

# **Revised Statement of Community Involvement**

## **Consultation Report**

**June 2017**



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## **1. Introduction**

- 1.1 The Statement of Community Involvement (SCI) sets out the Council's policy for community engagement in the planning process: the preparation and review of planning policies and decisions on planning applications through the Development Management process.
- 1.2 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.
- 1.3 The 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. Although legislative changes require us to update the document to ensure that it is legally compliant and remains fit-for-purpose, the requirement to undertake a formal consultation and submit the document for examination no longer exists.
- 1.4 However, given the nature of the SCI and the Council's commitment to engage with statutory bodies, the public and the development industry, it is proposed to undertake a consultation lasting a minimum of six weeks where we will seek people's views on the amended document before its adoption.
- 1.5 On 7 December 2016 the Council's Cabinet considered a report on the revised SCI and approved its recommendation for officers to undertake a consultation to seek the views of statutory bodies, local businesses, planning agents, developers and the wider community on the revised SCI.
- 1.6 This report has been produced to set out how the consultation was undertaken, the responses received and any subsequent amendments made to the revised SCI.

## **2. How was the Consultation Carried Out?**

- 2.1 The consultation ran for eight weeks, beginning on Friday 6 January 2017 and ending on Friday 3 March 2017. The consultation was informed by the Council's adopted Corporate Consultation Strategy, the current SCI which was adopted in 2007 and consultation methods developed by officers through the preparation of the Derby City Local Plan Part 1.
- 2.2 The following is a brief description of the methods used to publicise the consultation.
  - Mailshot to interested parties  
Before the consultation started a letter or email was sent to everyone on the Council's LDF consultation database. The database contains the contact details of the specific consultation bodies, businesses and members of the local community.

Development Management also provided a contact list of planning agents and developers who had submitted applications over the previous two years.

The consultation was also publicised by utilising the City Council's Neighbourhood Partnership and the Diversity Forums.

The consultation was publicised through 'Your City, Your Say'.

The Chellaston Village Neighbourhood Planning Group was also, as a Statutory Body, informed of the consultation.

- **Internal Publicity**  
Emails were sent to Chief Officers and Councillors informing them that the consultation had started.

The consultation was publicised through the City Council's "In-Touch" magazine. An article publicising the consultation was included in the e-shot on the 16 January.

- **Deposit documents**  
The consultation documents were made available on the Council's website, in local libraries and at the Council House Reception

### **3. Summary of Responses**

- 3.1 The following section contains a brief summary of the points raised through the consultation and a Council response follows each comment. In addition to the consultation, two further comments were received; one was made through the Equalities Impact Assessment process (EQIA) and another from the internal committee approval process.
- 3.2 In some cases, comments have been made which has resulted in the text being amended. Where this has occurred, the deleted text has been crossed through (for example, ~~crossed through~~) and the new, suggested text has been underlined (for example, underlined).
- 3.3 To accord with the Council's consultation policy, comments made by Statutory Bodies, partner organisations, developers and planning agents have been attributed; responses made by members of the public are not attributed to any one individual.
- 3.4 Taking into account the consultation, the EQIA process and the internal reporting process, eleven responses were received. Three from statutory bodies, three from other organisations, planning agents or developers, three from members of the public, one from a Council officer and one from the EQIA Board.
- 3.5 The following table lists, in document order, the comments the Council received, the Council's response and any consequential amendments to the Statement of Community Involvement.

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Council Response
Highways England	N/A	Support	Highways England welcomes the range and variety of consultation methods outlined in the SCI which the Council intends to use to inform and consult.	The comment from Highways England is noted and welcomed.  No change to the SCI is required.
Natural England	N/A	Support	Natural England asserted their support for the ' <i>principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications</i> '.	The comment from Natural England is noted and welcomed.  No change to the SCI is required.
A member of the public	N/A	Comment	As a Derby resident it should be possible to sign up to an emailing service for a particular area of Derby, if a planning application is made for that area then all who have signed up to the alerting service should receive an email so that it can be reviewed. For example being notified of any	Paragraph 3.18 states that people can subscribe to the Council's weekly planning list. This is emailed to all subscribers.  No change to the document is required.

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Council Response
			planning applications made in the city centre.	
A member of the public	N/A	Object	Objected to the SCI but the respondent provided no further information to substantiate their response.	No change to the SCI is required.
Darley Abbey Society	Paragraph 1.5	Comment	The paragraph states that the SCI has been revised to bring it in line with legislative changes made since 2007 but does not outline what they are.	<p>Since 2007 there have been a number of legislative changes including, for example, the enactment of the Localism Act and changes to the Development Management Procedure Order. In the interests of brevity, it is felt that it would be inappropriate to list all of the changes.</p> <p>No change to the SCI is required.</p>
Darley Abbey Society	Paragraph 1.6	Comment	The Society recognised that 'making the best use of resources' will be increasingly challenging and have indicated their willingness to support wider community engagement and working closely with local	<p>The comments are welcomed and the Council will explore future opportunities to utilise the Society in future consultations.</p> <p>No change to the SCI is required.</p>

<b>Respondent</b>	<b>Section, paragraph or table</b>	<b>Object, Support or Comment</b>	<b>Comment</b>	<b>Council Response</b>
			Councillors.	
Darley Abbey Society	Paragraph 1.8	Support	The Society fully supported the aspirations of the paragraph.	The comment from the Darley Abbey Society is noted and welcomed.  No change to the SCI is required.
Darley Abbey Society	Paragraph 1.13	Object	The paragraph is unclear and the SCI seems to contradict the Council's Consultation Strategy in, for example, the amount of time allowed for consultation.	The Council's Consultation Strategy recommends, where practicable, a consultation strategy should last a minimum of 12 weeks. It should be remembered that Development Management have prescribed timescales for determining planning applications (8 or 13 weeks) and set consultation timescales.  However, planning policy does have regard to this requirement and aim, where possible to meet the 12 week target. Joint working with our HMA partners often requires the Council to undertake aligned consultations which may

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Council Response
				<p>entail a compromise in the length of certain consultations. In all cases we will meet our statutory duty to consult for at least six weeks.</p> <p>No change required.</p>
A member of the Public	Paragraph 1.9	Object	<p>Although the SCI recognises the requirements of the Localism Act by getting people involved in the planning process; the respondent feels that the Council has not taken any notice of it in reality. The respondent highlights Hackwood Farm and other developments in Mickleover.</p>	<p>The Council sees community input into the planning system whether through the development plan process, neighbourhood planning or Development Management as an important part of the planning process. However, it has to be recognised that questions of planning judgement and the weight offered to the often competing arguments are within the exclusive domain of the decision maker.</p> <p>No change to the SCI is required.</p>
Breadsall Parish Council	Paragraph 2.3	Object	<p>Paragraph 2.3 lists the City's neighbouring local authorities but does not refer to Erewash</p>	<p>Paragraph 2.3 refers to where the Council will work with its HMA partners (Amber Valley Borough</p>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Council Response
			Borough Council.	<p>Council and South Derbyshire District Council). However, we acknowledge that Erewash Borough Council is an important partner and the paragraph will be amended to read:</p> <p>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) <u>along with Erewash Borough Council who also adjoin the City.</u></p> <p>Opportunities will be taken where other external partners or community organisations can assist with event organisation or venue provision.</p>
Breadsall Parish Council	Paragraph 2.5	Object	The Parish Council requested that whenever planning applications and proposed developments are likely to impact	The comments from the Parish Council are noted. With regard to the preparation of the Council's Local Plan and other

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Council Response
			<p>on neighbouring authorities and their infrastructures that all of those neighbours are included in the consultation process so that the City Council does actually fulfil its duty to co-operate.</p>	<p>Development Plan Documents, both Erewash Borough Council and the Parish Council are informed of each consultation. This issue was considered by the Inspector examining the Council's Core Strategy and he concluded that the Council had met the Duty to Cooperate.</p> <p>Erewash Borough Council are notified of every planning application which is likely to have an impact in its administrative area. Again the Council considers that it meets its statutory requirements.</p> <p>No change to the document is required.</p>
The Woodland Trust	Paragraph 2.5	Comment	<p>The Woodland Trust requested that the organisation is consulted as a general consultation body in the Development Plan process.</p>	<p>The comments from the Woodland Trust are noted. Historically, the Trust has been contacted to provide comments at each stage in the development of the Derby City Local Plan Part 1</p>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Council Response
				<p>and the Council will continue to engage with the organisation in any future consultations.</p> <p>No change to the document is required.</p>
Darley Abbey Society	Paragraph 2.8	Comment	<p>This paragraph does not seem to be consistent with paragraph 1.13, nor paragraph 2.9. If reflecting/complying with the Council's Communications Strategy, why not 12 weeks? Local Plan matters are highly significant. What circumstances could justify less than 12 weeks? What if a holiday season intervenes?</p>	<p>As outlined previously, planning policy does have regard to this requirement. However, the primary requirement for us to follow is the minimum requirements of four weeks as set out in the regulations. However, when creating a consultation timetable, officers will have regard to the Council's requirements.</p> <p>In devising a consultation timetable, officers will endeavour to ensure that it does not clash with any public holidays. Where this does happen, every attempt is taken to ensure that a longer consultation is undertaken.</p>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Council Response
				<p>Having-said-that, the following text will be inserted at the end of paragraph for clarity:</p> <p><u>The Council will endeavour to ensure that no consultation clashes with a public holiday. Where it does occur, the Council will seek to ensure that the consultation period is extended.</u></p>
Darley Abbey Society	Paragraph 2.9	Comment	To ensure consistency with the comments relating to paragraphs 1.13 and 2.8, this paragraph should be amended accordingly.	<p>The Council recognises that there may be some conflict between the requirements of the regulations and the Council's Communications Strategy. Therefore, the second bullet point will now read:</p> <ul style="list-style-type: none"> <li>• we will comply, <u>where possible</u> with the Council's Corporate Consultation Strategy. <u>However, the requirements of the regulations will take priority when determining the length of any consultation</u></li> </ul>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Council Response
DCC EQIA Board	Paragraph 2.9	Comment	Easy Read needs to be added to the list of formats documents should be produced in.	<p>Agree with the comment. The fifth bullet point in paragraph 2.9 will now read:</p> <ul style="list-style-type: none"> <li>we will make copies of the main documents available in large print, in braille, <u>in Easy Read format</u> and in different languages on request</li> </ul>
DCC officer comment	Paragraph 2.10	Comment	The paragraph should highlight the role that the Council's Equality and Diversity Forums play.	Planning officers will work closely with <u>both</u> the Council's Corporate Communications Team <u>and the Equality and Diversity Team</u> to ensure that we reach a broad range of people, groups and organisations.
Darley Abbey Society	Paragraph 2.11	Comment	The Society notes that the table setting out the consultation methods indicates that "groups we need to reach out to" appear to benefit from greater consultation than "Community groups and other stakeholders". However there is also wider	The comments from the Society are noted but the relevant part of the table deals with running workshops helping to determine issues, formulate options and develop policies rather than general consultation.

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Council Response
			involvement “through the Council’s external partners”.	No change to the SCI is required.
Darley Abbey Society	Paragraph 2.12	Comment	The review of library services may throw doubt on their capacity to support those without internet services.	The future of the City’s libraries has yet to be determined. As soon as a decision has been made by the Council, the paragraph will be amended and an alternative solution devised.  No change to the SCI is required
Darley Abbey Society	Paragraphs 2.13 to 2.19	Comment	This section does not specify a minimum consultation period for consultation on a Supplementary Planning Document.	The 2012 regulations specify that a consultation should not be less than four weeks. Therefore, the Council considers that there is not a need to specify a timeframe for consultation as the Council’s Consultation Strategy will take precedent.  For clarity the following text will be added at the end of paragraph 2.14:  <u>In-line with the requirements of the regulations, consultations will</u>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Council Response
				<u>not be less than four weeks.</u>
A member of the public	Section 3	Object	<p>Section 3 deals with community involvement in the Development Management process. The respondent considers that irrespective of the views of the community, the City Councils planning officers submit their recommendations to the Planning Committee meetings which are largely politically biased.</p> <p>The respondent also considers that members on the Planning Committee, sit in silence and don't ask or question the City Council's recommendations but just nod applications through without comment.</p>	<p>Planning officers base their decision, or recommendation to Planning Control Committee, based on a number of factors including the Council's statutory plan, evidence provided by the applicant and comments received through consultation with statutory bodies and the community. Planning law requires that decisions made must accord with adopted local and national planning policies unless material considerations indicate otherwise. Whilst there may be objections to applications these have to be weighed in the balance of other factors in reaching a recommendation to put before members. Refusal of an application must be justified by the conflict with those policies.</p> <p>The conduct of members of Planning Control Committee is</p>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Council Response
				<p>not part of the remit of the Statement of Community Involvement.</p> <p>No change to the document is required in this instance.</p>
Darley Abbey Society	Section 3	Comment	<p>The revised SCI makes no reference to the administration of comments when loaded on the Council's e-Planning website. The Society suggests that the source of each on-line contribution needs to be available to those reading the listing.</p> <p>In the absence of this, it is necessary to open every single posting if one is seeking a particular posting; consequently those who have submitted comments are forced to trawl through everyone else's submissions to find out whether or not their own has been received and posted. In the absence of easy identification,</p>	<p>The primary aim of posting comments on the Council's website is to provide a record of all responses received in respect of a particular application and to assist the Council in determining an application. It also assists officers in understanding particular issues.</p> <p>No change to the document is required in this instance.</p>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Council Response
			the danger is that Officer time will be taken up dealing with queries and/or complaints from those who have been unable to find their own posting.	
A member of the public	Paragraph 3.1	Object	The respondent considers that, based on previous experience, the statement is meaningless.	Reflecting previous comments, planning decisions are based on a wide range of factors, including the views of the local community.  No change to the SCI is required.
Darley Abbey Society	Paragraph 3.12	Comment	If the submitted plans do not support the identification of occupiers of abutting land or property, the whole consultation process is undermined. Shouldn't someone check the submitted plans or drawings to ensure they fully show property or land which abuts the application site?	The submitted plans do not have to identify adjoining properties but neighbouring properties are identified by officers at the start of the consultation process.  No change to the SCI is required.
Darley Abbey Society	Paragraph 3.13	Comment	The Society questions whether 21 days is adequate? Should more time be allowed, for	The statutory period to receive comments is 21 days. In reality decisions are not made on the

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Council Response
			<p>example for larger proposals or when holiday periods intervene?            (A recent Highway's proposal was posted on 23 December without any allowance being made for Christmas/New Year holiday period – which left residents feeling that there was no real commitment to consultation.) A period of 21 working days would be better.</p>	<p>following day (day 22) so there is often a degree of flexibility in allowing the receipt of comments. However, for those comments to be taken into account they should be returned within the 21 day period.</p> <p>No change to the SCI is required.</p>
Darley Abbey Society	Paragraph 3.22	Comment	<p>Regarding the ability to speak at Planning Control Committee; the paragraph states that anyone wishing to speak needs to tell the Council up to 5 working days in advance. Presumably this is at least 5 working days? If so the text needs to be amended accordingly.</p>	<p>The Council considers that the current text is self-explanatory and does not need amending.</p> <p>However, following examination by the Council's Executive Scrutiny Board the text was amended for clarity; it now reads:</p> <ul style="list-style-type: none"> <li>• tell the Council their intentions <del>up to</del> <u>at least</u> 5 working days in advance of the meeting</li> </ul>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Council Response
Darley Abbey Society	Paragraphs 3.24 to 3.26	Comment	Previous practice has been to send emails or letters to those who have objected to/commented on applications informing them of the decision. Abandoning this practice is not made explicit. If this implied change is intended, Darley Abbey Society could support by informing members of relevant matters (given that members may not have access to internet services).	That practice has already ceased so the Society's offer is welcomed to inform their membership.  No change to the SCI is required.
Historic England	Appendix 1	Support	Historic England supports reference to the organisation as a statutory consultee. However, it recommends that reference is made, within Appendix 1, to the Charter for the appropriate 'when to consult HE' list in accordance with the relevant Procedures and Regulation	The comment from Historic England is noted and welcomed.  However, Appendix 1 merely lists the Statutory Bodies as set out in the regulations. The Council considers that it would not be appropriate to include the suggested web link in this section.  No change to the SCI is required.
The Woodland	Appendix 1	Comment	In order to improve consultation	The comments from the

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Council Response
Trust			<p>on planning applications, the Woodland Trust requested that the Council committed to consult the Trust on any applications that destroy, degrade or threaten the irreplaceable habitat of ancient woodland.</p> <p>They highlighted other local authorities who had incorporated this provision into their SCI and concluded by requesting that the Trust is incorporated into Appendix 1 as a non-statutory consultee.</p>	<p>Woodland Trust are noted. Historically, the Trust has been contacted to provide comments at each stage in the development of the Derby City Local Plan Part 1 and the Council will continue to engage with the organisation in any future consultations.</p> <p>We have advised the Trust that, as set out at paragraph 3.18 states that people can subscribe to the Council's weekly planning list to be kept abreast of planning issues that are of interest to them.</p> <p>No change to the document is required in this instance.</p>
Darley Abbey Society	Appendix 1	Comment	<p>Appendix 1 refers to 'Designated Neighbourhood Forums'.</p> <p>What constitutes a Neighbourhood Forum; does a Neighbourhood Plan have to be in place, or are there other pre-</p>	<p>The Localism Act allows local people to come together to undertake neighbourhood planning in a specific, designated area. The formation of the group is guided by the Neighbourhood Planning (General) regulations</p>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Council Response
			<p>requisites? This would help the Society understand better the potential relationship between Darley Abbey Society and the City Council and/or any Neighbourhood Forums.</p>	<p>2012.</p> <p>Once a group has been formally designated as a Neighbourhood Forum, they automatically become statutory consultees irrespective of if they have produces a neighbourhood plan.</p> <p>The Council consider that the SCI isn't the right document to go into detail about neighbourhood planning.</p> <p>No change to the SCI is required.</p>
Darley Abbey Society	Appendix 2	Comment	<p>The list of publicity and notification arrangements are caveated by "in broad accordance with statutory requirements"</p> <p>To avoid any ambiguity and potential exposure to illegal practices, should this not say: "as a minimum ensuring compliance with statutory requirements"?</p>	<p>We meet the minimum requirements but often can exceed them. This terminology affords that practice.</p> <p>No change to the SCI is required.</p>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Council Response
Darley Abbey Society	Appendix 2	Comment	There are also occasions when neighbour notification letters are to be sent “only when . . .deemed necessary.” The Society believes that neighbour notification should be automatic, in the absence of any clear and agreed criteria to be applied.	Current legislation provides for the use of either letters or site notice which is reflected in the content of Appendix 2. The text suggested by the Society exceeds national requirements.  No change to the SCI is required.
Darley Abbey Society	Appendix 3	Comment	‘Controversial applications’ include those where “a large number of people have objected”, but there is not a definition of “a large number of people”. Current letters to objectors explain which applications will go to Committee, rather than be dealt with by Officers under delegated powers. It is suggested that this advice should be included here for the avoidance of doubt and to ensure consistency.	The existing wording reflects current practice in that 15 or more objections result in a committee decision if officers recommend approval. However major important or significant applications can also be subject to a committee decision.  No change to the SCI is required.

## 4. Additional Amendments

- 4.1 In addition to the amendment in response to the representation by Breadsall Parish Council, it is proposed to insert a key below the Neighbourhood Planning consultation methods to indicate what is and is not a statutory requirement and delete the following text from the Glossary of Terms as the text is not required.

<b>Controversial applications</b>	<del>Applications where the proposed development conflicts with Derby's development plan, or where a large number of people have objected.</del>
<b>Core Strategy</b>	<del>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.</del>
<b>Significant development</b>	<del>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.</del>

## 5. Conclusion

- 5.1 Following a wide ranging consultation exercise, the Council received eight responses from statutory bodies, planning agents, developers and members of the public.
- 5.2 Of those, one comment resulted in a minor amendment to the Statement of Community Involvement to add clarity to the document. Other comments, although valid, focussed on the procedural processes involved in the preparation of Development Plan Documents and in the determination of planning applications.
- 5.3 In addition, further amendments were made following the Equality Impact Assessment of the SCI and in response to a comment made by a Council officer.
- 5.3 This consultation report will be submitted to the Council's Corporate Scrutiny and Governance Board before an amended Statement of Community Involvement is submitted to the Cabinet Member for Communities and City Centre Regeneration and the Strategic Director of Communities and Place for adoption.
- 5.4 Following adoption, the revised SCI and a summary document will be uploaded to the Council's website and copies placed in local libraries. To publicise the adoption, letters will be sent to everyone on the Council's Local Development Framework database and everyone who has submitted a planning application to the Council over the past two years.
- 5.5 It is intended to review the SCI from time to time to take account of new consultation techniques and legislative changes.

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.

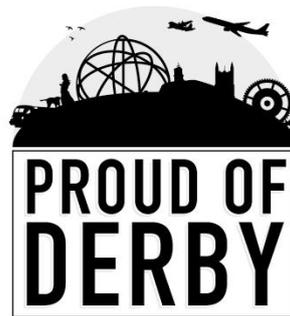
Prosimy o kontakt: 01332 640807 Tel. tekstowy: 01332 640666

### 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 ਸਿਨੀਕਮ 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 پر ہم سے رابطہ کریں۔



Derby City Council

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