	SPD Preparation Stage			Required or Optional
	Draft SPD	Final SPD	Adoption	
Information and documents on the Council's website	✓	✓	✓	Required
Make information and documents available for inspection at the Council House and other publically accessible locations where necessary	✓	✓	✓	
Stakeholder notification by letter or email	✓	✓	✓	Optional
Adverts or statutory notice in the Derby Telegraph	✓	✓	✓	
Display posters in public buildings	✓	✓	x	
Issue a press releases	✓	✓	✓	
Exhibitions or drop-in events in publicly accessible buildings	✓	✓	x	
Use the Council's internal communications network	✓	✓	✓	
Engage with groups we need to reach out to	✓	✓	✓	
Internal consultation within Derby City Council	✓	✓		
Publicise through the Council's external partners	✓	✓	✓	
Use social media such as Facebook and Twitter	✓	✓	✓	

## **Neighbourhood Planning**

- 2.20 The Localism Act introduced an additional facet to spatial planning devolving more powers to local communities by giving them more control over housing and planning decisions. These powers include rights to prepare Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Buy Orders. It is anticipated that the SCI will be a key consideration when the Council undertakes any community consultation.
- 2.21 We will be involved in consulting with the public at the following stages at the start and at the end of the process:
- The designation of a Neighbourhood Area for the purposes of producing a Neighbourhood Plan
  - The approval of a specific group who will prepare a Neighbourhood Plan for a specific area
  - Consultation on a draft Neighbourhood Plan prior to submitting the document for independent examination
  - Publication of the examiner's report
  - Decision on whether to accept (Make) or refuse a plan
  - Publicising the decision to "Make" the neighbourhood plan
- 2.22 In all cases we are required to ensure that everyone who lives, works or has a business in the neighbourhood area has the opportunity to make comments
- 2.23 Given that a Neighbourhood Area can cover a ward, part of a ward, a specific district in the City and even extend into a neighbouring local authority, any consultation will be specifically tailored to each individual area.
- 2.24 We may use the following methods of consultation when the Council becomes involved in the preparation of a neighbourhood plan. The methods required by the Neighbourhood Planning (General) Regulations 2012 are highlighted in yellow, the rest can be considered to be optional and used as, and when, the Council feels appropriate.

Method of consultation	Neighbourhood Plan Preparation Stage					
	Proposed Area	Proposed Group	Publicising a draft Plan	Publish the examiner's report	Decision on a Plan proposal	"Making" a Plan
Information and documents on the Council's website	✓	✓	✓	✓	✓	✓
Make information and documents available for inspection at the Council House and other publically accessible locations where necessary	✓	✓	✓	✓	✓	✓
Adverts or statutory notice in the Derby Telegraph	✓	✓	✓	✓	✓	✓
Issue a press release	✓	✓	✓	✓	✓	✓
Display posters in public buildings	✓	✓	✓	✓	✓	
Use the Council's internal communications network	✓	✓	✓	✓	✓	✓
Engage with groups we need to reach out to	✓	✓	✓	✓	✓	✓
Publicise through the Council's external	✓	✓	✓	✓	✓	✓

Method of consultation	Neighbourhood Plan Preparation Stage					
	Proposed Area	Proposed Group	Publicising a draft Plan	Publish the examiner's report	Decision on a Plan proposal	"Making" a Plan
partners						
Publicise through organisations and local groups operating in the area	✓	✓	✓	✓	✓	✓
Use social media such as Facebook and Twitter	✓	✓	✓	✓	✓	✓
Contact the specific and general consultation bodies	x	x	✓	✓	✓	✓
Contact any person who asked to be notified	x	✓	✓	✓	✓	✓

## **Advice and Assistance to support Neighbourhood Planning**

2.25 The Council is committed to support any local group who wishes to undertake neighbourhood planning in the City. Planning officers will be available to discuss the requirements and implications of undertaking neighbourhood planning with any prospective groups in Derby.

2.26 In the preparation of a Neighbourhood Plans, officers will provide some support through the whole process. The level of support will vary, dependent on the needs and experience of each specific group.

2.27 We will provide advice on:

- legal procedures and the requirements of legislation such as the Human Rights Act, the Habitats regulations and Environmental Assessments
- national planning policy and the Council's Core Strategy/Local Plan
- how to engage with specific consultation bodies
- consultation and community engagement methods
- potential delivery partners

2.28 We will provide:

- Annual Monitoring report data for the last five years
- List of planning applications made in the last five years
- The Local Plan Evidence Base and access to base data
- Maps showing constraints data
- Up to date information on any grant funding available
- Ordnance Survey base maps for the area and the preparation of the final policies map
- Guidance on policy writing
- Links to research data
- Links to any relevant and up-to-date information about Neighbourhood Planning

2.29 For the Draft Neighbourhood Development Plan, the Council will provide advice and assistance on:

- Conformity of the plan and whether in their view it meets the basic conditions
- Suitability of the Consultation Statement
- Suitability of any Environmental Assessment or Habitats Regulations Assessments undertaken
- Conformity with other legislative requirements
- Ordnance Survey mapping requirements

### **Joint Minerals and Waste Local Plans**

- 2.30 These are documents produced jointly by the City and County Councils. In both cases, the County Council is the authority which will devise and undertake all public consultation and as such, will be guided by the County Council's Statement of Community Involvement. However, officers from the City Council will have an input into any consultation undertaken in the preparation of both documents to ensure that it meets our requirements.

## **3. Community Involvement in the Development Management Process**

- 3.1 It is important that interested parties are able to have their say on development management decisions; decisions which will help shape the character of the City.
- 3.2 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.
- 3.3 Generally, the Development Management process can be split into three distinct stages:

### **Pre-application stage**

- 3.4 The Council advocates pre-application discussions with applicants at an early stage of the development process. This is a formal process and subject to a scale of charges which can be accessed via the link below.

<http://www.derby.gov.uk/environment-and-planning/planning/planning-applications-packs/#planning-fees>

- 3.5 We strongly encourage both applicants and developers to undertake their own consultation at an early pre-application stage to inform the application process and allow for areas of conflict or objection to be addressed before submitting a planning application to the Council.
- 3.6 The consultation method carried out by applicants and developers will vary depending on the scale and nature of the proposal. For smaller developments such as household extensions, this may involve applicants talking to their neighbours and showing them draft plans to ascertain their views. On larger schemes, developers may wish to consider undertaking wider public consultation by means of public meetings or exhibitions, development briefs or leaflets, and presentations to the Council's Neighbourhood Forums. It is expected that public meetings and exhibitions are made accessible to everyone in terms of their location and timing and should be held as near to the application site as possible.
- 3.7 Applicants and developers for major proposals are strongly encouraged to notify the Council of any publicity or consultation events planned prior to them occurring.

- 3.8 Developers are also encouraged to engage at an early stage with statutory consultees such as, for example, Highways England and the Environment Agency.
- 3.9 It is recommended that, where an application is submitted, the applicant or developer should include a statement setting out what consultation has been undertaken with stakeholders and the local community.
- 3.10 Unless the applicant wishes otherwise, early dialogue with the Council will be confidential to reflect the sensitive nature of pre-application discussions. Pre-application discussions can help identify key issues which will need to be addressed in any formal submission and allows the informal views of Council Officers and other interested parties to be made known at an early stage. It is a useful way of resolving early design and development issues; reducing the likelihood of future objections, and helping to ensure that higher quality applications (that can be fully validated) are lodged overall.

### **Application stage**

- 3.11 To ensure a consistent approach to planning application publicity and consultation arrangements the Council will follow the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Council has previously used its own range of publicity arrangements that are above and beyond the statutory level outlined by central government. To simplify arrangements it has been decided to follow the statutory publicity requirements for the various application categories. The publicity and notification arrangements are shown in Appendix 2.
- 3.12 When most small-scale applications are registered and validated, individual notification letters will be sent to the occupiers of property or land which immediately abut the application site (as identified on the submitted plans and drawings). The notification letter will state a timescale for comments to be submitted (normally 21 days) and details of where the application can be inspected, which is normally on the Council's website. In some situations the notification letters will also be accompanied by a site notice displayed near to the application site. In other situations a site notice may be the sole means of publicity.
- 3.13 For larger developments, individual notification letters will also be sent to the occupiers of property or land which immediately abut the application site (as identified on the submitted plans and drawings). The notification letter will state a timescale for comments to be submitted (normally 21 days) and details of where the application can be inspected which is normally on the Council's website. These applications will also be publicised by a site notice displayed near to the application site and an advertisement in the local press will be published.
- 3.14 Please note that the individual notification letters are sent to 'the occupier' of individual properties and the Council relies on the Royal Mail (or any other

postal carrier as necessary) to deliver individual letters across the city. When letters are returned to the Council by the postal carrier, for example if an address is inaccessible, the Council will make reasonable endeavours to re-notify the occupier(s) concerned.

- 3.15 **Please note the above is not an exhaustive list of publicity arrangements for all application types. Please refer to the appended tabulated list of application types and their individual publicity arrangements (Appendix 2).**
- 3.16 The Council will also consult with statutory and non-statutory bodies such as, Highways England, Natural England, the Environment Agency, the Council's Conservation Area Advisory Committee and various departments within the Council, including Environmental Health, Land Drainage and Highways where appropriate.
- 3.17 There are other types of application under the Planning (Listed Buildings and Conservation Area) Act 1990, which have their own statutory publicity requirements. These include applications for:
- Listed Building Consent; and
  - Certificate of Lawfulness of Proposed Works to a listed building
- 3.18 Planning applications, including plans, elevation drawings and any supporting information provided by the applicant, will be available to view on the Council's website. You can also find out what applications the Council receive by subscribing to our weekly list which provides a list of applications received by the Council over a certain period. To sign up, please send your contact details to [developmentcontrol@derby.gov.uk](mailto:developmentcontrol@derby.gov.uk).
- 3.19 In some instances, applications may be amended or additional supplementary information submitted to the Council during the life of the application. Where this happens and it materially alters a proposal, the Council may undertake a further consultation and notification exercise, commensurate with the type and size of amendments or the level of information submitted commensurate with the type and size of amendments or the level of information submitted. Any additional publicity on changes to an application will be at the discretion of the case officer and will depend on the degree of change from the original submission. If an application is reduced in scale or form from the original submission it is likely that no additional publicity will be carried out. Any additional information received will be placed on the Council's website.

### **Making comments on applications**

- 3.20 Comments or representations on planning applications have to be sent in writing by post, email or via the Council's e-planning system. 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 3.
- 3.21 People will normally have 21 days to write to the Council about planning applications. External bodies such as Highways England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.
- 3.22 The Council allows interested parties to speak at Planning Control Committee. Anyone wishing to speak need to:
- tell the Council their intentions up to 5 working days in advance of the meeting
  - 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.
- 3.23 At the Committee meeting people are allowed three minutes to make statements about the application but not to ask questions of the councillors or Council officers.

#### **Finding out the result of an application**

- 3.24 The Council’s committee reports and decisions will be displayed on our website, along with the decision notice.
- 3.25 People who have commented on planning applications are directed to the Council’s website to find out the Council’s decision.
- 3.26 Applicants have a right to appeal against refusal of an application or against any conditions imposed on a permission to the Planning Inspectorate. However, there is no third party right of appeal.

## **Appendix 1: Specific and General Consultation Bodies**

The Town and Country Planning (Local Planning) (England) regulations 2012, Regulation 4 require the Council to engage with the following bodies to meet the Duty to Co-operate.

- the Environment Agency (EA)
- the Historic Buildings and Monuments Commission for England (known as Historic England)
- Natural England
- the Civil Aviation Authority
- the Homes and Communities Agency (HCA)
- each clinical commissioning group established under section 14D of the National Health Service Act 2006
- the Office of Rail Regulation
- each 'Integrated Transport Authority' (Highways England)
- each highway authority within the meaning of Section 1 of the Highways Act 1980 (including the Secretary of State, where the Secretary of State is the highways authority)
- Designated Neighbourhood Forums

Although listed as 'Prescribed Bodies', the following are not relevant to Derby:

- Mayor of London
- Transport for London
- Marine Management Organisation

## Appendix 2: Publicity and Notification Arrangements

In broad accordance with statutory requirements the Council will publicise the application types listed below as follows:

- 1) Applications for ‘major’ development (including all applications for waste development)**
  - By site notice and/or neighbour notification letter
  - By press advertisement
  - On the Council’s website
  
- 2) Applications subject to Environmental Impact Assessment (EIA) which are accompanied by an Environmental Statement (ES)**
  - By site notice and neighbour notification letter – only when individual neighbour notification is deemed necessary
  - By press advertisement
  - On the Council’s website
  
- 3) Applications which do not accord with the development plan (frequently known as ‘departures’)**
  - By site notice and neighbour notification letter – only when individual neighbour notification is deemed necessary
  - By press advertisement
  - On the Council’s website
  
- 4) Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies**
  - By site notice
  - By press advertisement
  - On the Council’s website
  
- 5) Applications for planning permission not covered under 1 to 4 above, for example ‘non-major’ development**
  - By site notice/and or neighbour notification letter
  - On the Council’s website

Under this category the following exceptions apply, which do not require publicity. However, the Council reserve the right to publicise individual applications in this ‘exceptions list’ subject to an individual assessment of the applications in question:

- Hedgerow removal notices

- High hedge complaints
- Prior notification applications
- Certificates of lawfulness for proposed use or development
- Section 211 Notices (works to trees in Conservation Areas)
- Discharge of condition applications (aside from those in category 8 below)
- Non-material amendment applications
- Applications for express advertisement consent
- Tree Preservation Orders

**6) Applications for listed building consent where works to the exterior of the building are proposed**

- By site notice
- By press advertisement
- On the Council's website

**7) Applications for listed building consent where only works to the interior of the building are proposed**

- By site notice
- On the Council's website

**8) Applications to vary or discharge conditions attached to a listed building consent, or involving interior works to a listed building**

- By site notice
- By press advertisement
- On the Council's website  
<http://planningguidance.communities.gov.uk/blog/guidance/consultation-and-pre-decision-matters/table-1-statutory-publicity-requirements-for-planning-and-heritage-applications/>

## Appendix 3: Glossary of Terms

<b>Consultation Statement</b>	The document describes the consultations undertaken, outlines who was consulted, how they were consulted and presents a summary of the main issues raised and explains how they have shaped the Local Plan.
<b>Controversial applications</b>	Applications where the proposed development conflicts with Derby's development plan, or where a large number of people have objected.
<b>Core Strategy</b>	The former name of the Local Plan Part 1 Development Plan Document. It sets out the long term vision for the City, along with objectives and policies. The 2012 regulations now require Local Plans to be produced.
<b>Development Plan Document (DPD)</b>	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. The Council sets out its programme for preparing Development Plan Documents in the Local Development Scheme.
<b>Development Management</b>	The process of reviewing planning applications submitted by development companies, homeowners or businesses. The decision will normally be made in accordance with the development plan, central government guidance and advice, and any other 'material considerations'. If the application is successful, planning permission will be granted, sometimes with conditions and the development may go ahead.
<b>Examination</b>	Formal examination of the Local Plan and supporting documents by an independent inspector appointed by the Secretary of State to consider if the plan is sound and legal.
<b>Local Development Scheme (LDS)</b>	Sets out the Council's programme for preparing Local Development Documents.
<b>Local Plan</b>	A Development Plan Document, which plans for the future development within an administrative area, drawn up by local planning authorities in consultation with communities and other stakeholders.
<b>Major applications</b>	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.
<b>Material</b>	Factors that will be taken into account when reaching a

**considerations/  
relevant planning  
matters**

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.

**National Planning  
Policy Framework  
(NPPF)**

The NPPF replaces the majority of national planning policy documents (PPG/PPS) and many circulars, streamlining them all into one document. It sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local and neighbourhood plans can be produced reflecting the needs and priorities of the local area.

**Neighbourhood  
Development Plan**

The Localism Act 2011 gave communities the power to establish general planning policies for the development and use of land in a neighbourhood such as where new homes and offices should be built and what they should look like (within Neighbourhood Development Plan).

**Planning  
Inspector**

A Planning Inspector is a person appointed on behalf of the Planning Inspectorate (itself an executive agency of Government) to conduct the planning appeals for individual planning applications and examines Local Plans (and other Development Plan Documents) to ensure they are Sound.

**Planning  
Permission**

A written consent to the carrying out of "Development" issued by a local planning authority or, on appeal, by a Planning Inspector or the Secretary of State. The permission is normally subject to conditions and will lapse if the development is not started within a stated period of time. Planning permission for buildings may be in outline where the principle is approved, subject to the later submission of further applications for the approval of reserved matters.

**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.

**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 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 Management decisions.

**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 (i.e. social, environmental and economic factors) and required in the Act to be undertaken for all Development Plan Documents. The SA incorporates the requirements of the Strategic Environmental Assessment Directive.

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 64 0807  
Minicom: 01332 640666

### Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.

Prosimy o kontakt: 01332 640807      Tel. tekstowy: 01332 640666

### Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ 01332 640807      ਮਿਨੀਕਮ 01332 640666      ਤੇ ਸੰਪਰਕ ਕਰੋ।

### Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم 01332 640807      منی کام 01332 640666      پر ہم سے رابطہ کریں۔



Derby City Council

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