

29th November 2012**Agenda Item: 4****REPORT OF GROUP MANAGER PLANNING****STATEMENT OF COMMUNITY INVOLVEMENT- FIRST REVIEW****Purpose of the Report**

1. To seek Committee agreement to the changes proposed as part of the first review of the Council's Statement of Community Involvement and approval to commence a period of consultation on the proposed changes.

Information and Advice

2. The County Council adopted its Statement of Community Involvement (SCI) in January 2007 following the statutory process. This public document sets out the County Council's approach to public consultation and involvement in the preparation of Minerals and Waste plans and in the determination of planning applications.
3. It was always anticipated that a full review of the SCI would be considered within 5 years of adoption. However, the need for a review has been made even more pertinent by changes in national legislation and planning guidance, progress on the Minerals and Waste Development Plan Documents, as well as local factors including the County Council restructuring and its increased emphasis on cost effectiveness. Since 2007 there have also been significant developments in new technology and consequently the County Council is increasingly choosing electronic communication as the preferred method of public engagement.
4. The key changes to the SCI proposed as part of the First Review are as follows:
 - i) Development Management – Since the adoption of the SCI the Localism Act 2011 has been enacted, followed a year later by the publication of the National Planning Policy Framework. The NPPF replaced most of the existing national planning policy against which planning proposals were considered. Instead the NPPF comprises a more concise document identifying the purpose of planning to be helping to achieve sustainable development. One of the key impacts of both the Localism Act and the NPPF has been at the pre-application stage of the planning process. The NPPF advocates early engagement between developers and local authorities to improve the efficiency and effectiveness of the planning application system. The Localism Act has introduced a new requirement for applicants to consult local communities before submitting planning applications for certain

developments. Applicants must have regard to the responses when deciding whether to amend the planning application prior to submission. This provision, which has yet to come into force, will only relate to large scale proposals. The text of the SCI has been amended to reflect these changes.

In 2010 the Town and Country (General Management Procedure) (England) Order 2010 was published and replaced the 1995 Order and its amendments. The Articles referred to in the SCI now reflect the current statutory instrument.

ii) Plan making - Following the introduction of the NPPF and the new Local Plan Regulations, future Development Plan Documents should be prepared as a single Local Plan rather than as a series of separate documents as under the previous Local Development Framework system. However, where documents are already at an advanced stage of preparation, such as the Waste Core Strategy, or if there are practical reasons to do so, it is still possible to prepare separate documents. The relevant text of the SCI has therefore been amended to reflect the new terminology. Much of the text on which documents will be produced, and when, has also been removed as this is already set out in the Minerals and Waste Development Scheme. The consultation measures have been updated to reflect the increased use of electronic communication, including social media, but there is still a commitment to make hardcopies available for those who do not have access to the internet.

iii) Cost effectiveness/electronic communication – In April 2011 the County Council commenced a major reorganisation moving from five to four departments and started to implement its Improvement Programme transforming the way in which it provides its public services in a more effective and customer focussed way. This has had an impact on the content of the SCI in terms of departmental and team structures, the availability of resources and contact information set out in the adopted SCI. These changes reflect the economic climate nationally and have placed greater emphasis on finding the most cost effective method of consulting and involving local people. Running in parallel with this have been the considerable advances in new technology, including improvements to the County Council's website and, as a consequence, electronic communication is now the preferred method for engaging people for both policy making and decision making on planning applications. This shift in emphasis is reflected in the proposed text of the SCI. One change, prompted by cost savings, is the proposal to notify **only** those who have made a request in writing to be notified of a decision on a planning application. At present the SCI states that anyone making representations will be individually notified of the decision. For major and controversial applications this has been extremely costly in terms of staff time and postage. Decision notices will continue to be placed on the County Council website and as such will be publicly available.

iv) Use of personal information – The SCI has been amended to make it clear that the names, addresses and comments of anyone making comments on planning applications or forward plans will be publicly available and those representations will be retained by the County council for a relevant period of time.

5. The proposed updated version of the SCI forms Appendix A to this report, for ease of reference the suggested changes are written in bold and italics.

Other Options Considered

6. Initially it was envisaged that a less formal “light touch” review of the SCI would be undertaken to expedite the process. However, given the scale and range of the changes that have prompted the update a full review is considered to be the most appropriate way forward.

Next steps

7. If Members approve the proposed changes to the SCI the next stage will be to undertake a six week period of consultation with statutory consultees, other interested parties and members of the public. As with recent consultations on Local Development Plan Documents electronic methods will be used for the consultations, where appropriate, including publishing the details on the County Council website. People will be encouraged to respond electronically. Once the responses have been considered and any relevant changes made to the SCI, the SCI will be submitted to Full Council for approval. If the consultation responses would result in major changes to the SCI, further consultation may be required and further reports will be brought to this Committee. Following approval by Council, the updated SCI will replace the original version adopted in 2007 and will become Council policy.

Reason for Recommendation

8. To seek members’ approval to the proposed changes to the SCI and to the recommendation to undergo a six week period of consultation on the changes. This commences the process of the first SCI review.

Statutory and Policy Implications

9. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users

10. It is considered that the proposed changes to the SCI will assist users of the document by containing more current and accurate information. Some of the proposed improvements set out within the updated SCI will improve the accessibility of information and will result in a more cost effective means of communication.

RECOMMENDATIONS

- 1) That a publication consultation exercise on proposed changes to the Council's Statement of Community Involvement as set out in the appendix to this report be undertaken.
- 2) Following the consultation the revised statement is submitted to Policy Committee for approval.

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Constitutional Comments (SLB 15/11/2012)

11. Environment and Sustainability Committee is the appropriate body to consider the content of this report.

Financial Comments (DJK 15.11.2012)

12. The contents of this report are duly noted; there are no financial implications arising.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Nottinghamshire County Council Statement of Community Involvement adopted 2007
Localism Act 2011
National Planning Policy Framework 2012
Town and Country Planning (Local Planning) (England) Regulations 2012

Electoral Division(s) and Member(s) Affected

All

Foreword by Councillor Richard Butler

Nottinghamshire County Council adopted its SCI in January 2007. Since then, there has been a great deal of change both nationally and locally regarding planning, such as the introduction of the NPPF. We therefore think that it is timely to carry out a review.

The SCI is a public document which sets out the County Council's policy and approach to public consultation and involvement in the minerals and waste plans it prepares and the planning applications it determines. We are keen to ensure that communities have opportunity to be involved in the planning processes, and this document sets out how we will do this.

Two key strands underpin the SCI. These are 'front loading', which means providing the opportunity to comment on planning proposals at the earliest possible stage, and 'continuous involvement' which ensures that communities continue to be engaged throughout the plan, preparation and planning application processes.

This first review of the SCI has been prompted by changes in national planning legislation and guidance, progress on the county council's Minerals and Waste Development documents, as well as advances in technology enabling the greater use of electronic methods as an effective means of communication.

The revised SCI confirms the County Council's commitment to engage the community in the planning process and to ensure that we can reach the best possible consensus when making planning decisions.

Insert photo of Cllr Richard Butler



Councillor Richard Butler
Chairman of Environment and Sustainability Committee

Preface

The County Council adopted *its first* Statement of Community Involvement (SCI) on 18 January 2007. *This updated SCI document replaces the earlier adopted version. It has been prepared in accordance with the National Planning Policy Framework, the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012.*

Changes to the SCI

Since the SCI was adopted new primary and secondary legislation and planning guidance has come into effect. These include the Localism Act 2011, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Town and Country Planning (Development Management Procedure) (England) Order 2010. In addition, the National Planning Policy Framework was issued in March 2012 and replaced much of the existing national planning policy, including the Planning Policy Statements and Minerals Planning Statements and guidance. However, at the time of writing, national policy on waste continues to be set out separately.

Since the adoption of the SCI the County Council has undertaken consultations on its replacement Minerals Local Plan and its Waste Core Strategy in accordance with the SCI. These documents will continue to go through a series of public consultation stages and independent examinations before being formally adopted by the County Council. The progress of these documents has been monitored through the Annual Monitoring Report published by the County Council.

In the light of the current economic situation the County Council has increasingly placed greater emphasis on cost effectiveness and value for money. As a consequence the County Council is likely to make greater use of electronic communication for its consultations, where appropriate, in order to strike a balance between the accessibility of information and being cost effective. Since 2007 the County Council has also undergone a restructuring which has had an impact on departmental and team structures, contact details and the availability of resources.

The SCI has therefore been updated to reflect the above issues.

This document is available in large copy prints, audio cassette, Braille, or languages other than English. If you require the document in one of these formats please contact the address below:

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1 Introduction

1.1 Local communities need to be confident that they will be fully involved in the preparation of future plans, strategies and planning proposals that may affect them. All planning authorities **therefore have to** prepare a '**Statement of Community Involvement**' (SCI) setting out how this will be achieved. For the County Council, which is the **minerals and waste planning authority** for Nottinghamshire, this SCI will cover the following areas:

- **The preparation of forward plans and policies** which provide the framework for determining all future proposals for minerals and waste development, such as quarries, landfill sites and other waste and recycling facilities. These plans can include preferred areas for development as well as more general policies.
- **The determination of planning applications** for minerals and waste development. The County Council is also responsible for determining proposals for its own development such as schools and roads.

1.2 The seven Nottinghamshire district **and borough** councils all prepare separate SCIs covering their planning functions. These comprise the preparation of forward plans and **the determination of** planning applications for all other types of development such as housing, retail and employment. Nottingham City Council is a unitary authority and is therefore responsible for all planning matters within its boundary.

What are the main aims of the SCI?

1.3 Public consultation has always been an important part of the planning process and the County Council's methods and approaches have been improved and developed over time in line with good practice. **The following four principles are central to our approach:**

- **Front loading** – this means providing opportunities to be involved in planning proposals at the earliest possible stage and before decisions are made, allowing communities to help shape forward plans and future development.
- **Continuous involvement** – ensuring communities are continually engaged throughout the planning process **both for plan preparation and where planning applications are amended or revised prior to determination**. This should result in a greater understanding, consensus and ownership of planning decisions.

- **Transparency** – ensuring the reasons why certain planning decisions have been made, and what other options have been considered and why they have been rejected, are available for public scrutiny and consultation.
 - **Providing feedback** – letting the community know when and why a decision has been made and how their views have been taken into account.
- 1.4 The principles underpinning the SCI build upon the priorities and guiding principles set out in the County Council's **Sustainable Community Strategy 2010-2020**. For example, the strategy wants to see local people influencing decisions which affect their lives and their communities. Principles such as this are reflected in other public engagement initiatives such as the **Public Engagement Policy**, published by the County Council in December 2005. Together they aim to promote the economic, social and environmental well being of the county whilst allowing communities early and continuous involvement in shaping future development.
- 1.5 By tailoring its methods of community involvement to address the four key principles highlighted above, the County Council believes it will carry out its planning functions in a way which leads to:

Community Involvement
Consensus
Legitimacy
Sustainability

- 1.6 The remainder of this SCI considers community involvement proposals for forward plans and then planning applications. The final sections consider how community involvement will be resourced and monitored.

2 The preparation of forward plans

Why plan for minerals and waste?

- 2.1 Where minerals are worked, and how we can best deal with all of the waste we **produce** present major planning issues for the county and are of obvious interest and concern to those communities most affected by these activities. The industry must also be able to plan ahead so it can justify the long term investment needed to develop new or extended minerals and waste sites on which our environment, economy and lifestyle depend.
- 2.2 ***Nottinghamshire County Council is the minerals and waste planning authority for the county of Nottinghamshire. This means that it is responsible for all matters associated with minerals and waste development, including setting land use policies and determining planning applications for such developments.***
- 2.3 ***Decisions on planning applications should be made on the basis of having an up-to-date statutory development plan setting out strategy, provision, policies and sites for development. Alongside, the Local Plans produced by the District and Borough Councils, the County Council has a statutory duty to prepare, and keep up-to-date, an equivalent plan or plans for minerals and waste. A Local Plan can be produced as a single, comprehensive document or it can be made up of several separate documents depending on local circumstances.***
- 2.4 Exactly which documents are **going** to be prepared, **how** and when **is** set out in the **Minerals and Waste Development Scheme**. The County Council's **current** development scheme came into effect **in September 2012**.
- 2.5 All forward plans within the framework, and the scheme, must be monitored annually and reviewed as necessary to make sure that the framework remains up to date and comprehensive in its coverage.

How are the new plans prepared?

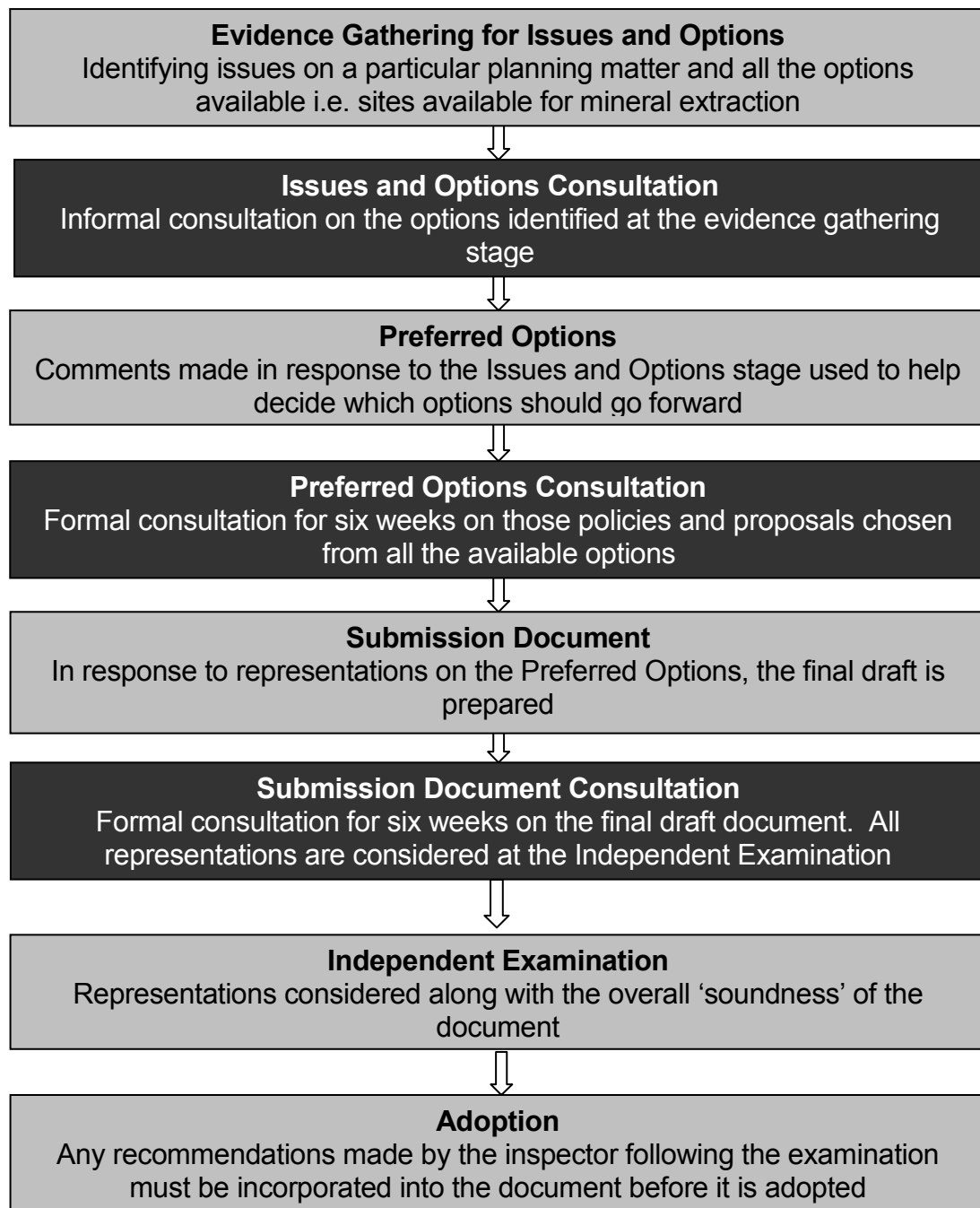
- 2.6 Each development plan document must go through various stages of public consultation and an independent examination before it can be adopted. (see **Figure 1**).
- 2.7 In summary, the process begins with an informal '**issues and options**' stage. This results from an evidence gathering exercise which explores what reasonable options exist to address the planning issues that need to be resolved. The information and comments received are then used to help prepare a '**preferred options**' document **setting out which options are** considered the most suitable to go forward into the plan and which have been rejected and why. This is **again** subject to a period of **informal** consultation, the responses to

which are then used to help prepare the final '**submission draft**' document which is ***subject to a formal consultation period before being*** submitted to the Secretary of State. This draft ***will be made available for public inspection at the County Council's offices and on our website. All of the representations received are then forwarded to the Secretary of State, along with the submission draft and any supporting information. This will include a*** summary of the main issues raised ***and how these have been taken into account during the plan preparation which will also be available on*** the County Council's website or provided on request. ***Once the plan has been submitted, there will be an independent examination held before a*** Government appointed inspector.

- 2.8 The examination considers the 'soundness' of the whole document along with any objections made at the submission draft consultation stage. The document can only be ***adopted if it is found to be sound by the Inspector who may recommend specific changes in order to make the plan sound. If it is not found sound the plan will have to be withdrawn.*** Copies of the adopted document will be published as soon as possible after its adoption and also published on the County Council's website. ***Figure 1 provides an overview of the plan preparation process.***

As well as preparing the various planning documents the Council also has to produce an Annual Monitoring Report setting out progress in terms of plan preparation and implementing policies.

Figure 1 – Stages in the preparation of development plan documents



Note: Additional consultation may be required after the submission draft consultation stage if objectors make representations seeking the addition or alteration of a site allocation and/ or the County Council decides to make further significant changes prior to the independent examination.

For supplementary planning documents, only a draft document is prepared which is the subject of a 4-6 week consultation period. The responses to this are taken into account prior to the document being adopted.

Who approves the Minerals and Waste Development Framework documents?

- 2.9 **All development plan** documents must be considered and approved by the County Council's elected councillors. The approval mechanisms vary according to each document and *the* stage it is at. ***Early stages may be considered by the relevant committee but more formal stages will have to be considered at a meeting of the Full Council.*** For each planning document, the County Council will also establish informal member and officer working groups where appropriate. These groups will aim to further improve councillors' involvement in and understanding of the planning process.

Legal challenges and complaints

- 2.10 All objectors to the submission document have a right to have their views heard at the independent examination. Neither the County Council nor objectors have a right to appeal against the inspector's recommendations. Objectors can, however, legally challenge a development plan document within six weeks of it being adopted. Such challenges must be based on procedural or other substantive legal errors in preparing the document. The usual rights to make a complaint on these grounds to the **Local Government Ombudsman**, or via the County Council's own complaints procedure, apply. The County Council could also challenge the inspector's report on procedural or other legal grounds.

Compliance with the SCI

- 2.11 The County Council is required to comply with the measures set out in the SCI when preparing minerals and waste development **plan** documents. Evidence given at an independent examination which shows otherwise could result in the inspector at the independent examination recommending that a development plan document be withdrawn.

3 Community involvement during the preparation of forward plans

- 3.1 The SCI has to meet the legal minimum requirements for consultation and publicity and more importantly set out the additional measures to be carried out to meet the four key principles set out in paragraph 1.3. These are considered below:

Consultation and publicity – what the County Council must do

- 3.2 For development plan documents, consultation must begin at the informal issues and options stage. The County Council must consult all organisations and other bodies it considers relevant to the document being prepared. These will normally include Government departments and agencies, the minerals and waste industries district and parish councils and environmental groups. The types of groups that will be consulted are set out in annex 1. There is no specific requirement to publicise or to individually consult local residents or any other members of the public.
- 3.3 At the formal consultation stages, organisations will be sent **details of the** plan, public notice and forms for making representations. All other relevant documents, such as the sustainability appraisal, will be available on the County Council's website or **printed copies can be made available on request at a reasonable charge**. This approach should minimise wastage and costs in sending background documents to consultees who may have no wish to see them.
- 3.4 At the formal consultation stages, public notices must be placed in the local press and copies of all relevant documents must be made available for public inspection at the County Council's main office. Documents must also be made available on the County Council's website and electronically. The County Council must make provision for representations to be submitted electronically.
- 3.5 For supplementary planning documents, only one formal consultation stage takes place which follows similar procedures as those detailed in paragraphs 3.3 and 3.4 above for development plan documents.

Additional consultation and community involvement – what the County Council proposes to do

- 3.6 ***As well as the minimum requirements set out above, we will also make use of some or all of the following methods, where appropriate, to ensure wider community engagement in line with the four key principles set out in paragraph 1.3***

3.7 Each measure is discussed in turn and its relevance to each type of forward plan and the stages of its preparation detailed. A summary of all the options can be found in table 3 (see pages **21-23**). Tables 4a-4c (pages **24-26**) detail when each of these options is likely to be used at the various stages of preparation for the different types of forward plans.

- **Near-neighbour notification**

3.8 Minerals and waste development proposals can have a real or perceived impact over a wide area and possibly whole communities. Near-neighbour notification is **useful** for planning applications (see paragraph **5.11**) **which affect a specific location but there can be practical problems in using this for forward plans which cover a large area. It is not feasible for the County Council to write to every resident individually, but where** minerals and waste plans are **putting forward** site specific proposals **rather than general, strategic policies**, near-neighbour notification **may be appropriate**. Indeed, the County Council has carried out such near-neighbour notification in recent years. Nevertheless, in adopting this approach, a balance has to be struck between the benefits of consulting everyone who could conceivably be directly or indirectly affected against the costs and practicalities of adopting such an approach.

3.9 There are no national standards for consultation distances **and the likely impacts of development will vary according to the type of use being proposed and the exact location. For example issues such as noise or visual impact will be significantly different between say an industrial or a rural location. Taking account of** Government guidance and practical experience we will **therefore use the following** minimum near-neighbour notification standards for rural and built up areas as set out in **Table 1** below. These standards will be applied to all allocations for mineral extraction, landfill and other waste management facilities.

Table 1 – Proposed allocations for minerals and waste development – near-neighbour notification standards	
Location of proposed allocation	Minimum level of near neighbour notification
Rural areas	250 metres from the allocation boundary
Built up areas	100 metres from the allocation boundary
For the purposes of this SCI, 'built up areas' are those predominately surrounded by built development with little or no adjacent open countryside. 'Rural areas' are those predominately surrounded by open countryside with only small settlements and isolated buildings close by.	

3.10 The above standards are a minimum. Additional consultation will be carried out where issues such as visual and traffic impact are clearly more widespread. This will help ensure that those properties most at risk of being affected are

individually notified. This approach, along with other local consultation and publicity measures (see below), should ensure that local residents and communities will be aware of what is proposed at an early stage in preparing a relevant plan.

- 3.11 The consultation will include sufficient information to highlight the site or sites relevant to the neighbourhood, along with other standard details on how to inspect the full documents and respond to them. Details of any public meetings/exhibitions organised relating to the site could also be included.

- **Stakeholder meetings**

- 3.12 Stakeholder meetings allow **a wide range of views to be considered** in an open forum. Stakeholder groups have no decision-making powers but can take involvement beyond paper consultation exercises, enabling different parties to interact and see how their views relate to the views of others. This process can help to achieve a greater degree of consensus than otherwise might be the case.

- 3.13 To be effective, the groups are best limited in number, **usually no more than 15 or 20** to contain sufficient expertise and breadth of views to provide the **useful** guidance. Representatives from Government bodies and agencies, the minerals and waste industries, environmental bodies and community organisations would normally be invited (see annex 1 for a full list of the types of consultees).

- 3.14 Stakeholder groups are **more likely to be suitable when preparing strategic policies setting out the broad approach on the amount and type of development that is appropriate, for example, rather than when** considering specific site **allocations** where individual commercial and local interests may tend to make objective discussion and consensus more difficult to attain.

- 3.15 To be most effective the stakeholder groups should be established at the very start of preparing a new plan, before any informal general consultation begins. This means that the group can debate and provide evidence on what issues and options apply.

- **The role of parish/town councils**

- 3.16 Parish and town councils have an important role to play in **relaying information** to their communities when forward plans are produced, especially for site specific proposals, and then **feeding back** any local concerns back to the planning authority. The relevant parish/town councils, both within and adjacent to the county, can assist the County Council in deciding how best to inform local communities, including hard to reach groups, of proposals being put forward. These options include suggesting suitable venues for public meetings and exhibitions (such as parish/community halls, local libraries, public houses and post offices), leaflet drops and providing suitable locations to place additional documents on public display or display posters and/or leaflets.

3.17 The partnership between the County Council and parish/town councils is important because the latter often have limited resources, both in terms of active members and finance, to fully engage their parishioners. By working together, the objectives of the SCI can be more fully realised.

- **The role of voluntary and community organisations**

3.18 Voluntary and community organisations can also have an important role to play when forward plans are produced. This can be in partnership with parish/town councils or, in areas where there is no such council, they could be the main focus for engagement within the local community.

- **Hard to reach groups**

3.19 There are some sections of the community which traditionally do not get involved in planning matters. These are often referred to as 'hard to reach groups' and include:

- The elderly
- Ethnic minorities
- Travellers
- The disabled.

By working with these groups and their representatives, it is hoped that they can have a more active role in planning matters in the future. The County Council will make every endeavour to meet the requirements of the ***Equality Act 2010***.

- **The use of the internet and other electronic communication**

3.20 ***The use of the internet and email is now an integral part of everyday life and is a key tool when it comes to consultation and raising public awareness. Where possible, we will use email to make people aware of consultations to reduce costs and paper use. All of the consultation documents and supporting information will be available on the County Council's website for the public to view or download, or copies can be made available on CD much more cheaply than printing. However we will still ensure that printed copies are available for those who prefer, or do not have access to a computer. We will also use social media sites such as Facebook or Twitter to raise awareness and provide updates on plan progress.***

- **The use of the media**

3.21 The media can help publicise forward plans in a number of ways.

3.22 Press releases provide a factual background of what is being proposed at each key stage. They can also explain the County Council's views and reasoning for

the decisions it has taken. There is, however, no guarantee that the local press will use them and they are not a reliable means of publicity.

- 3.23 Press adverts have the advantage that the County Council retains control of what is published. However, they need to be paid for and the costs of placing a prominent advert can be considerable. This has to be balanced against the additional publicity it might achieve.
- 3.24 The County Council **may** also use its own publications, **such as County News**, to bring key documents to the public's attention
- 3.25 Finally, there are some publications produced for planning professionals and the minerals and waste industries which the County Council can contribute articles. This can, for example, help keep the various industries up to date on the key planning issues in the county. However, some of these publications have **infrequent publication dates which mean** that they are not always suitable for seeking consultation responses.

- **Feedback**

- 3.26 It is important that all consultees, particularly objectors, receive good feedback so they know how their comments and representations have been considered and why they have been accepted or rejected. This can help objectors decide if they wish to maintain their objection or withdraw it in light of the County Council's reasons for not accepting it.

A summary of how and when we will use these various consultation methods

- ***How will we use your personal information***

- 3.27 ***Please be aware that in order to maintain an effective consultation database of those who have expressed an interest in any of the planning documents being prepared, we will need to keep a record of your name, address, contact details on our database and any comments you have made. Consultation responses cannot be made anonymously and others will have the right to see comments you have made. Where these are published on the County Council's website we will make every effort to ensure that personal details such as your address, phone number, email and signature are not visible to others. However we are required to make copies of responses available to view at our offices on request and this may include original correspondence.***

If you no longer wish to be contacted by the County Council about any of our planning documents you can let us know and ask us to remove your details at any time. However, if you have made formal representations on a plan we cannot delete your record unless you withdraw your representation which will mean it cannot be considered by an Inspector at examination. This also applies to any representations you may have made on a plan that has since been adopted. The Council has to retain all of the

information and evidence, including representations that were part of preparing that plan in case of any procedural/legal challenge. Usually the information is retained until the Plan has been replaced which may take several years.

The information we hold will only be used in connection with the planning documents we are preparing and the planning process and we will not pass this on to anyone else other than those who are directly involved with preparing the plan and the planning process unless we are required to disclose this information by law or by any government department or other regulatory authority. Where relevant information may be disclosed to others outside the County Council such as the Planning Inspectorate.

4 The determination of planning applications

Types of planning applications

- 4.1 The County Council is responsible for determining planning applications for minerals and waste proposals and for its own development. The type, scale and complexity of applications vary enormously. These range from major proposals including new quarries, **large scale** waste management facilities, new schools and road schemes to minor applications such as small buildings within sewage treatment plants, applications to vary planning conditions, extensions to schools and multi-use games areas on school sites. ***Since their introduction in 2009 the County Council has also dealt with applications for non-material and minor-material amendments to existing planning permissions.***
- 4.2 The nature of each application affects how long the County Council takes to deal with them. For instance, minor, straightforward applications are usually determined within 13 weeks, with more complex ones often taking over six months. Exceptionally, it can take a year or more to determine a very complex, major application.
- 4.3 Most major proposals are accompanied by a significant number of plans and supporting documents, including, where required, an environmental statement. These can raise complex issues which require extensive consultation. Sometimes planning permissions are subject to legal agreements, which often add significant time to the issuing of the decision.

Stages of determining planning applications

- 4.4 The process of determining a planning application is essentially the same regardless of its size or complexity. The applicant must submit the necessary forms and supporting information and the County Council then makes a decision to grant or refuse planning permission after all consultations and negotiations have been completed. In some cases, the applicant may discuss the proposal

with the County Council, other key consultees and local communities before the planning application is submitted. The merits of this approach are considered later in paragraphs 5.6 – 5.7.

Making the decision

- 4.5 Major and controversial planning applications are reported to the County Council's Planning and Licensing Committee for a decision by councillors. *Using powers delegated to the **Corporate Director for Policy, Planning and Corporate Services** planning officers make decisions on more straightforward applications.*
- 4.6 If a planning application is approved, the decision usually has a comprehensive set of planning conditions attached (with reasons) and sometimes a legal agreement covering aspects such as financial contributions towards the long term aftercare and management of a site or dealing with lorry routeing. Where appropriate, the County Council will undertake additional consultation on the approval of details required by planning conditions.

Compliance with the SCI, rights of appeal, legal challenges and complaints

- 4.7 If a planning application is refused, reasons have to be stated and applicants have the right to appeal against this decision or against conditions they consider to be unreasonable. Appeals are considered by a government inspector who can either uphold the decision made by the local authority or overturn it. Occasionally appeals are decided by the Secretary of State taking an inspector's advice into account. There are no third party rights to appeal against planning decisions. Additionally, there is no right of appeal against decisions made on the County Council's own applications.
- 4.8 The County Council has an internal complaints procedure to deal with matters relating to how planning applications have been processed, rather than the planning decisions themselves. This could include complaints that public consultation on a planning application has not complied with the SCI. Matters which cannot be resolved through this mechanism can be referred to the **Local Government Ombudsman**.
- 4.9 Very occasionally planning decisions are subject to legal challenges. Procedures for appeals and legal challenges fall outside the remit of this SCI.

Monitoring and enforcement

- 4.10 As most minerals and waste operations are ongoing and often long term developments, the County Council regularly monitors sites to ensure that planning conditions and legal agreements are complied with. This is done in accordance with an adopted '**Monitoring and Enforcement Policy and Protocol**'. Where breaches of planning control occur then the County Council has a range of powers to enforce compliance. Other statutory bodies, such as

the Environment Agency and district council environmental health departments, also have a role in enforcing the proper operation of sites.

Liaison groups

- 4.11 The County Council has encouraged the setting up of local liaison groups at most major quarries and waste management sites to help assist the dialogue between the industry and local communities. These meetings are usually held twice a year and may include site visits to look at how the development is progressing and what issues, if any, are of concern to the local community. Experience has shown that these meetings can be very effective at resolving issues and preventing problems before they arise, and operators are usually keen to be involved in this way.

5 Community involvement during the determination of planning applications

- 5.1 The methods of community involvement detailed below begin by setting out what the County Council must do, followed by additional measures it intends to undertake to meet the four key principles of the SCI (see paragraph 1.3).

Consultation, publicity and notification – what the County Council must do

- 5.2 Regulations require various bodies and organisations to be consulted on certain planning applications. For example, where an application affects a public highway, the local highways authority has to be consulted. If a proposed development involves mining operations or the deposit of refuse or waste, the Environment Agency has to be consulted. Consultees are either sent complete paper copies of the application or those sections which are relevant to them. Planning law requires statutory consultees to respond within a set time period of 21 days. Such bodies as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.
- 5.3 The minimum requirements for publicity and notifying local communities are very limited, comprising a combination of one or more of the following: site notices; local press adverts, and notifying adjacent land owners. Applicants must also notify any owners of land to which the application relates if they are not themselves the owner. Which methods apply varies according to the type of planning application, details of which are set out in *Table 2*.

Table 2 – Publicity requirements for planning applications (as required by Article 13 of the <i>Town and Country Planning (Development Management Procedure) (England) Order 2010</i>)	
Type of Application	Minimum Publicity Requirements
Applications for major development* submitted with an Environmental Statement; Applications involving a departure from the development plan; or Development affecting a public right of way	Posting of a site notice for not less than 21 days, and Notice in a local newspaper
Other applications for major development*	Posting of a site notice for not less than 21 days, or serving notice on adjoining owners/occupiers; and Notice in a local newspaper
Applications affecting the setting of a listed building or the character or appearance of a conservation area	Posting of a site notice for not less than 21 days; and Notice in a local newspaper
Other applications	Posting of a site notice for not less than 21 days; or Serving notice on adjoining owners/occupiers

* The definition of major development is set out in annex 2.

Additional consultation, publicity and notification – what the County Council proposes to do

- 5.4 The statutory publicity and notification measures listed above are unlikely to be very effective at engaging local communities. For instance, press notices generally follow a very legalistic format, do not set out the detailed nature of the proposed development and there is no means of establishing readership levels. Site notices are better at informing local residents of proposals, providing they are placed at accessible and easily visible locations, which the County Council endeavours to do.
- 5.5 **On their own, press and site notices only achieve their purpose of notifying the public of proposals. However, they fall well short of the consultation and engagement measures communities can reasonably expect. The County Council therefore intends to use a range of other measures, discussed below, to ensure the SCI principles are met. A summary of all potential options is set out in Table 3 (see pages 21-23). Details of when these options are likely to be used are set out in Table 4d (see page 27).**

- **Pre-application discussions**

- 5.6 ***The National Planning Policy Framework (paras.189-190) stresses that although developers are not required to engage with local authorities before submitting planning applications early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and should therefore be encouraged.*** The main advantage of pre-application discussions is that they provide an opportunity for the County Council to check if any issues have not been covered before the planning application is submitted. They are generally only carried out for major or potentially controversial proposals, or those affecting a sensitive area, and can involve consultation with other organisations. This reduces the likelihood of the County Council having to request further information from the developer once the application has been submitted and then having to carry out further consultation on that information. Occasionally, County Council officers may advise developers that their proposals are contrary to planning policy and therefore planning permission is unlikely to be granted, leading to proposals being dropped.
- 5.7 Developers often request that pre-application information be treated as confidential for commercial reasons, for example when they have yet to secure a legal interest in the land. However, where such obstacles do not exist or have been overcome, there are benefits to ‘front-loading’ the process by encouraging pre-application dialogue with the wider community. This early stage offers a real

opportunity for local residents to influence a development before final proposals are drawn up and submitted. While the County Council cannot make pre-application discussions compulsory (***with the exception of those application types listed in paragraph 5.8 below***) it will continue to encourage developers to enter into them, and welcomes the involvement of the local community. Developers/applicants will be encouraged to ensure that all public meetings and exhibitions are held at easily accessible locations.

5.8 *The Localism Act 2011 introduced a new requirement for applicants/ developers to consult local communities before submitting planning applications for certain developments. The details about what applicants will be required to do and which applications it will be applied to are still awaited. It is likely that it will only relate to very large scale proposals, probably development with a floor area of 10,000sqm or more or where the site area is 2 hectares or more. Applications will need to be accompanied by details of how the applicant has complied with the consultation obligations, including publicity given to the proposal and responses received. The Act then imposes a duty on the applicant to have regards to the responses when deciding whether to amend the application prior to submission.*

5.9 *This requirement to consult local communities will apply to proposals submitted both by external applicants and to the County Council as an applicant for its own developments, such as new schools, where these meet the relevant thresholds. At the time of drafting the SCI this requirement has yet to come into force. For further information about this please contact the Development Management Team.*

- **Additional consultation**

5.10 Beyond the statutory consultees described in paragraph 5.2, the County Council already consults other bodies and organisations it considers are likely to be interested in proposed developments and this will continue in the future. These include parish councils and organisations such as the Campaign to Protect Rural England, Nottinghamshire Wildlife Trust, the Health Protection Agency and local community groups. Annex 1 sets out the types of bodies and organisations to be consulted.

- **Near-neighbour notification on submitted applications**

5.11 The most effective way of ensuring local communities are aware of a proposal is to notify individual homes and businesses by letter. Near-neighbour notification on planning applications is widely practiced by local planning authorities and the

County Council is no exception. There are however no national standards or guidelines and each planning authority have had to develop its own approach.

- 5.12 The extent of this near-neighbour notification has been at the discretion of the case officer dealing with the application and it is proposed to retain this method in the future.
- 5.13 The extent of near-neighbour notification will vary according to the scale and nature of the proposal and its potential impact. For minor applications, consultation can usually be limited to properties adjoining the site. For larger scale proposals, such as a new quarry or school, more extensive consultation will be undertaken. The case officer will take account of details such as the proposed location and scale of new buildings and plant, access points, vehicular routes, and potential 'nuisances' such as noise, odour, dust and visual impact, and make a professional and well-informed judgement on who to notify. This process could also involve seeking advice from parish/town councils about any hard to reach groups in the area etc.
- 5.14 This approach differs from the more standardised near-neighbour notification that will apply to development plan allocations for minerals and waste proposals (see paragraphs 3.8 – 3.14). This is because consultation on planning applications can be more precisely tailored to reflect the expected impact of a detailed proposal. In contrast, near-neighbour notification on a development plan allocation can only look at the principle of the allocation. When deciding on the extent of near-neighbour notification, the County Council must also balance the benefits of consulting everyone who might be directly or indirectly affected against the costs and practicalities of doing so. The desire is to improve the quality of community involvement, not merely the quantity.
- 5.15 The County Council will continue to carry out near neighbour notification by letter with a site location plan enclosed. Comments will be invited within 21 days with all responses being acknowledged by the County Council. Specific requests for additional time to respond will usually be agreed to, where appropriate and practical. This could be to enable discussion at a parish council meeting or to take into account public and bank holidays. If significant amendments are made to a proposal the County Council will notify all original consultees about these changes.

- **Stakeholder group meetings**

- 5.16 For complex applications or those in sensitive areas the County Council will consider bringing together the various parties involved in the planning application process including developers, government bodies and agencies, and representatives from local action or community groups to form stakeholder groups. Meetings of these groups could be arranged at key stages of the application to establish common ground and help facilitate proposals that are acceptable to all parties.

- **The role of parish/town councils**

5.17 Parish and town councils, both within and adjacent to the parish council, have an important role to play in the planning process and can often be the focus of putting forward local concerns to the planning authority. They can also help identify hard to reach groups who might wish to be consulted on a certain issue. They can help identify suitable locations, such as parish/community halls, local libraries, public houses and post offices, for displaying additional planning documents, plans and other information, such as leaflets and posters, while also advising of suitable venues for holding public meetings and exhibitions. The County Council will continue to build on its existing relationships with them to make their role, and use of resources, more effective.

- **The role of voluntary and community organisations**

5.18 Voluntary and community organisations can also have an important role to play when planning applications are submitted. This can be in partnership with parish/town councils or, in areas where there is no such **council**; they could be the main focus for engagement within the local community.

- **Hard to reach groups**

5.19 The views of some sections of the community have traditionally been difficult to attain when dealing with planning issues. These sectors of the community are often referred to as 'hard to reach groups' and include:

- The elderly
- Ethnic minorities
- Travellers
- The disabled.

The County Council will make every endeavour to meet the requirements of the ***Equality Act 2010***.

5.20 It is important that the SCI develops and expands on traditional consultation and engagement methods and adopts more imaginative ways of ensuring that these sections of the community become more involved in the County Council's planning issues. The various methods proposed are summarised in **Table 3** (pages **21-23**) and by working with these groups and their representatives, it is hoped that they can have a more active role in planning matters in the future.

- **Public speaking at committee**

5.21 Where planning applications are reported to the Planning and Licensing Committee for a decision, anyone who has submitted written views on **an** application ***within the appropriate timescale*** is given an opportunity to speak at committee. Details of who can speak and for how long are set out in the County Council's 'Guidance Note on Public Speaking at Committee' ***which can***

be viewed on the County Council's website at www.nottinghamshire.gov.uk

- **The use of the internet and other electronic communication**

5.22 The County Council will continue to develop its website and other forms of electronic communication to make its planning service more accessible to the public **and consultees**. This will include placing information, such as **planning application forms, plans** and **other** supporting documents **as well as** decision notices, on the County Council's website. Electronic communication, such as CD ROMs and emails, will be used for consultation purposes where practical, available and preferred by consultees. Representations on planning applications can already be made electronically and it is anticipated that more use of electronic communication will be made in the future.

- **The use of the media**

5.23 The County Council will utilise the local media, publications aimed at planning professionals and the minerals and waste industries, and its own publications to publicise its planning applications, particularly major or controversial ones. This could include press releases to local papers, radio stations and television. Press advertisements may also be used for announcing significant proposals. However, due to their high cost, the County Council will encourage developers to undertake these as part of any public engagement exercise, particularly at the pre-application stage.

- **Feedback**

5.24 Anyone making representations on a planning application will be individually notified of the decision by the County Council when a final decision is made, if this is requested by them in writing. For all applications the decision, including the statement of reasons for the decision, will be placed on the County Council's website at www.nottinghamshire.gov.uk

5.25 Anyone making representations should be aware that names, addresses and any comments made will be publicly available and will be retained by the County Council for **the** relevant period of time.

**Table 3 – Community involvement options – benefits
and *resource implications***

Method	Objectives and benefits	Main resource implications
Near-neighbour notification	<ul style="list-style-type: none"> Ensures residents and businesses near a proposal are informed 	<ul style="list-style-type: none"> Postage costs Officer time identifying near neighbours
Stakeholder meetings	<ul style="list-style-type: none"> Brings together representatives covering a broad cross-section of views Establishes common ground at an early stage prior to plans and policies being drawn up Allows issues to be discussed in great depth Creates better evidence base 	<ul style="list-style-type: none"> Substantial officer time organising meetings and circulating documents/ correspondence Pressure on stakeholders who could be involved in numerous other similar meetings
Pre-application discussions	<ul style="list-style-type: none"> Identifies important issues at an early stage in the process Provides an opportunity for the local community to influence a proposal before it is finalised Can discourage planning applications being submitted which are likely to be refused 	<ul style="list-style-type: none"> Potentially significant officer time Implications for resources of applicants
Placing planning documents at local venues	<ul style="list-style-type: none"> Makes information more easily available to local communities 	<ul style="list-style-type: none"> Officer time arranging suitable venues with parish clerks Minimal additional printing costs
Loaning plans and documents	<ul style="list-style-type: none"> Makes information available to those with mobility problems which would otherwise be inaccessible 	<ul style="list-style-type: none"> Officer time System could be abused resulting in it becoming unmanageable
Public meetings	<ul style="list-style-type: none"> Engages local communities on local issues Can highlight main issues at an early stage e.g. pre-application Response sheets could provide valuable feedback 	<ul style="list-style-type: none"> Cost of hiring venues for meetings Officer time Can be confrontational Many people find it uncomfortable to participate

Method	Objectives and benefits	Main resource implications
Public exhibitions	<ul style="list-style-type: none"> • Makes detailed information available to local communities • Raises the profile of significant local planning issues • Response sheets could provide valuable feedback 	<ul style="list-style-type: none"> • Cost of hiring venues • Considerable officer time, especially if exhibitions required to be manned at all times • Can be confrontational • Many people find it uncomfortable to participate
Leaflets and posters	<ul style="list-style-type: none"> • User-friendly way of informing the public and consultees of the key points/issues of complex documents and applications 	<ul style="list-style-type: none"> • Design and printing costs (for planning applications, these could be borne by the applicant)
County Council website	<ul style="list-style-type: none"> • Makes detailed and up to date planning information widely available • Meets e-government targets • Provides an alternative way to make representations 	<ul style="list-style-type: none"> • Officer time updating the website, although this can offset additional printing costs • Not accessible to everyone
Parish/town council websites	<ul style="list-style-type: none"> • Key planning information can be placed on the parish/town council's own website • Increases local ownership of planning issues • Improves working relationship between County Council and parish/town councils 	<ul style="list-style-type: none"> • Officer time communicating with parish/town council • Not accessible to everyone
CD-ROMS, email and electronic documents	<ul style="list-style-type: none"> • Send details electronically to consultees instead of paper versions • Makes relevant information available to a wider audience • Provide online comment boxes for the public to complete • Meets e-government targets • Low cost and speed of email 	<ul style="list-style-type: none"> • Cost of CDs which can be offset by reduced printing costs • Cannot be used by everyone
Press releases	<ul style="list-style-type: none"> • Provides information to local radio and other media • Increases awareness and interest in planning matters • Reaches a wider audience including potentially 'hard to reach' groups at a low cost • Provides more user friendly format than statutory press notices 	<ul style="list-style-type: none"> • Officer time drafting the text • Might not be used

Method	Objectives and benefits	Main resource implications
Press advert	<ul style="list-style-type: none"> Promotes planning issues using local media Increases awareness and interest in planning matters Reaches a wider audience including potentially 'hard to reach' groups Provides more user friendly format than statutory press notices Guaranteed coverage, not subject to editorial decisions 	<ul style="list-style-type: none"> High cost Cost implications for developer if they publish one
County Council's own publications, such as County News	<ul style="list-style-type: none"> Increases awareness and interest in planning matters User friendly format Guaranteed coverage, not subject to editorial decisions 	<ul style="list-style-type: none"> Limited additional officer time Timing of publications not guaranteed to mirror consultation exercises
Professional publications, such as Minerals Planning	<ul style="list-style-type: none"> Informs professional organisations of planning matters in the county at a low cost 	<ul style="list-style-type: none"> Timing of publications unlikely to mirror consultation exercises
Site liaison meetings	<ul style="list-style-type: none"> Brings together site operators, council officers and the local community once a minerals or waste site is operational Keeps local communities informed of site operations Allows local concerns to be voiced and discussed in an open forum 	<ul style="list-style-type: none"> Officer time twice a year which could be substantial if there are a large number of sites having meetings
Planning Aid	<ul style="list-style-type: none"> Provides impartial planning advice to those who cannot afford it Help communities understand the planning process Allows local communities to play a more proactive role in planning 	<ul style="list-style-type: none"> Resource/manpower implications for Planning Aid

Table 4(a) – Community involvement – who, when and how

(A) Core strategies and development management policies documents		Statutory consultation	Likely methods of additional community involvement											
			Stakeholder meetings	Documents at local venues	Loaning documents and plans	Public meetings	Public exhibitions	Leaflets and/or posters	County Council website	Parish council websites	Electronic communication	Press releases/adverts	County Council publications	Professional publications
Target group for method of community involvement	Stage of document preparation													
General public	Issues and options													
	Preferred options													
	Submission													
Government bodies	Issues and options													
	Preferred options													
	Submission													
Parish/ town councils	Issues and options													
	Preferred options													
	Submission													
Interest groups	Issues and options													
	Preferred options													
	Submission													
Other planning authorities	Issues and options													
	Preferred options													
	Submission													
Industry/utilities	Issues and options													
	Preferred options													
	Submission													

Table 4(b) – Community involvement – who, when and how

(B) Site specific documents		Statutory consultation	Likely methods of additional community involvement													
			Near-neighbour notification	Stakeholder meetings	Documents at local venues	Lending documents and plans	Public meetings	Public exhibitions	Leaflets and/or posters	County Council website	Parish council websites	Electronic communication	Press releases/adverts	County Council publications	Professional publications	Planning Aid
Target group for method of community involvement	Stage of document preparation															
General public	Issues and options															
	Preferred options		*													
	Submission		*													
Government bodies	Issues and options															
	Preferred options															
	Submission															
Parish/ town councils	Issues and options															
	Preferred options															
	Submission															
Interest groups	Issues and options															
	Preferred options															
	Submission															
Other planning authorities	Issues and options															
	Preferred options															
	Submission															
Industry/utilities	Issues and options															
	Preferred options															
	Submission															

Table 4(c) – Community involvement – who, when and how

(C) Supplementary planning documents		Statutory consultation	Likely methods of additional community involvement							
			Docs at local venues	Lounging docs and plans	County Council website	Parish council websites	Electronic communication	Press adverts	County Council publications	Professional publications
Group	Stage									
General public	Draft SPD consultation									
Government bodies	Draft SPD consultation									
Parish/ town councils	Draft SPD consultation									
Interest groups	Draft SPD consultation									
Other planning authorities	Draft SPD consultation									
Industry/utilities	Draft SPD consultation									

Table 4(d) – Community involvement – who, when and how

(D) Planning applications		Statutory and non-statutory consultation	Statutory publicity	Likely methods of additional community involvement												
				Pre-application discussions	Near-neighbour notification	Stakeholder meetings	Documents at local venues	Loaning documents and plans	Public meetings and exhibitions	Leaflets and/or posters	County Council website	Parish council websites	Electronic communication	Press releases/adverts	County Council publications	Professional publications
				Planning Aid	Site liaison meetings	County Council publications	Professional publications	County Council publications	Press releases/adverts	Electronic communication	Parish council websites	County Council website	Leaflets and/or posters	Public meetings and exhibitions	Loaning documents and plans	Documents at local venues
Target group for method of community involvement	Type of planning application															
General public	Major/controversial															
	Minor															
Government bodies	Major/controversial															
	Minor															
Parish/ town councils	Major/controversial															
	Minor															
Interest groups	Major/controversial															
	Minor															
Other planning authorities	Major/controversial															
	Minor															
Industry/utilities	Major/controversial															
	Minor															

6 Resourcing community involvement

Resources available within the County Council

- 6.1 The planning functions covered by this SCI are carried out by the Planning Group, ***including Planning Policy officers and Development Management officers.***
- 6.2 The Group is supported by a team of administration officers and a ***GIS Development officer.*** Temporary staff and consultant services can also be engaged for particular planning tasks, or to meet periods of particularly high workload.
- 6.3 The County Council also has a ***Community and Voluntary Sector Team,*** which is available to provide advice on community involvement.

Resource implications of the SCI proposals

6.4 The measures in this SCI are expected to place increased demands on officer time and resources, especially at the early stages of the planning process due to the greater emphasis on 'front loading'. However, any such increases – including short term demands to set up new processes and front-loading activities – will not be major, and should be offset by reductions over the longer term. For instance, enhanced community involvement in the early stages of core strategies and site allocation documents should yield a greater degree of consensus and reduce the scale of objections to be resolved closer to the public examination stage. By focusing on improving the quality of involvement – such as better access to information – rather than the quantity, the County Council is confident that it has the resources available and in place to deliver the proposals set out in this SCI.

The role of Planning Aid *England* – a national Planning Aid service

- 6.5 People often prefer to seek independent planning advice and therefore local residents and groups will be made aware of the role of **Planning Aid**. **Planning Aid** provides a free and independent advice service on all planning related matters for individuals and community groups who cannot afford consultant's fees. It also works with communities to help them understand the planning process so that they can play a more positive role in it. **For more information contact the Planning Aid Adviceline:**

Tel: 0330 123 9244

Email: advice@planningaid.rtpi.org.uk

Making information accessible

- 6.6 The County Council will ensure that all forms of publicity are accessible to all sections of the community. The County Council's Communications **and Marketing** team are able to provide all consultation material, upon request, in other formats such as large print, audio and Braille. Information can also be provided in other languages. Venues chosen for public meetings/exhibitions or for viewing planning documents will be held in accessible locations, taking advice from parish councils where appropriate, as described above.

7 Monitoring and review

- 7.1 It is important that the methods of community involvement proposed in this SCI are regularly monitored in terms of their effectiveness. ***For instance, the SCI now advocates more use of electronic communication for its consultations to improve accessibility to information in the most cost effective way.*** The County Council will ***continue*** to work with the community to further enhance engagement measures in the light of experience. It is important that the County Council keeps track of these changes and that the SCI evolves in line with them.
- 7.2 The Minerals and Waste Development Framework arrangements require the County Council to produce and publish an Annual Monitoring Report. ***An Annual Monitoring Report has been published each year since the SCI was adopted. The Reports have acknowledged that the SCI predates significant revisions to the planning system since 2008, although the Government has advised that SCIs should not be reviewed for that reason alone. However, given the scale of the recent changes and other local factors, a review of the SCI is now considered to be timely.*** Annual Monitoring reports will ***continue to*** monitor the progress of ***the*** documents in the framework, including the ***updated*** SCI. ***They*** will also monitor the effectiveness of the policies and key indicators in these documents. For the SCI, this might include monitoring the response rate to near-neighbour notification exercises; information which could be used to decide whether the County Council's present approach to this remains unchanged or is amended.
- 7.3 ***The updated SCI is the result of the first review of the originally adopted SCI. It will itself be monitored in the Annual Monitoring Reports and reviewed within the next 5 years.***

Annex 1 – List of types of consultees

The following bodies and organisations will be consulted, as appropriate, during the preparation of development plan documents and the determination of planning applications.

County councils, district councils, parish/town councils – all councils within and adjacent to the county to be consulted on LDF documents which affect them along with, where appropriate, other county councils in the East Midlands. For planning applications, the relevant district and parish/town council is consulted along with other adjacent/nearby councils depending on the nature and size of the application.

Other statutory consultees, such as the Environment Agency, Natural England and the Coal Authority, are consulted on development plan documents and planning applications as appropriate depending on the nature of the document/application.

Interest groups such as Nottinghamshire Wildlife Trust, ***the Woodland Trust*** and local action groups. For development plan documents and planning applications, such groups will be consulted where appropriate depending on the nature of the document/application.

Utility companies such as Severn Trent Water and Network Rail. For development plan documents and planning applications, such companies will be consulted where appropriate depending on the nature of the document/application.

The minerals and waste industries and their trade associations – these will be consulted on minerals and/or waste development plan documents as appropriate. Consultation on planning applications will not normally be carried out.

Government Office for the East Midlands and the East Midlands Development Agency were abolished in 2010 and 2012 respectively and are no longer consultees on development plan documents or planning applications.

The County Council keeps a full list of all consultees for the minerals and waste development plan documents which is regularly updated and can be provided, or made available to view, on request. It should be noted that this list is not exhaustive and also relates to successor bodies where reorganisations occur.

Details on which bodies and organisations the County Council must consult are set out in **Article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010** Full details of the content of Article 16 can be provided by the County Council on request.

Annex 2 – Definition of ‘major development’

This is as defined in the Town and Country Planning *(Development Management Procedure) (England) Order 2010*

Major development means development involving any one or more of the following:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
 - (b) waste development, such as any operational development designed to be used wholly or mainly for the purpose of, or a material change of use to, treating, storing, processing or disposing of refuse or waste materials;
 - (c) the provision of dwelling houses where:
 - (i) the number of dwelling houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c) (i);
 - (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
 - (e) development carried out on a site having an area of 1 hectare or more.
-

Annex 3 – Legislative and policy background to the preparation of the SCI and other sources of information

Legal background

The SCI has been prepared in accordance with the following Government legislation and regulations.

Localism Act 2011

Planning and Compulsory Purchase Act 2004 *as amended*

Main Government legislation implementing the new Minerals and Waste Development Framework arrangements.

Town and Country Planning (*Local Planning*) (England) Regulations 2012

Sets out the procedures for the preparation of the SCI and other documents forming the Minerals and Waste Development Framework.

Town and Country Planning (*Development Management Procedure*) (England) Order 2010

Sets out procedures to be followed when determining planning applications.

National planning guidance and other Government publications

The following Government planning policy guidance has been considered during the preparation of the SCI

National Planning Policy Framework 2012

Government ***planning*** policy for ***plan making and development management***

Community Involvement in Planning – The Government’s Objectives (ODPM, 2004)

Government paper setting out the importance of greater community involvement and the principles underpinning the Government’s approach to it.

Statements of Community Involvement and Planning Applications (ODPM, 2004)

Government report detailing the different community involvement approaches available during the planning application process.

Framework for Assessing Soundness and Focussing Representations on Development Plan Documents/Statements of Community Involvement – Consultation Draft, February 2005 (Planning Inspectorate)

Draft guidance on making representations and the independent examination process for the new Local Development Framework arrangements.

County Council publications

Nottinghamshire's Sustainable Community Strategy 2010- 2020

Aims to improve the economic, social and environmental wellbeing of the county through local partnerships.

Details of this document can be found on the County Council's website at www.nottinghamshire.gov.uk

Public Engagement Policy

Sets out a number of standards which the County Council should meet whenever it carries out a public consultation exercise.

Guidance Note on Public Speaking at Planning and Licensing Committee

Explains how people can voice issues regarding a particular planning application at committee before a decision on the application is taken.

Other legislation relevant to the preparation of the SCI

Equality Act 2010

Freedom of Information Act 2000

Data Protection Act 1998

The following websites provide additional useful information on the SCI and the planning system in general

Department of Communities and Local Government
(www.communities.gov.uk)

Provides information on Government guidelines and initiatives.

Planning Portal (www.planningportal.gov.uk)

User friendly internet guide to the planning system set up by the Government.