



Revised Statement of Community Involvement

SUMMARY

- 1.1 The Statement of Community Involvement (SCI) is a statutory planning document that sets out how the Council will consult the community when preparing its Development Plan Documents and publicising planning applications. The current SCI was adopted in January 2007 and is in need of some refreshment to properly reflect revised regulations and current guidelines on consultation.
- 1.2 On 7 December 2016, Cabinet agreed to an eight week consultation on a draft revision to the SCI. This consultation ran from 6 January 2017 to 3 March 2017. Ten respondents submitted comments and, as a result, it is proposed to make three changes to the SCI itself and a number of amendments to its Glossary. A further amendment was made to the SCI as a result of undertaking an Equalities Impact Assessment.
- 1.3 Cabinet authorised the Strategic Director for Communities and Place, following consultation with the Cabinet Member for Communities and City Centre Regeneration, to consider any comments received during the consultation, to make amendments to the document and to formally adopt the Statement of Community Involvement.
- 1.4 Cabinet also accepted a recommendation from the Corporate Scrutiny and Governance Board that a report be submitted to it outlining any amendments made to the statement following the consultation.
- 1.5 This report considers the comments on the draft SCI and sets out the recommended changes. Board is asked to consider these and make any comments on them to the Strategic Director for Communities and Place prior to formal consideration of the consultation and adoption of the Plan.

RECOMMENDATION

- 2.1 To consider representations made on the draft revised SCI and the resulting amendments proposed to it prior to consideration by the Strategic Director for Communities and Place in consultation with the Cabinet Member for Communities and City Centre Regeneration.

REASONS FOR RECOMMENDATION

- 3.1 To enable Board to comment on the proposed amendments prior to these being considered.

SUPPORTING INFORMATION

- 4.1 The 2004 Planning & Compulsory Purchase Act requires Local Authorities to prepare a 'Statement of Community Involvement' (SCI). This sets out how the Council will consult the community when preparing Development Plan Documents and determining applications for planning permission. The SCI is a statutory document and local plans must be prepared in line with its provisions otherwise they will fail independent examination. The current SCI was adopted in January 2007 and is in need of some refreshment to properly reflect revised regulations and current guidelines on consultation.
- 4.2 A draft revision to the SCI was prepared last year and Cabinet agreed to an eight week consultation on it at its 7 December 2016 meeting. This took on board current national guidelines and best practice on consultation for town planning documents and planning applications.
- 4.3 The consultation took place between Friday 6 January 2017 and Friday 3 March 2017. In total, ten responses were received; three from statutory bodies, three from members of the public and four from other organisations.
- 4.4 A Statement of Consultation is appended to this report. This sets out in more detail why the consultation was undertaken and how it was carried out. It also summarises and responds to representations and sets out any amendments proposed to the draft SCI.
- 4.5 In brief, the three statutory bodies (Highways England, Historic England and Natural England) all supported the revisions to the SCI. The Woodland Trust requested to be consulted as a general consultation body in the Development Plan process. Whilst the SCI only specifically refers to the statutory bodies we are required to consult under regulations, the Trust are already included on a wider consultation list and will continue to be consulted on emerging local plans. The Woodland Trust also requested that the Council commits in the SCI to consulting them on any planning applications that seriously impact ancient woodland citing other local authorities that do so. The Council's Tree Preservation Officer considers every application affecting all trees. In addition, the Woodland Trust has signed up to the Council's weekly list and will be able to determine from examining their records if an application impacts on ancient woodland.
- 4.6 Breadsall Parish Council made a number of objections. Firstly, they have pointed out that Paragraph 2.3 of the SCI refers to Amber Valley and South Derbyshire as neighbouring authorities, but not Erewash. Although this paragraph is referring to the other two authorities as HMA partners (which Erewash is not) a minor change to refer to Erewash as well is proposed for completeness.

- 4.7 Breadsall Parish Council also requested that neighbouring authorities are included in consultations on planning applications and other development proposals likely to impact on them. The Parish Council had previously raised concerns that they had not been notified of a proposed housing allocation in the local plan on land off Mansfield Road, Oakwood. Both Erewash Borough and Breadsall Parish Council were notified of the local plan consultation at each stage. Furthermore, Erewash Borough Council is notified of every planning application which is likely to have an impact in its administrative area and, since submitting their comments, Breadsall Parish Council has signed up to our weekly planning list.
- 4.8 The Darley Abbey Society also submitted a number of representations. They suggested that the SCI should outline what legislative changes have been introduced since the 2007 which have instigated the publication. The Society sought further clarification between the statutory consultation timescales involved in the preparation of Development Plan Documents and Supplementary Planning Documents and those set out in the Council's adopted Consultation Strategy, and they also sought clarification as to what constituted a Neighbourhood Forum.
- 4.9 It is worth noting that the Darley Abbey Society recognised the resource implications associated with undertaking any consultation and have offered their support in engaging the wider community.
- 4.10 Finally, the Darley Abbey Society made a number of comments relating to the Development Management section of the SCI. A number of comments related to procedural aspects of the planning application process such as identifying neighbours on submitted plans when the plan does not show any neighbouring properties, questioning whether the 21 day period for submitting comments on an application is sufficient for larger applications or when a consultation runs over a holiday period, and abandoning the practice of informing objectors of the outcome of an application. The Society also objected to the current administration of the e-planning service and the inability of being able to identify individual comments by name.
- 4.11 Three comments were received by individual members of the public. One just stated an objection to the SCI but gave no reasons or suggested amendments. A second states that, in practice, the Council has not taken any notice of public concerns citing developments at Hackwood Farm and other schemes in Mickleover. A third comment makes a similar point that, in practice, both officers and members do not take into account the views of the community. Both of these comments appear to be more about the weight given to comments rather than the mechanics of consulting which the SCI is concerned with. It is difficult to comment on this point in general terms, but the fact that a decision is made contrary to the wishes of local residents does not mean that their concerns have not been considered and taken into account. The Council is obliged to take into account other factors such as national planning policy and the professional views of officers on issues including highways, education and conservation.

- 4.12 Although the EQIA process concluded that there were no issues with the SCI, it was suggested that in addition to large print, braille and alternative languages, documents should be made available in 'Easy Read' format. Consequently, paragraph 2.9 has been amended to reflect this comment.
- 4.13 In addition, minor amendments to the Glossary have been made to ensure consistency with the main body of the document.
- 4.14 A version of the SCI as it would appear if the proposed amendments in the Statement of Consultation are accepted is attached.

OTHER OPTIONS CONSIDERED

- 5.1 None. Not updating the SCI was not considered to represent a realistic option as the 2007 version does not reflect the revised requirements of planning regulations guiding the preparation of Development Plan Documents or publicity and consultation on planning applications. The revised SCI is now consistent with the requirements of planning regulations and has been amended to provide clarity and to reflect the views of those who responded to the consultation, where appropriate.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Stephen Teasdale Amanda Fletcher David Cox Jayne Sowerby Warrington David Gartside
For more information contact: Background papers: List of appendices:	David Brown 01332 642120 dave.brown1@derby.gov.uk Revised Statement of Community Involvement & Revised Statement of Community Involvement Consultation Report Appendix 1 – Implications Appendix 2 – Revised Statement of Community Involvement Appendix 3 – Consultation Report Appendix 4 – Equalities Impact Assessment

IMPLICATIONS

Financial and Value for Money

- 1.1 Certain aspects of implementing the Statement of Community Involvement will entail some financial outlay estimated at £1,000 to be managed within existing Spatial Planning budgets; for example, the placing of statutory adverts and notices, and the hire of external venues for meetings and exhibitions. However, the revised SCI seeks to offer more flexibility in determining methods of consultation and therefore the costs of implementing its requirement are likely to be less than those of the existing SCI. In addition, costs will continue to be minimised by utilising Council venues for events and only placing statutory adverts in the local press.

Legal

- 2.1 The publication, and adoption, of the Statement of Community Involvement is guided by and meets the requirements of Regulation 18 of the Planning and Compulsory Purchase Act 2004.

Personnel

- 3.1 The adoption of the SCI will not have any additional implications for staff. However, consultation events can be staff resource intensive and require work outside of office hours.
- 3.2 The move towards on-line consultation and the use of social media will continue to require assistance from the Council's Communications and Consultation team. Planning officers will continue to liaise with the Communications and Consultation team to effectively programme work requirements into relevant work plans.

IT

- 4.1 There will be an increasing reliance on web-based consultation methods and social media.

Equalities Impact

- 5.1 The various consultation methods contained in the Statement of Community Involvement will ensure that all members of the community have an opportunity to be involved in the planning system and decisions that affect their local community.

Health and Safety

- 6.1 Some consultation events will be held in external venues, often community facilities such as church halls, libraries and community centres, in the evenings and at weekends to ensure that as many people as possible have an opportunity to talk to an officer. This does not involve any officers in lone working.

Environmental Sustainability

7.1 None

Property and Asset Management

8.1 None

Risk Management

9.1 The Risk Management implications are contained within the body of the report.

Corporate objectives and priorities for change

10.1 The SCI directly supports the priority outcomes of the Council Plan 'A Different Council' Our Council Plan 2016-2019, in terms of enabling individuals and communities to have a say on the future of their areas by becoming involved in the planning process. As the SCI underpins the consultations we undertake and the decision we make on new Development Plan Documents and individual planning applications, it also indirectly assists in delivering other Council Plan objectives particularly 'Improving housing, supporting job creation and regeneration in the City' and 'Promoting health and well-being'.