

Appendix 1

Nottinghamshire Minerals and Waste Development Framework

Statement of Community Involvement

Submission Draft

Draft for meeting of County Council
18 May 2006 – subject to final editing changes

Foreword by Councillor Stella Smedley

Nottinghamshire County Council is justly proud of how it currently involves local people in its planning functions. However, as part of major planning reforms, the County Council is now required to put together a 'Statement of Community Involvement'. This is a public document which will set out the County Council's future approach to public consultation and involvement in the plans it prepares and the planning applications it determines.

Two key strands underpin the Statement of Community Involvement. These are 'front loading', which means providing the opportunity to comment on planning proposals at the earliest possible stage and 'continuous involvement' which is to ensure that communities continue to be engaged throughout the process.

The first round of consultations on this took place at the beginning of 2005 with our 'stakeholders', including local interest groups, parish councils and national organisations. We received a good response and the results helped us to shape our pre-submission draft Statement of Community Involvement which was published in November 2005. A wide variety of comments on this document, from both stakeholders and the general public, have now been taken into account and the submission draft Statement of Community Involvement is now ready to submit to the Government.

The County Council would again like to receive your comments on this important document. It aims to build upon the existing consultation practices and commitments of the County Council and will help establish the provision of an excellent and more open consultation strategy for the future.

Councillor Stella Smedley
Cabinet Member for Environment
and Sustainability



Preface

The County Council approved the publication of the **submission draft Statement of Community Involvement (SCI)** on 18 May 2006. This draft is the last of three consultation stages that the document must go through before it can be adopted by the County Council.

The submission draft takes into account comments received during the six week consultation exercise on the **pre-submission draft** which took place at the beginning of 2006. A total of 555 objections and 80 supporting representations were received. The County Council's response to these objections and any subsequent amendments incorporated into the SCI have been analysed by an independent consultant who has assessed whether the submission draft SCI meets the 'tests of soundness' set out in Government guidance.

The submission draft will be placed on deposit for a six week period of public consultation, during which time objections or supporting representations can be submitted. Any representations made at this stage will be considered by a Government-appointed inspector at an independent examination.

Following the examination, the inspector will produce a report and any recommendations made will be binding and must be accepted by the County Council before the SCI can be **adopted**.

When adopted, the SCI will form part of the County Council's new planning framework as required under new legislation.

Details of how to make **representations** can be seen on the County Council's website (www.nottinghamshire.gov.uk). Other relevant documents can be viewed on the website or at the County Council's offices at Trent Bridge House. For further information call 0115 977 2109, email development.planning@nottscc.gov.uk or write to the County Council at:

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Trent Bridge House
Fox Road
West Bridgford
Nottingham
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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. As part of a major reform of the national planning system, all planning authorities must now 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 councils will prepare separate SCIs covering their planning functions. These comprise the preparation of forward plans and determining 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. However, the requirements of the new planning system mean that all planning authorities must now reassess how they consult and involve communities in order to meet new standards and expectations. To achieve this, the following four principles will be applied:

- **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. 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 **Community Strategy**. For example, the strategy wants to see more 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:

Consensus
Community Involvement
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

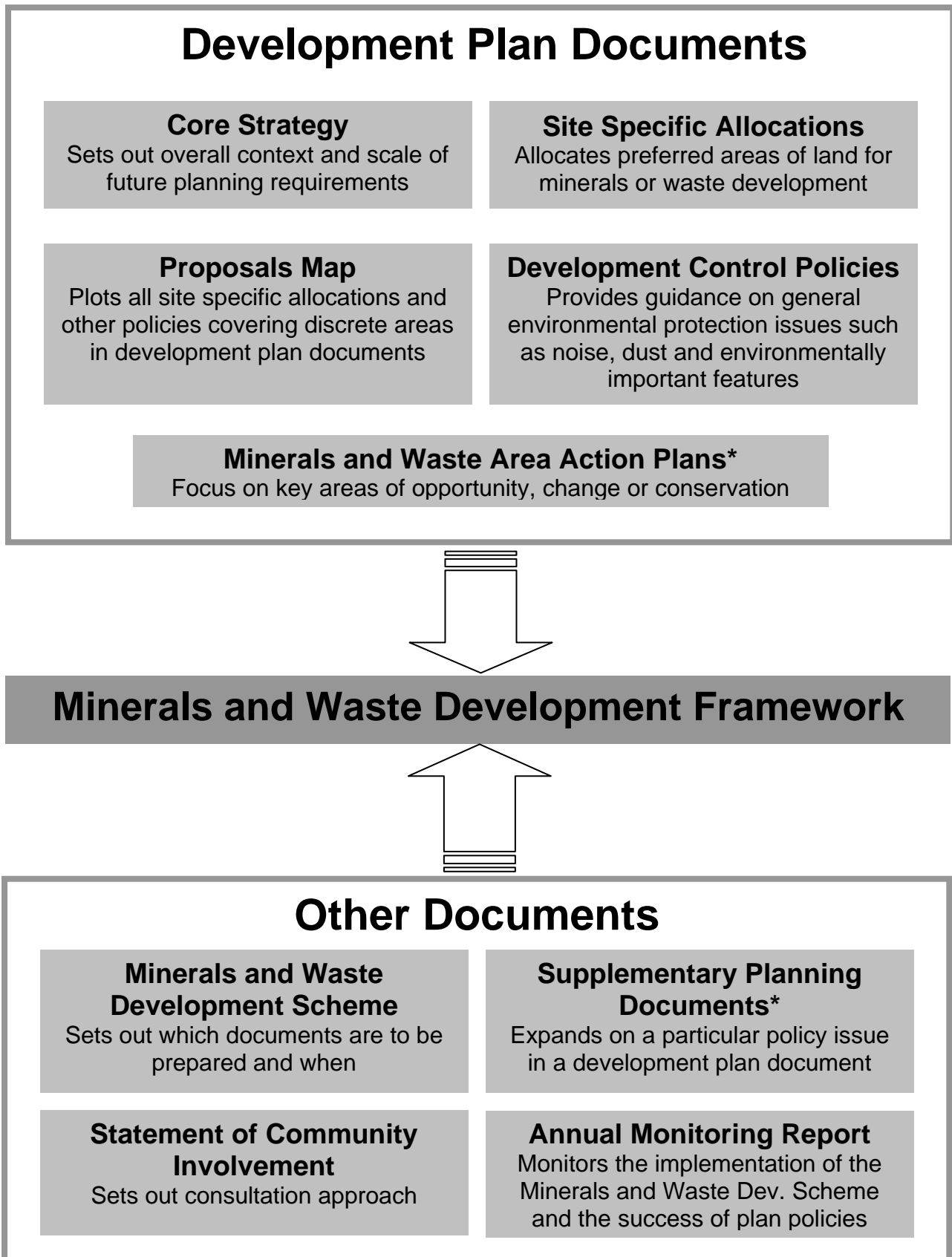
Why plan for minerals and waste?

- 2.1 Nottinghamshire is the largest producer of sand and gravel in the East Midlands, has nationally important deposits of gypsum and some of the UK's last remaining coal mines. Brick clay, limestone and oil are also extracted. These minerals provide essential raw materials for the construction and energy industries and Nottinghamshire is likely to remain a significant mineral producing county for the foreseeable future.
- 2.2 The county also produces large quantities of waste from households, businesses, industries, agriculture, mineral extraction and power generation. Much of this is managed locally through recycling, composting, energy recovery and disposal to landfill.
- 2.3 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.

The new Local Development Framework arrangements

- 2.4 Since 2004 all local planning authorities have had to start preparing new local development frameworks, which for the County Council will be known as the **Minerals and Waste Development Framework**. This framework will include the new forward plans for controlling minerals and waste development and will gradually replace the existing local plans which currently serve this function.
- 2.5 The framework will comprise a series of individual '**development plan documents**' each one dealing with an important aspect of minerals or waste planning. They can all be prepared independently and at separate times. The SCI also forms a key part of the framework and will stand alongside other documents which will set out the framework's future timetable, monitoring and review.
- 2.6 The complete list of documents which the County Council can or must produce is set out in **figure 1**. Whilst Figure 1 reveals a potentially complex array of new forward plans and other documents, a detailed understanding of all of these is not essential to be effectively involved in their preparation. Of all the new documents that will be prepared, probably the most important are the '**core strategies**' and '**site specific allocations**' documents, the key features of which are as follows:

Figure 1 – Documents forming the Minerals and Waste Development Framework



*Denotes optional document.

- 2.7 The **Minerals Core Strategy** will set out the principles of planning for minerals in Nottinghamshire, including an assessment of how much mineral is likely to be required over the next 10-15 years to meet expected demand. For example, around 500 hectares of sand and gravel bearing land in Nottinghamshire are worked out every decade. Finding options that are acceptable in environmental and other terms is becoming increasingly difficult, especially as some significant resource areas in the county face exhaustion. The core strategy will also set out what types of site will be suitable, but it will be the role of the **Minerals Site Specific Document** to allocate those sites considered best for meeting the overall requirements of the core strategy.
- 2.8 The **Waste Core Strategy** will assess what scale and types of waste management facilities – such as waste disposal, incineration and recycling plants – will be required to handle all of the waste produced in the county over the next 10-15 years. The Government has recently set targets to reduce the amount of household waste sent to landfill and a major challenge for the core strategy will be to move waste management away from landfill and towards more sustainable options such as recycling. The core strategy will set out what type of sites will be suitable but it is the **Waste Site Specific Document** which will allocate sites or areas for future waste management. Because of the close links with the City on waste planning issues, these waste documents will be prepared jointly with Nottingham City Council.
- 2.9 It is likely that national bodies and organisations and Government departments will have a greater input into the preparation of the core strategies whilst local residents and community groups will be more interested in the site specific documents.

Sustainability – how are suitable policies and sites selected?

- 2.10 New laws now require all forward plans to be prepared with sustainable development at the forefront. Sustainable development should not only ensure a better quality of life for everyone now, but also for generations to come by considering economic, environmental and social factors.
- 2.11 Each stage in the preparation of a development plan document must be subject to a rigorous assessment via a '**sustainability appraisal**'. The overall aim of the appraisal is to test all potential policy options and sites against key sustainability criteria and objectives – such as the future demand for minerals; the level of protection given to wildlife, cultural heritage and landscape; and how noise, dust and other pollution issues are addressed. Although the sustainability appraisal is a separate document, it is an integral part of the preparation of every stage of each plan, and is a key source of evidence used by the County Council to support proposals in the planning document. It can also be used by any party wishing to make representations for or against any proposal.

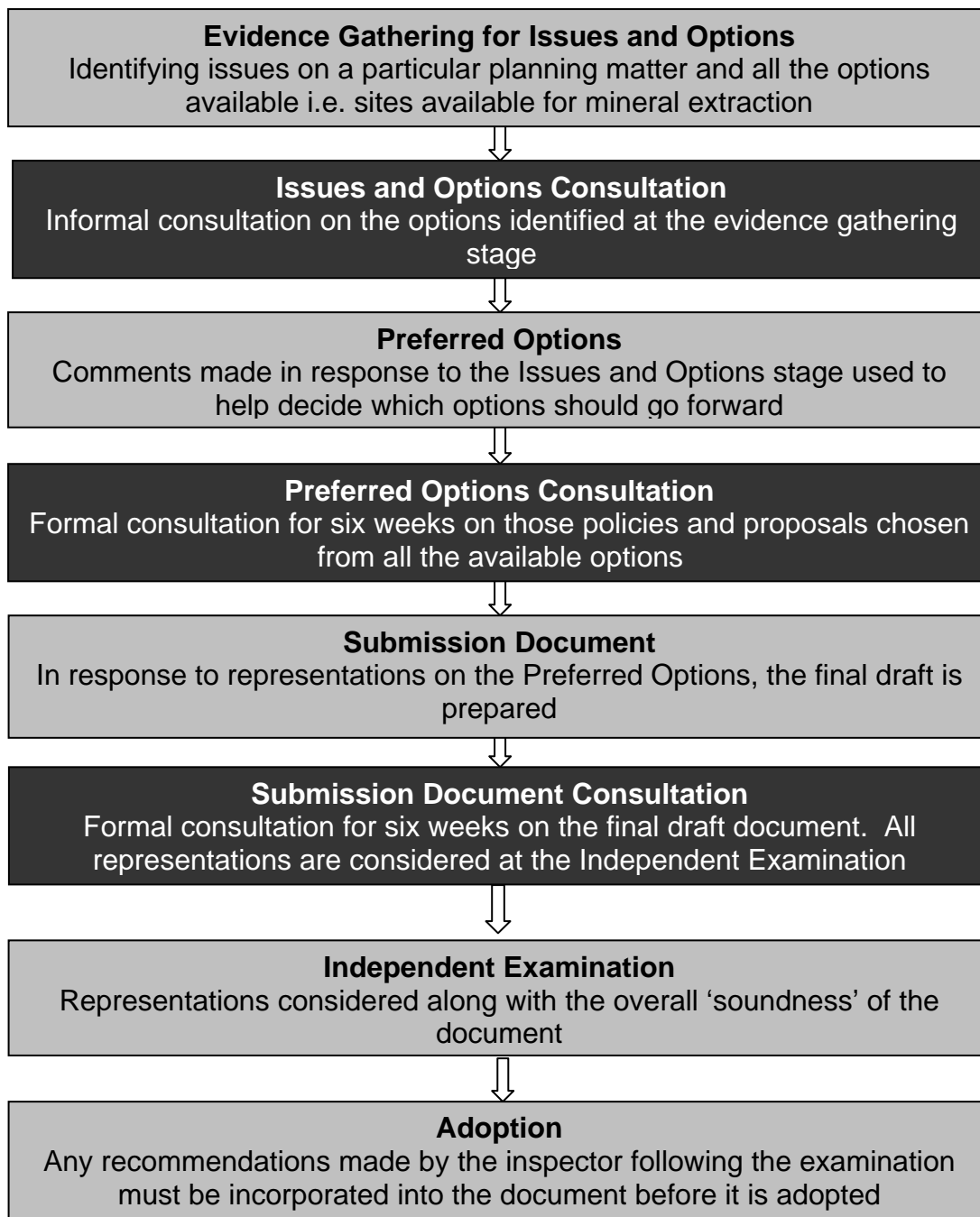
Which documents are going to be prepared and when?

- 2.12 Exactly which documents are to be prepared and when must be set out in the **Minerals and Waste Development Scheme** approved by Government (see figure 1). The County Council's first development scheme came into effect on 9 June 2005. As a general guide, it is anticipated that each development plan document will take from two to three years to prepare.
- 2.13 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?

- 2.14 Each development plan document must go through various stages of public consultation and an independent examination before it can be adopted. (see **figure 2**).
- 2.15 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. For a site specific plan, this might be to consult on all the potential sites that could meet expected future demand for minerals as set out in the Minerals Core Strategy. The information and comments received are then used to help prepare a '**preferred options**' document. Taking the above example this would set out which sites are considered the most suitable to go forward into the plan and which have been rejected and why. This is subject to a period of formal consultation, the responses to which are then used to help prepare the final '**submission draft**' document which is submitted to the Secretary of State. This draft is subject to further formal consultation with all representations submitted being made available for public inspection at the County Council's offices at Trent Bridge House. A summary of the main issues raised will be summarised on the County Council's website or provided on request. This consultation period is followed by an **independent examination** held before a Government appointed inspector.
- 2.16 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** after the inspector's recommendations, which are now binding on the County Council, have been accepted and incorporated into the document. Copies of the adopted document will be published as soon as possible after its adoption and also published on the County Council's website.
- 2.17 The SCI goes through broadly similar stages of preparation and consultation as a development plan document, including an independent examination. **Supplementary planning documents** (see figure 1) are subject to just one stage of public consultation and do not have an independent examination.

Figure 2 – Stages in the preparation of development plan documents



Note: Additional consultation may be required after the submission draft consultation stage if objectors put forward alternative sites for 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?

2.18 All documents that form part of the framework must be considered and approved by the County Council's elected councillors. The approval mechanisms vary according to each document and stage it is at. For development plan documents the submission draft and adoption stages will require approval at a meeting of all county councillors. The documents are also subject to scrutiny by a cross party committee. This focuses on procedural and other matters and advises the decision making body of any concerns about what is being proposed. This will include establishing a small sub-group of county councillors. This group will have regular briefing sessions with officers with the aim being to further improve councillors' involvement and understanding in the planning process.

Legal challenges and complaints

2.19 All objectors to the submission document have a right to have their views heard at the independent examination, and the County Council must now accept the Inspector's recommendations before adopting a development plan document or the SCI. 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 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

2.20 The County Council is required to comply with the measures set out in the SCI when preparing minerals and waste development framework 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 (see paragraph 2.15). 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 industry, 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 the forward plan, a copy of the 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 one hard copy will be provided free on request. 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 at certain stages the London Gazette) and copies of all relevant documents must be made available for public inspection at the County Council's main office. Documents must also be 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 Whilst the minimum consultation requirements should ensure that relevant organisations are informed of the forward plan making process, the public notices are a very unreliable method for reaching any organisation or individual who has not been individually notified. Furthermore, even when read, the notice does not reveal in any detail what is actually being proposed in the document going out to public consultation. Therefore, the minimum requirements will not:

- Ensure that local residents and other individuals are aware of what is being proposed; and
- Actively engage those organisations who are consulted.

3.7 To overcome these shortcomings, additional consultation and community engagement measures are proposed to meet the four key principles of the SCI (see paragraph 1.3). 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 4 (see pages 23-25). Tables 5a-5c (pages 26-28) detail when each of these options are 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, so it is not unreasonable for local residents to expect to be individually notified when a site near to them is being considered. Near-neighbour notification is standard practice for planning applications (see paragraph 5.9) but is rarely used on forward plans. A practical problem is the fact that forward plans, especially district council plans, often contain a whole range of site specific proposals and constraint areas which could mean a significant proportion of the local population could be affected in all sorts of different ways.

3.9 For minerals and waste plans, where site specific proposals are likely to be relatively limited in extent, near-neighbour notification is a more realistic proposition. 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.

3.10 There are no national standards for consultation distances. Government research into the environmental impact of mineral extraction suggests that effects such as noise and dust typically do not extend for more than about 200 – 250 metres from the site. For rural areas, where background noise is likely to be low, this distance would seem to be a realistic consultation limit. In built up areas, a lower limit of 100 metres is considered more reasonable as background noise will tend to be higher and visual impact limited to those properties nearest the proposed site.

3.11 These standards, as set out in table 1 below, will therefore 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.

3.12 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.

3.13 Near-neighbour notification is only suitable for forward plans making site specific proposals. General consultation will be carried out just once i.e. when the site or sites first become subject to public consultation. This will normally be at the issues and options stage, but could occur later if new sites are promoted after this stage. Any near-neighbour responding to that initial consultation will be treated as any other consultee and be notified on all later stages.

3.14 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**

3.15 Stakeholder meetings allow issues and options to be discussed 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.

3.16 To be effective, the groups are best limited to about 15 – 20 in number and contain sufficient expertise and range of viewpoints to provide the necessary guidance. Representatives from Government bodies and agencies, the minerals and waste industry, environmental bodies and community

organisations would normally be invited (see annex 1 for a full list of the types of consultees).

- 3.17 Stakeholder groups are most suited for involvement in the preparation of core strategies and other documents that are not promoting specific sites. For site specific documents their role is likely to be limited to the earliest stages of deciding on overall approaches to site selection. They will not be suited to considering specific sites where individual commercial and local interests may tend to make objective discussion and consensus more difficult to attain.
- 3.18 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**

- 3.19 Parish and town councils have an important role to play in communicating local concerns to their communities when forward plans are produced, especially for site specific proposals, and then forwarding 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.
- 3.20 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**

- 3.21 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**

- 3.22 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
- People with mobility problems.

3.23 It is important that the SCI adopts more imaginative consultation and engagement methods than have been traditionally used in the past to ensure that these sections of the community become more involved in the County Council's planning issues. The various methods proposed are summarised in table 4 (pages 23-25) 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.

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

3.24 Electronic communication, such as email and the internet, is becoming more and more popular with people having access at home and in public places such as libraries, where access is free to some. Electronic communication covers placing documents on the County Council's website for the public to view, to allowing representations to be made electronically. All development plan documents produced by the County Council will be placed on its website when subject to public consultation and will be available in CD ROM format where requested. The County Council would, where appropriate, assist parish councils with placing information on their websites.

- **The use of the media**

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

3.26 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.

3.27 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.

3.28 The County Council can also use its own publications to bring key documents to the public's attention. Details of these publications are set out in table 2 below.

Table 2 - County Council publications available to inform the public of major planning issues				
Title	Frequency	Circulation	Available from	Target audience
Your Environment	Quarterly	34,000	Public buildings, retail outlets such as supermarkets	Notts residents/ interest groups
County News	Quarterly	333,000	Direct to all Notts households	Notts residents
Planning and Property Briefing	Monthly	650	Distributed directly	Parish councils, libraries, county councillors, media
Travel and Transport Briefing	Monthly	660	Highways Area Offices	Fire/police, district councils, media
Living for Tomorrow	Three times a year	14,000	Direct to interested parties, libraries, community centres	Notts' residents
Countylink	5 editions a year	1400	Direct to district and parish councils, county councillors, interested groups and individuals	Parish/ town councils

3.29 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 less frequent publication dates which means that they are not always suitable for seeking consultation responses.

- **Feedback**

3.30 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.

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, major 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.
- 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. Planning officers using powers delegated to the Director of Environment 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 routing. 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 'Enforcement 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.

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 3.

Table 3 – Publicity requirements for planning applications (as required by Article 8 of the General Development Procedure Order 1995)	
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 4 (see pages 23-25). Details of when these options are likely to be used are set out in table 5d (see page 29).

• Pre-application discussions

- 5.6 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, 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.

- **Additional consultation**

5.8 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 Council to Protect Rural England, Nottinghamshire Wildlife Trust and local community groups. Annex 1 sets out the types of bodies and organisations to be consulted.

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

5.9 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 has had to develop its own approach.

5.10 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.

5.11 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.

5.12 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.

5.13 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 (or 28 days on applications accompanied by an environmental

statement) 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**

5.14 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**

5.15 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**

5.16 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**

5.17 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
- People with mobility problems.

5.18 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 4 (pages 23-25) 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**

5.19 Where planning applications are reported to the Planning and Licensing Committee for a decision anyone who has submitted written views on the applications 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'.

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

5.20 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. This will include placing information, such as plans and supporting documents and decision notices relating to current and previous planning applications, on the County Council's website. Electronic communication, such as CD ROMs, will be used for consultation purposes where available and preferred by consultees. Consultees are already able to make their representations electronically, both from home and public places such as libraries where access to some is free, and it is anticipated that more use of this facility will be made in the future.

- **The use of the media**

5.21 The County Council will utilise the local media, publications aimed at planning professionals and the minerals and waste industries, and its own publications (see table 2, page 14) 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**

5.22 Anyone making representations on a planning application will be individually notified by the County Council when a final decision is made. Where the application was for a major or controversial proposal, those who made representations will also be informed as to the conclusions reached on the issues raised, in order that they can fully understand the decision that the County Council has made. They will also be given the opportunity to discuss the decision with the case officer should they wish to know how their

comments were considered. Details of planning decisions are also placed on the County Council's website and included in the County Council's publication 'Planning and Property Briefing' which is sent to all parish council clerks and is placed in public locations, such as libraries.

**Table 4 – Community involvement options –
benefits and drawbacks**

Method	Objectives and benefits	Main resource implications and drawbacks
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 and drawbacks
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 	<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 and drawbacks
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 5(a) – Community involvement – who, when and how

<p style="text-align: center;">(A) Core strategies and development control policies documents</p>		<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Statutory consultation</p>	<p style="text-align: center;">Likely methods of additional community involvement</p>										
			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
<p style="text-align: center;">Target group for method of community involvement</p>	<p style="text-align: center;">Stage of document preparation</p>												
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 5(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	✓													✓	

* General near neighbour notification will only be carried out once at the issues and options stage. Subsequent notification limited to those who respond (see paragraphs 3.8 – 3.14 for details)

Table 5(c) – Community involvement – who, when and how

(C) Supplementary planning documents		Statutory consultation	Likely methods of additional community involvement							
			Docs at local venues	Loaning 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 5(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	Site liaison meetings
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 two teams within the Environment Department's development planning group. The make-up of these teams is set out in table 6 below.

Table 6 – County Council staff resources	
Minerals and Waste Policy Team	Development Control Team
1 x team manager 2 x planning officers 0.5 x technical support officer	1 x team manager 6.5 x planning officers 5 x enforcement officers 1 x planning support officer 0.5 x technical support officer

- 6.2 The group is supported by a team of three full time administration officers and an IT development officer. Temporary staff and consultant services can also be engaged for particular planning tasks, or to meet periods of particularly high workload. In addition to the County Council's own budget, further funding for this has been made available from the Planning Delivery Grant.
- 6.3 To assist with major community involvement exercises, the group can use the County Council's telecentre, at Warsop, for mailing and distribution. The County Council also has a corporate community engagement 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 East Midlands Planning Aid Service (EMPAS)

- 6.5 People often prefer to seek independent planning advice and therefore local residents and groups will be made aware of the role of EMPAS. EMPAS 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. The service offers assistance via a helpline and through a proactive community planning programme. EMPAS can be contacted at:

15 Wheeler Gate
Nottingham
NG1 2NA
Telephone: 0115 852 4266
Fax: 0115 852 4001
Email: emco@planningaid.rtpi.org.uk
www.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 Visual Communications 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. Community involvement is almost certain to evolve over time; for example, electronic communication is likely to become more popular. Also, the County Council will wish 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. This report will monitor the progress of preparing documents in the framework, including the SCI. It 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 If the report identifies significant shortcomings then these will trigger an early review. It is likely that monitoring of the SCI will be assisted by customer satisfaction surveys in order to gauge the opinions of key stakeholders and whether or not they are satisfied with how the approaches set out in the SCI are working in practice. In any event, a full review of the SCI is likely to be considered within about 5 years of this SCI being adopted.

Annex 1 – List of types of consultees

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

Government Office for the East Midlands.

Regional development agencies, county councils, district councils, parish/town councils – all those within or adjacent to Nottinghamshire, plus any other county and unitary authorities in the East Midlands.

Government departments and agencies such as the Environment Agency, the Highways Agency and the Coal Authority.

Interest groups such as Nottinghamshire Wildlife Trust, Age Concern and local action groups.

Utility companies such as Severn Trent Water and Network Rail.

The minerals and waste industries and their trade associations.

The County Council keeps a full list of all consultees for the minerals and waste development framework which is regularly updated and can be provided, or made available to view, on request.

Details on which bodies and organisations the County Council must consult are set out in Article 10 of The Town and Country Planning General Development Procedure Order 1995. Full details of the content of Article 10 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 (General Development Procedure) Order 1995)

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 Pre-Submission Draft SCI has been prepared in accordance with the following Government legislation and regulations.

Planning and Compulsory Purchase Act 2004

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

Town and Country Planning (Local Development) (England) Regulations 2004

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

Town and Country Planning (General Development Procedure) Order 1995

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 Pre-Submission Draft SCI

Planning Policy Statement 12 – Local Development Frameworks (ODPM, 2004)

Government policy statement for the preparation of Local and Minerals and Waste Development Frameworks.

Creating Local Development Frameworks – A Companion Guide to PPS12 (ODPM, 2004)

Provides detailed Government guidance for the preparation of Local and Minerals and Waste Development Frameworks.

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

‘All Together Better’ – Nottinghamshire Community Strategy 2005-2009

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 (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

Race Relations (Amendment) Act 2000

Disability Discrimination Act 1995

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

Office of the Deputy Prime Minister's website (www.odpm.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.
