

Erewash Borough Council Statement of Community Involvement (2012 Update)

Produced in Accordance with Section 18 (Chapter 5)
of the Planning and Compulsory Purchase Act 2004
(as Amended)

November 2012

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1. Introduction

a. What is the Statement of Community Involvement?

- i. This Statement of Community Involvement (SCI) sets out how Erewash Borough Council will involve the community in the preparation, alteration and review of local planning policy and decisions on planning applications.
- ii. The purpose of the SCI is to set out who the Borough Council will consult, when consultation will be undertaken and how it will be carried out.
- iii. The original Erewash SCI was adopted by the Borough Council in March 2007. Since producing this, legislative changes to the planning system have occurred. It has therefore been necessary to amend the original SCI to take these changes into account. Indeed it is important that the SCI remains legally compliant and fit for purpose and regular reviews ensure this. This document therefore replaces the original SCI to ensure that changes to the planning regulations¹ are accorded with.
- iv. The original SCI was produced in response to extensive consultation with the public and other interested parties. It was also a requirement that it was submitted to a Secretary of State appointed inspector for independent examination. The obligations to undertake formal consultation on the SCI and to submit to an inspector no longer exist as part of the current regulations. Moreover, as the changes that have occurred are only to ensure legal compliance, further public consultation has not been carried out. This SCI sets out:
 1. *What aspects of planning policy and development control community involvement will be sought on;*
 2. *How community involvement will be sought;*
 3. *How community involvement will take place;;*
 4. *When involvement will occur; and*
 5. *Those groups, organisations and individuals that should be involved at the various stages of the planning policy and development control planning processes.*

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012

b. Why prepare a Statement of Community Involvement?

- i. The objectives of the modern planning system are based on a premise of strengthened community and stakeholder involvement where local groups, organisations and people are given the opportunity to get involved effectively in the planning and development process. It is therefore vital that all those who should be or would want to be involved, are given adequate information to allow them to do so.
- ii. The Planning and Compulsory Purchase Act 2004 therefore requires local planning authorities to produce a 'Statement of Community Involvement'. This sets out the Council's vision and strategy for effective community participation within the planning system.
- iii. There is a contemporary drive for increased community involvement where the Localism Act (2011) sets out a vision of planning where communities are engaged from the outset and continually as local planning systems evolve. A key theme of the Localism Act is that community input is vital to produce better plans and make better decisions.
- iv. To reflect the needs and aspirations of local people and establish real understanding between the public and the often complex processes of the planning system, communities need to be engaged early on in the plan making process, and effectively consulted with in relation to the development control process.
- v. The Borough Council also recognises that the specialised knowledge of stakeholders can be used positively to share information, and in doing so, improve dialogue between the two and increase the likelihood of planning outcomes which reflect the aspirations of all. Improved dialogue is crucial and beneficial in a number of ways:
 1. *Stakeholders are interested and consequently 'committed' to the process (and outcome);*
 2. *Such dialogue will aid in identifying a range of opportunities, ideas and alternative solutions;*
 3. *Such dialogue will ensure there is a suitable arena within which formal options and ideas can be effectively tested; and*
 4. *The Borough Council will be able to better gauge public reaction to ideas and proposals.*

- vi. This SCI should help to ensure that all consultation activities are carefully planned and carried out to enable useful, productive and effective outcomes which feed directly into the plan making process. The Council wants to offer everybody the opportunity to get involved with plan making and influence decision making, whilst ensuring that best use is made of the available resources.
- vii. The SCI will also act as a means by which consultation activity can be monitored and where appropriate, new ideas and approaches can be developed and applied.

c. Principles

- i. The guiding principle of the SCI is that community involvement is at the heart of the planning process occurring locally across Erewash. Timely and appropriate consultation with communities throughout the Borough should help encourage support for policies that will influence the form and distribution of future development within Erewash. There is recognition that greater public 'ownership' of future planning policy will ensure wider acceptance amongst the communities in which future development may occur. This aim can be achieved through the concept of 'frontloading' (i.e. the process of involving people as early as possible in the planning system – both development management and plan making), ensuring that communities feel they have contributed positively to the preparation of the Council's planning documents and decisions.
- ii. Through the SCI, the following principles demonstrate how the Borough Council will carry out public participation on planning matters:
 - 1. *Information will be easily accessible;*
 - 2. *Timely comments will be welcomed;*
 - 3. *All comments and contributions will be considered;*
 - 4. *Communities will be given opportunities to take an active part in developing proposals and options;*
 - 5. *Communities will be given the opportunity to comment on formal proposals;*
 - 6. *Everyone with an interest will receive informative feedback (usually via reports published on the Council website);*

7. *Everyone who is interested will be kept informed of progress and outcomes; and;*
 8. *Proven methods of consultation will be maintained, but new and effective methods will always be sought.*
- iii. Involving communities in the planning process is a two-way process, and has many benefits that not only extend to communities, but also back to the Borough Council:
1. *Communities will feel they have a sense of ownership over planning policy and future proposals affecting their neighbourhoods;*
 2. *Local communities will feel they have the chance to influence the decision-making process;*
 3. *Local communities will have the opportunity to suggest various options/ideas/proposals for achieving objectives;*
 4. *It gives individuals the opportunity to make a difference and help shape the future of their own communities;*
 5. *It helps to promote and build a mutual 'trust' between the Borough Council and communities to ensure commitment to a set of common goals;*
 6. *Through front-loading, the need for lengthy and often-expensive inquiries will be avoided;*
 7. *It will demonstrate to all that the process of engagement is continuous; and*
 8. *It will help to create a transparent and open planning system that communities can relate to and easily engage with.*

d. What can people actually get involved in?

- i. There are two fundamental aspects of the planning system that people can get involved with. It is important to the Council that stakeholders feel they are able to contribute to both – although they are quite different as individual entities. In both respects, getting involved as early as possible is essential to shaping the decisions which are made.

1. Plan-making (planning policy) – this side of planning sets the policy framework against which decisions on individual applications are made against. Consultation is undertaken on draft policies, but not on the evidence base which informs them.

2.Planning applications (Development control/management) – most types of development require a planning application to be submitted and approved. There are systems in place which allow for anyone to view an application and make comments. Although a decision is normally made based on policy, any comments which are deemed to represent material considerations will also be considered in the decision making process.

- ii. Decisions on individual applications are made in line with local planning documents, produced through the plan preparation process as detailed above. As a result, the two sides of planning are inextricably linked and it is important that people feel they can get involved effectively at the early plan preparation stages rather than only on a reactionary basis in relation to individual applications.

e. The corporate policy context

- i. Corporate policies are an important component of a well-functioning Council. These ensure that a consistent approach is taken to working and tackling Council-wide ambitions, including those relating to community involvement.
- ii. The Borough Council is always keen to expand upon the quality of community involvement it carries out. There are several documents already in place which allow stakeholders to have a say in planning the Borough's future. The following documents have been identified as having links to the aims and objectives of the SCI, representing the wider objectives and ambitions across the breadth of the Council.
- iii. **Sustainable Community Strategy (2009-2014)**
- The third version of the Council's Sustainable Community Strategy has been developed by the Erewash Local Strategic Partnership (LSP). It aims to act as a platform for tackling issues that matter most to people in the Borough, addressing what local people and businesses have said they want to see happen in the future. Planning in general has often been recognised as having an important role to play in delivering the kind of ambitions often seen within the Sustainable Community Strategy.

- iv. **Erewash Corporate Plan (2008-2012)**
 - This provides the focus for the work that the Borough Council will deliver over the plan's time period. It aims to ensure that corporate decisions are made in a cohesive way to support delivery of the visions and aims for the Borough of Erewash. This plan acts as a linchpin between all other strategies across the Council. In this respect it is particularly important that plan-making has regard to the intentions and aims of the Corporate Plan, especially when taking into account the statutory function of planning within the authority.

- v. **Communications and Consultation Strategy (2012-2015)**
 - This makes clear that consultation should be open and honest, clear and consistent, relevant and timely, targeted to the audience and accessible (and two-way). These principles represent ambitions shared by the SCI. Importantly, the document makes clear that a priority of 'think electronic first', 'print second' strategy represents the major shift forward for communications and consultation, and this is something that the SCI will need to display flexibility over in the future. As technologies progress and the appropriate infrastructure is developed at the Council (for instance, corporate social networking facilities), consultation methods in planning will need to evolve with it. As a result, it is important that flexibility is exercised with regard to the SCI as a tool for directing effective consultation. It is important to make clear that this SCI will be closely monitored and alterations made where necessary – particularly as new forms of engagement become available to the Borough Council.

- vi. The SCI has been produced in accordance with the overarching set of corporate policies. Consultation and engagement as advised by the SCI plays an important part in helping the work of planning to meet Council-wide objectives.

2. Community involvement in plan making (Planning Policy)

a. The plan-making (Planning Policy) system

- i. The planning system requires local authorities to produce local development documents which collectively set out the spatial strategy for their local area, and provide the basis on which planning applications are determined.

- ii. Of these, there are two types of document which serve quite different purposes. Development Plan Documents (DPDs) set out planning policies for a local area against which decisions must be made. A 'Core Strategy' for instance is an example of a DPD. Supplementary Planning Documents (SPDs) elaborate on these policies and provide further information and detail. The Borough Council for example has an SPD which supports and provides further clarification to 'Saved Policy H6 – Affordable Housing'.
- iii. Planning legislation and regulations dictate what documents must be produced, which are optional and which of the documents must be developed with community involvement.
- iv. SPDs and DPDs follow slightly different regulatory requirements and it is the regulations which inform the Borough Council's methods for preparing them.
- v. The Council's Local Development Scheme provides further information regarding the programme of document production that the Council is currently following. It is an evolving schedule and is subject to change. This is available to view on the Council's website (<http://www.erewash.gov.uk/>).

b. Preparing Development Plan Documents (DPDs)

- i. The following table summarises the different stages of preparation that the Council will go through to develop a DPD. The 'Reg' column indicates where a stage is associated directly with a particular regulation.
- ii. It is important to recognise that the Council may or may not implement additional stages - for instance, several stages of consultation could be appropriate due to circumstances. This table represents the minimum the Council will usually undertake, as well as those stages which are statutorily required.
- iii. Alongside the development of a DPD, a Sustainability Appraisal (SA) is also required. The requirement to complete an SA came into force as part of the Planning and Compulsory Purchase Act (2004). In addition, European Directive 2001/42/EC, which came into force in the UK on 21st July 2004, requires that local authorities undertake an

'environmental assessment' of any plans and programmes they prepare that are likely to have a significant effect upon the environment. This process is commonly referred to as a 'Strategic Environmental Assessment' (SEA). The Sustainability Appraisal process which will be undertaken as part of the development of any DPD will meet the requirements of a Strategic Environmental Assessment and assess the potential social, economic and environmental impacts caused by its implementation.

Table 1: Stages of DPD development.

Stage	Reg.	Description
1 – Establishing the appropriate evidence base and initial development of ideas		The evidence base which informs the development and direction of a DPD must be obtained using up to date information and data – using internal and potentially external sources of expertise where necessary – on a range of social, economic and environmental matters. This will alter depending on the specific subject and purpose of the DPD. Initial ideas about what the main issues that the DPD should address will be considered.
2 - Public participation in the preparation of a DPD	18	The work carried out at Stage 1 is used to inform the direction of the DPD. The main issues that the DPD needs to deal with will be identified, as well as available options. At this point, the first stage SA is produced (Scoping).
3 – Preparation of DPD		The plan continues to be developed using the existing evidence base, much like at Stage 1, but at this point findings from any new studies and any representations received at Stage 2 will also be taken into account. The SA will continue to be developed, on the basis of findings from Stage 2. If the Council considers that additional consultation stages are appropriate (before the publication of the DPD), then an interim SA report may be produced to demonstrate its evolution alongside the DPD.
4 – Publication of a DPD	19	At this point, what the Borough Council considers to be the final version of a DPD will be published, alongside a final SA report which by now should contain a detailed assessment of the plan's social, economic and environmental impact. A document outlining the proposed changes to the policies map will also be produced alongside the DPD and SA. At this stage a Statement of Consultation is also developed in order to present the findings from all previous stages of consultation leading up to this point. This illustrates how representations have shaped the development of the DPD. A public consultation will be held for a period of 6 weeks.
5 – Formal consideration of representations made		At this stage all representations made at Stage 4 are considered against the DPD. The statement of consultation already developed at Stage 4 will also be updated. Those representations made at Stage 4 will be summarised, organised and prioritised appropriately. Any minor issues will be dealt with and associated changes made to the DPD where appropriate (depending on the level of delegated authority). If only minor changes are to be made to the DPD, the Borough

Stage	Reg.	Description
		Council will move on to Stage 6. If there are any significant issues, these maybe re-consulted on. The Borough Council may or may not re-publish the whole plan after re-consultation on the major issues, depending on the circumstances.
6 – Submission to the Secretary of State	22	The DPD and all supporting documents (including all representations received at Stage 4) are sent to the Secretary of State to be examined.
7 – Independent examination	24	The DPD will be independently examined by a government appointed inspector who will test the 'soundness' of the DPD, alongside all other related documents (including the SA). Those consultees or interested parties or persons who made representations at Stage 4 may be able to appear in person at the examination – although this is decided by the inspector, and not the Council.
8 – Receipt of Inspector's report and adoption	25 & 26	The inspector will write a report after the examination that will identify what changes, if any, need to be made to the DPD to make it sound. The Council is not obliged to implement proposed changes. However, the Council will need to respond to the report in a way that will not undermine the strength of the DPD going forward. Ultimately, when all changes (if any) have been made in line with inspector recommendations, this version of the DPD will be adopted.

- iv. The consultation methods stipulated within the following table are those the Borough Council may use for the purpose of involving the community during the preparation of the DPDs at the various stages outlined above. Those methods that are required by the Town and Country Planning (Local Planning) (England) Regulations 2012 are highlighted; the rest can be considered additional, optional methods the Council may undertake where appropriate.

Table 2: Methods of consultation for the development of DPDs.

Required consultation methods	
Optional consultation methods	

	Stages of DPD preparation							
	Evidence base	Reg. 18-public participation in the preparation of a DPD	Preparation of DPD	Reg. 19-publication of a DPD	Formal consideration of representations made	Reg. 22-submission	Reg. 24-independent examination	Reg. 25 and 26-receipt of inspector's report and adoption
Council website – information and documents for inspection	√	√	√	√	√	√	√	√
Documents available for inspection on location ²		√		√		√	√	√
Notification letters/emails to stakeholders ³		√		√		√	√	√
Use of media releases		√		√		√		√
Public exhibitions		√						
Mobile public displays		√						
Presentations to stakeholders		√		√				
Updates published via external Council publications (e.g. 'EBC Today').		√						
Focus group and one to one meetings		√						

² See Appendix 1

³ See Appendix 2

c. Preparing Supplementary Planning Documents (SPDs)

- i. The development of SPDs follows slightly different regulatory requirements compared to the development of DPDs. Table 3 outlines the stages that will be undertaken.
- ii. It is important to recognise that the Council may implement additional stages where considered appropriate. This table represents the generally accepted minimum the Council will undertake in developing an SPD.

Table 3: Stages of SPD development.

Stage	Reg.	Description
1 – Evidence base (establishing the appropriate evidence base and initial development of ideas)		The evidence base which informs the development and direction of an SPD must be obtained using up to date information and data – using internal and potentially external sources of expertise where necessary – on a range of social, economic and environmental matters – depending on the specific subject and purpose of the SPD. The evidence collected here will be used to draft an initial version of the SPD (at Stage 2).
2 – Preparation of draft SPD		A draft version of the SPD will be produced, based on the evidence collected at Stage 1.
3 – Consultation on draft SPD	12	The draft version of the SPD, produced at Stage 2, will be consulted on for a period of between 4 and 6 weeks. A Statement of Consultation will be produced (in line with Regulation 12 requirements) to appropriately record representations made and aid officers in undertaking stage 4.
4 – Formal consideration of representations made		Any representations made at Stage 3 will be considered.
5 – Prepare final SPD		After considering representations made, as well as taking into account any updated evidence – any amendments to the draft SPD will be made where appropriate.
5 – Adoption	14	Once any amendments are made to the draft SPD, it will be adopted in line with Regulation 14 requirements.

- iii. The consultation methods shown within the following table may be used to involve the community during the preparation of any SPDs at the various stages outlined above. Those methods that are required by the Town and Country Planning (Local Planning) (England) Regulations 2012 are highlighted; the rest can be considered additional methods the Council will may undertake where appropriate.

Table 4: Methods of consultation for the development of SPDs.

Required consultation methods		Stages of SPD preparation					
Optional consultation methods		Evidence Base	Preparation of Draft SPD	Consultation of Draft SPD	Formal consideration of representations made	Prepare Final SPD	Adoption
Council website – information and documents for inspection			√	√		√	√
Documents available for inspection on location ⁴			√	√			√
Notification letters/emails to stakeholders ⁵				√			√
Use of media releases				√			√
Public exhibitions				√			
Mobile public displays				√			
Presentations to stakeholders				√			
Updates published via external Council publications (e.g. 'EBC Today').				√			√
Focus group and one to one meetings			√				

⁴ See Appendix 1

⁵ See Appendix 2

d. Who the Borough Council will consult

- i. In terms of producing a DPD, the regulations place a statutory function on the Borough Council to consult with what are known as **specific consultation bodies** (as the local authority consider may have an interest in the subject of the proposed DPD), **general consultation bodies** (as the local authority consider appropriate) and **residents and other persons who carry on business in the local authority's area** (from which the local authority consider it appropriate to invite representations). A full list of all those the Council intends to involve in plan making, as well as statutory and general consultation bodies, can be found at Appendix 2.
- ii. With regard to SPDs, the Council will consider from its various consultee databases, as well as general and statutory consultees, those organisations, groups or individuals who are most appropriate to consult in line with the theme(s) of the document. The breadth and depth of consultation undertaken for the purpose of developing an SPD is at the discretion of the Council.
- iii. Section 110 of the Localism Act (2011) sets out a new 'duty to co-operate' which applies to all local planning authorities, national park authorities and county councils in England. In essence, the new duty has evolved in recognition of the importance of cross-boundary working on strategic planning matters. The National Planning Policy Framework (paragraph 156) sets out planning issues where co-operation may be appropriate. Erewash Borough Council will therefore carry out all plan-making work in co-ordination with the new duty and will act positively to facilitate co-operative working in its plan making processes as appropriate.
- iv. It is important to note that this SCI does not represent an exhaustive list of all groups and persons that may be consulted. Each consultation undertaken as part of the plan making process will require a bespoke consideration of those who should be involved. What this SCI does is provide guidance on the types of stakeholder Erewash Borough Council intends to consult with. Within available resources, Erewash Borough Council will engage with new stakeholders as they are identified. The Council's various consultation databases are open to anyone to submit their details to, at any time.

1. Specific consultation bodies - These are generally considered to be the statutory stakeholders in the planning system, for example the Environment Agency and Highways Agency or a sewerage undertaker.
2. General consultation bodies - Other interest groups and organisations that are active within Erewash are considered as general consultation bodies. The regulations define this group of consultees into a number of sectors:
 - a. Voluntary bodies whose activities benefit any part of Erewash;
 - b. Bodies who represent the interests of different racial, ethnic or national groups;
 - c. Bodies representing the interests of different religious groups in Erewash;
 - d. Bodies representing the interests of different disabled persons in Erewash and;
 - e. Bodies representing the interests of the business community in Erewash.
3. Residents and other persons – These are considered to be persons carrying on business in Erewash from which the Council considers it appropriate to invite representations. This stipulation within the regulations (at 18(2)(c)) means that the Council has the ability to invite anyone they consider would be interested in a document even if they are not contained within our database and not categorised as a statutory or general consultation body.
4. Those on our database – Those who have expressed interest in the planning system and local planning developments and requested to be added to our database, or have submitted representations in the past are contained on a consultation database. This database is subject to change as it is continually updated, monitored and maintained by officers at the Council. The database is organised into certain groupings – for instance those who are interested in only the Core Strategy, and related consultation, or those interested in all plan making related consultation. It also stipulates preferences for contact – for instance consultees have the ability to state

whether they wish to be consulted either via email or letter. People can also choose to not be informed about further consultation work, even if they have contributed at some stage. In line with current laws regarding the protection of data, the database will not be open to public scrutiny but any individual can request to be added to or removed from the database at any time using the contact details contained at Appendix 3.

- v. Analysis of stakeholders (detailed at Appendix 2) has helped the Borough Council to identify the following key groups –
- General public;
 - Business, Retail and the Private Sector;
 - Community and the Voluntary Sector;
 - Regulatory organisations;
 - Councillors (District/Borough, Parish and County);
 - Adjoining Councils (District/Borough, Parish and County);
 - Other service providers;
 - Developers, landowners and agents;
 - Frequent customers/ users of services;
 - Local schools/ places of education;
 - Local media; and
 - Hard to reach groups.
- ii. A list of specific, general and other consultees can be found at Appendix 2. It is envisaged that this list will be subject to frequent alterations to keep it as up to date as possible.

e. Extending planning into communities

- i. To support the work of the Borough Council in trying to engage communities in becoming involved in the plan making process, it is important that the Borough Council works alongside its partners and utilises existing communication channels to raise awareness and facilitate consultation work. Various groups and organisations within Erewash have played a key role in successful planning as well as in promoting involvement in the process for communities and individuals served by these groups. It is vital that they continue to do so.
- ii. ***The Derbyshire COMPACT initiative*** – this sets out a framework to guide future relationships between the

statutory sector (this includes the Borough Council), voluntary and community organisations. The initiative aims to encourage the above mentioned sectors to work together to recognise the distinctive needs of those voluntary and community organisations that have traditionally fallen outside of consultation processes. It provides an opportunity to involve these groups in the plan making process and should be seen as a 'communication channel' through which new groups might be engaged. The COMPACT itself and associated material can be accessed at its website: http://www.derbyshire.gov.uk/council/partnerships/voluntary_sector/derbyshire_compact/.

- iii. A table containing principle existing groups that Erewash Borough Council is in partnership with is at Appendix 4. This list is not exhaustive (as groups can be formed for very specific or one-off issues) and as mentioned, is subject to change as groups continue to form and disband over time. As a result it will be subject to continual monitoring as an appendix to this SCI
- iv. It is important that groups of people who are considered under-represented in local planning are engaged wherever possible. The Borough Council – taking factors of financial and resource constraints into account - will make all reasonable effort to engage in consultation which is fair and accessible to all communities within Erewash. As a result of previous consultation and in conjunction with Derbyshire County Council, the following 'hard to reach' groups have been identified:
 - The youth community
 - Ethnic minority groups
 - Disabled
 - The elderly community
 - Rural communities
 - Gypsies/travellers
 - The homeless
- v. The Equality Act (2010) defines nine 'protected characteristics'. The Council will endeavour to ensure that a person's ability to participate in consultation activity is not impaired because of these characteristics. With on-going research and consultation, the Council is confident that any further local groups formed will be identified – however, a table at appendix 5 lists those groups that currently maintain

strong ties with the Borough Council in relation to consultation and communication with 'hard to reach' sectors of the community.

- vi. The table at Appendix 5 is not exhaustive, but should highlight the good work that has already been carried out to establish links and give an indication of what it is the Council strives for when 'extending planning into communities'. The Council will continue to take a proactive approach to facilitating healthy consultation work – which means appropriate avenues for consultation, links or partnerships will be continually pursued in line with the Borough Council's corporate policy context, with this list likely to evolve over time as an appendix to this SCI.

f. Administering the SCI

- i. **Resourcing the SCI** – The Borough Council is committed to undertaking effective consultation, but this must be achieved within a finite budget and general resource constraints (including limited staffing). The plan making (planning policy) section maintains an allocated budget to fund various elements of plan making work. This budget makes provision for the preparation of documents and consultation materials. It is not envisaged that additional funding will be made available, so it is essential that all consultation techniques used are appropriate and cost effective.
- ii. To assist the delivery of effective consultation but within resource constraints, the Council will (where appropriate) consolidate stages of consultation where there are a number of documents that could be considered simultaneously. The Council will tap into existing methods of communication particularly through forums and liaison groups to maximise participation. Not only will this help strengthen relationships between communities and the Council, it will also utilise existing channels of communication for consultation without the need for additional systems to be established at further financial cost.
- iii. **Reviewing the SCI** – The SCI will be subject to a continual process of review to ensure that consultation techniques used are effective and fit for purpose. As already described in previous sections, the SCI is naturally an evolving tool – as stakeholders and methods for reaching them continually evolve and change over time.

- iv. In monitoring the effectiveness of the SCI, it will be important to consider whether:
 - 1. The Borough Council engaged all relevant stakeholders;
 - 2. The Borough Council engaged all relevant stakeholders?
 - 3. The Borough Council engaged stakeholders at the correct time?; and whether
 - 4. The Borough Council engaged, or is it at least aware of, the appropriate stakeholders?

- v. To answer these and other questions which are integral to reviewing the SCI, the Borough Council will look for feedback from stakeholders by using methods such as satisfaction surveys at appropriate times. Continued consultation with existing groups, stakeholders and Council colleagues will also be important in order to identify changing requirements in terms of consultation activity.

- vi. **Reporting back on community involvement** – It is important that information is filtered back to all stakeholders who become involved in the planning system effectively. A key aspect of community engagement is letting people know how their involvement has helped develop important local planning policy.

- vii. After any consultation for plan making, the Council will produce a report which will demonstrate how consultation was undertaken and the main issues raised by those who contributed. It may also address how the comments have been taken on board and/or influenced changes to the document in question.

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

3. Community involvement in Development Management

a. Introduction

- i. The Council receives approximately 600 planning and associated applications per year. Consulting the public,

statutory and non-statutory bodies and interested parties to establish their views on proposed development is a fundamental part of the Council's assessment of applications and helps inform the decision making process. The Council also has certain statutory duties relating to engagement it must adhere to as part of the planning application process, as set out in the regulations (The Town and Country Planning (Development Management Procedure) (England) Order 2010).

- ii. It is vitally important that any interested parties are able to have their say on development management decisions. Individual decisions shape the character of the borough – where people live, work and spend their leisure time.
- iii. Generally, the development management process can be split into several stages as follows, the detail of each stage is covered at sections (3)b, c and d:
 - 1. Pre-application stage
 - 2. Application stage
 - 3. Post application stage
- iv. In terms of the approach to consultation across the range of development management work, the Council maintains an internal guidance note, 'Consultations Protocol'. This sets out a lot of the detail in terms of practices in terms of engagement and publicity relating to varying types of applications and is referred to alongside the SCI.

b. Pre-application stage

- i. The Council advocates and positively encourages pre-application discussions with applicants at an early stage of the development process.
- ii. Unless the applicant wishes otherwise, early dialogue will be confidential to reflect the sensitive nature of pre-application discussions. Pre-application discussions can help identify key issues which will need to be addressed in any formal submission and allows the informal views of Council Officers and other interested parties to be made known at an early stage. It is a useful way of resolving early design and development issues - reducing the likelihood of future objections, and helping to ensure that higher quality applications (that can be fully validated) are lodged overall.

- iii. The nature of the 'discussions' may vary from a short chat with an individual officer relating to a household extension, to a series of meetings involving a range of stakeholders (including various Council departments) relating to a large-scale development proposal.
- iv. The Council encourages applicants/ developers to undertake their own consultation at an early pre-application stage to inform the application process and allow for clear areas of conflict or objection to be addressed prior to the submission of a planning application.
- v. The type and form of consultation undertaken by applicants/ developers will vary depending on the scale and nature of the proposal. For smaller developments such as household extensions, this may involve applicants talking to their neighbours and showing them draft plans to ascertain their views. On larger schemes, developers may wish to consider undertaking wider public consultation by means of public meetings or exhibitions, development briefs or leaflets, and presentations to Parish councils etc. It is expected that public meetings and exhibitions are made accessible to all in terms of their location and timing and should be held as near to the application site as possible. Applicants/ developers for major proposals are encouraged to notify the Council of any publicity/ consultation events planned prior to them occurring.
- vi. Developers are also encouraged to engage at an early stage with statutory consultees including, where appropriate, the Highways Authority and Environment Agency.
- vii. Where there is a subsequent planning application, the applicant/ developer will be encouraged to submit a statement with their application setting out the steps they have undertaken to involve stakeholders (including the public) at the pre-application stage. The Council cannot, however, refuse to accept an application where the applicant/ developer has not followed these steps.
- viii. Where developers approach the Council for pre-application discussions in relation to larger developments, the Council will, where appropriate, adopt a 'development team' approach and include Officers from other council services as well as external bodies in discussions.

- ix. It must be stated that, during the course of pre-application discussions, any views expressed by Council staff members are informal and are not binding on any future decision made by the Council.

c. Application stage

- i. A Comprehensive scheme of consultation is in place which accords with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2010. For conservation areas and listed building consent applications, the requirements are set out in Regulation 5 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990 (as amended).
- ii. The type and amount of publicity and consultation afforded to applications will be commensurate with the type, size and location of the development proposed.
- iii. When applications are registered, after validation individual notification letters will be posted to all occupiers of property/land which immediately abuts the application site (as identified on the submitted plans and drawings). The notification letter will set out a timescale for comments to be submitted (normally 21 days) and details of where the application can be inspected (normally on the website).
- iv. Where the occupier of properties/ land is not easily identified from an Ordnance Survey Plan or following a site visit, a site notice will be displayed. Additionally, site notices will be displayed where developments may affect the character of the wider area (for example, front extensions to dwellings), and for all applications proposing development which may affect the character or appearance of a conservation area, affect a listed building or its settings, or a scheduled ancient monument. Applications for 'major' development (see below for definition), for development which could constitute a departure from the development plan and those developments accompanied by an Environmental Impact Assessment (EIA) will also be advertised by means of a site notice. Site notices will be displayed in weatherproof casings and will be attached to a lamppost or similar structure as close to the application site as possible.

- v. Some planning applications, including those for 'major' development, departures and those affecting conservation areas, listed buildings, and those accompanied by an EIA will also be advertised in the local press. Major developments include those involving ten or more dwellings and office, industrial and retail developments involving 1000sq. metres of floorspace; leisure and service developments including schools and hospitals or where site areas are 1 hectare or over. Developments under these dwelling and floorspace thresholds are categorised as "minor" or "other" developments.
- vi. The Council will publish all planning applications received on its website.
- vii. The Council will also consult with a wide range of statutory and non-statutory bodies including Parish Councils, the Highway Authority and the Conservation Area Advisory Committee, and various departments within the Borough Council, including Environmental Health, where relevant.
- viii. Other types of applications such as Notification for Telecommunications, Tree Preservation Orders consent and advertisement consent will be subject to their own requirements. Further information is available to view on the Planning Portal website.
- ix. Planning applications, including submitted plans, drawings and any supporting information provided by the applicant, will be available to view on the Council website (at <http://www.erewash.gov.uk/planning-building-control/search-planning-applications>): A planning officer will also be able to offer guidance if required at Long Eaton Town Hall and, by prior appointment, at Ilkeston Town Hall on Thursday mornings. The case officer will be available to discuss the application by telephone or in person by appointment.
- x. In some cases, for example, for particularly large-scale or significant applications, the Council and/or developer may undertake additional forms of consultation/ publicity. The type of consultation undertaken will vary depending on the type and nature of the development proposed, but may include public meetings or exhibitions, development briefs, leaflets etc. The council has limited resources, however, and has to look realistically at achievable and cost effective ways to continually improve community involvement in planning

applications, and must be mindful of the statutory periods within which decisions on planning applications should be made.

- xi. Interested parties can comment on a planning application by providing their comments in writing within the period specified (normally 21 days). Comments can be submitted by email, fax or letter, using the contact details provided at Appendix 3. Other consultation options via the website or digital media may also be used in the future. Comments will be acknowledged and if specific queries are raised, the Case Officer will contact the author to offer further guidance, where appropriate and within resource constraints. The results of any such consultation will be reported and taken into account in decisions made by, and on behalf of, the Council.
- xii. It is sometimes the case that applications are amended or supplemented by additional information during their consideration by the Borough Council. Where amendments or additional information materially alter what is proposed, the Council will undertake a further consultation and notification exercise, commensurate with the type and size of amendments/ information submitted. The amended proposals/ additional information will be placed on the Borough Council's website. Those consulted/ notified on amendments will normally be given 14 days to submit any further observations to the Council.
- xiii. For applications where powers of decision making are not delegated to officers (in accordance with the Council's Scheme of Delegation, which is available to view on the Council's website by completing a document search), decisions are made by Councillors through the Planning Committee. In such cases, Officers will prepare a Committee report which will outline the proposal and any issues raised and comments received (including objections) and make a recommendation to the Committee whether to approve or refuse the application.
- xiv. There is also a 'call-in procedure' which means that any member of the Council may request that an application is determined by the committee.
- xv. The Council operates a system of public speaking at Planning Committees. People who have written in to support

or object to a planning application will be offered the opportunity to speak for 5 minutes at the meeting at which the application is considered. Planning committees are held every 4 weeks and alternate between Long Eaton and Ilkeston Town Halls.

d. Post-application stage

- i. Following the determination of an application, all those who made representations will be notified of the Council's decision, at least via publicity on the Council's website. The Council's committee reports and decisions will be displayed on the Borough Council's website, along with the decision notice and related Officers' reports. A Planning Officer will be able to explain the reasons for the decision if requested.
- ii. Applicants have a right of appeal against the Council's decision.
- iii. Those who were originally notified, plus any additional people who made written representations at the time of the application, will be notified in writing of any appeal and how to make further representations to the Planning Inspectorate.
- iv. Those who wish to make additional representations as part of an appeal will need to do so within the statutory consultation period of 28 days (from the start date set by the Planning Inspectorate).
- v. It is sometimes the case that applicants wish to make changes to their developments after the grant of planning permission. Statutory procedures exist which allow applicants to apply for Non-Material or Minor Material Amendments to their approved schemes and in such cases publicity and consultation will be undertaken in accordance with the regulations.

e. Planning enforcement

- i. Most planning enforcement cases arise following a referral from members of the public. Wherever possible, complainants' details will be kept confidential. There is no public consultation on enforcement matters. Cases are often sensitive with the complainant keen to retain anonymity. Where enforcement cases result in the submission of a planning application, publicity and consultation will be

undertaken on the application in accordance with the normal consultation procedure already outlined.

f. General consultation methods summary

- i. Every application is treated on an individual basis. Although there are minimum statutory requirements for consultation and publicity, the type and scale of proposal submitted as part of an application will determine methods used as set out in the table at Appendix 6. When considering whether to undertake additional forms of publicity or consultation, the statutory time periods for delivering a decision will need to be taken into account.
- ii. Methods outlined in the table will be open to continual update, as an appendix to this SCI.

Appendix 1 – Locations where documents will be made available for inspection (as appropriate)

All documents available for inspection will be published on the Council's website - <http://www.erewash.gov.uk/planning-building-control/planning-policy.html>

Opening times are correct as of November 2012.

Ilkeston Town Hall

Council Offices, Wharncliffe Road, Ilkeston, Derbyshire, DE7 5RP

Long Eaton Town Hall

Councils Offices, Derby Road, Long Eaton, Derbyshire, NG10 1HU

Main switchboard enquiries (with answerphone facility for out of hours): **0115 907 22 44**

Borrowash Library

9am-5pm – Mondays
9am-7pm – Wednesday & Friday
9am – 1pm – Saturday

Ilkeston Library

9am-5pm – Monday, Wednesday & Friday
9am-7pm – Tuesday & Thursday
9am-4pm – Saturday

Long Eaton Library

9am-5pm – Monday & Tuesday
9am-7pm – Wednesday, Thursday & Friday
9am-4pm – Saturday

Sandiacre Library

9.30am-5pm – Monday, Tuesday, Thursday & Friday
9.30am-2pm – Wednesday
9.30am-1pm – Saturday

Allestree Library (Derby City area)

10am-5pm – Tuesday & Friday
10am-7pm – Thursday
10am-1pm – Saturday

Duffield Library (Amber Valley area)

9.30am-1pm & 2pm-5pm – Monday
2pm-7pm – Wednesday
9.30am-1pm & 2pm-6pm – Friday

9.30am-1pm – Saturday

Spondon Library (Derby City area)

10am-7pm – Monday

10am-5pm – Tuesday & Thursday

10am-1pm – Saturday

Mobile Library

Route and opening information can be found at the Derbyshire County Council website -

http://www.derbyshire.gov.uk/leisure/libraries/services/mobile_libraries/mobile_library_routes/default.asp

Ilkeston Shopmobility Centre

High Street, Ilkeston, Derbyshire, DE7 5JA

Long Eaton Shopmobility Centre

New Street, Long Eaton, Derbyshire, NG10 1HE

Appendix 2 – Specific and General Consultation Bodies List

Duty to Co-operate bodies

The Council will consult all appropriate Duty to Co-operate bodies, in accordance with Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Specific

Erewash Parish Councils

Breaston Parish Council
Breadsall Parish Council
Dale Abbey Parish Council
Draycott Parish Council
Little Eaton Parish Council
Morley Parish Council
Ockbrook and Borrowash Parish Council
Risley Parish Council
Sandiacre Parish Council
Sawley Parish Council
Stanley and Stanley Common Parish Council
Stanton-By-Dale Parish Council
West Hallam Parish Council

Adjacent authorities

Amber Valley District Council
Broxtowe Borough Council
Derby City Council
Leicestershire County Council
Rushcliffe Borough Council
South Derbyshire District Council
North West Leicestershire District Council

Parish Councils Adjacent to Erewash

Amber Valley Parish Councils

Aldercar & Langley Mill Parish Council
Duffield Parish Council
Holbrook Parish Council
Horsley Parish Council
Mapperley Parish Council
Shipley Parish Council

Smalley Parish Council

Broxtowe Parish Councils

Awsorth Parish Council
Cossall Parish Council
Greasley Parish Council
Stapleford Parish Council
Trowell Parish Council

South Derbyshire Parish Councils

Elvaston Parish Council
Shardlow & Great Wilne Parish Council
Aston-on-Trent Parish Council

North West Leicestershire Parish Councils

Castle Donington Parish Council
Lockington and Hemmington Parish Council

Rushcliffe Borough Council Parish Councils

Barton-in-Fabis Parish Council
Thrumpton Parish Council

Other Specific Consultation Bodies

The Coal Authority
The Environment Agency
English Heritage
The Marine Management Organisation⁶
Natural England
Network Rail
The Highways Agency
The Homes and Communities agency
Severn Trent
Severn Trent Water
Mono
Western Power

General

General Consultee Bodies form a variety of interest groups and organisations active within the Borough of Erewash. The following categories are

⁶ Not thought relevant

representative of the consultees that are on the Borough Council's consultation database. Should you wish to be added to the consultation database, please refer to Appendix 3 where contact details for the planning department are contained.

- Business, retail and the private sector
- Community and voluntary sector
- Regulatory organisations
- Other service providers
- Frequent customers / users of service
- Developers, planning agents / consultants and landowners
- Local schools / places of education
- Local religious groups
- Local media outlets
- Hard-to-reach groups
- Racial, ethnic and national groups
- Disabled and general accessibility / mobility groups
- All other interested stakeholders

Appendix 3 – Contact details for the Council planning department

Planning (Policy & Development), Erewash Borough Council

Email - ldf@erewash.gov.uk
Telephone - 0115 907 22 44

Appendix 4 - Principle groups Erewash Borough Council is in partnership with

Group/partner	Description
Erewash Council for Voluntary Services (CVS)	The CVS provides help and advice to local community and voluntary groups. The Borough Council will continue to work in conjunction with the CVS to ensure that as many voluntary groups as possible are given the opportunity to be involved in plan making. The Borough Council will utilise the links, contacts and connections that the CVS has forged with the voluntary sector to establish whether such bodies wish to be involved in plan making.
Erewash Community Forums	There are now two Community Forums – ‘Ilkeston and North’ and ‘Long Eaton and South’. Both meet three times a year. The primary function of the Community Forums is to provide a vehicle of discussion and dialogue on issues that affect the community. They present a useful platform to disseminate plan making information to individuals within communities, whilst being able to discuss the merits or otherwise of proposals or stages of policy creation.
Erewash Local Strategic Partnership (LSP)	The Erewash LSP is a diverse partnership made up of those representing Erewash’s key private, public, community and voluntary organisations. This includes the Borough Council, Derbyshire County NHS, the Police, the Fire & Rescue Service, Derbyshire County Council, Three Valleys Housing, Jobcentre Plus and Derbyshire Learning and Skills Council. There are 27 local Erewash partners in total. The main role of the LSP is to help shape, implement and review the Borough’s Community Strategy (the aims and objectives of the Strategy can be found at section ‘e’ of this statement). Plan making in Erewash is a key element to delivering the Strategy’s agreed objectives. The website for the LSP contains more detailed information ⁷ .
Parish Councils	Parish Councils within the Borough are considered as key stakeholders and through their involvement with Community Forums and consultation on planning applications, provide the Borough Council with direct channels of communication which will continue to be utilised. As specific consultation bodies, all Parish Councils within Erewash are automatically involved with any consultation the Borough Council undertakes related to plan making. In addition to their statutory involvement, 12 of 13 Parish Councils have so far had representatives meet with the Borough Councils Communications and Consultation team and have agreed to support distributing the Council’s consultation activity within their communities as appropriate. This includes promoting any consultation on their notice boards, newsletters and on their websites. Details of each of the Parish Councils within the Borough can be found on the Council’s website ⁸ .
Town Centre Interest Groups	There are a number of town centre interest groups in operation within Erewash. The most notable of these are ‘Ilkeston Chamber of Trade and Commerce’ and ‘Long Eaton Chamber of Trade’. There is also a branch of the National Market Traders Federation (NMTF) in operation based at Ilkeston. In addition, there has been funding made available for the forming of ‘Town Teams’ following the Mary Portas Review. Although these are yet to be formed, funding has been captured. With the Council being committed to the ongoing viability and vitality of Town Centres within Erewash, it is vital that the Council’s involvement with existing groups continues and the Council takes opportunities to embrace new

⁷ <http://www.erewashcouncil.com/lsp/>

⁸ <http://www2.erewash.gov.uk/moderngov/mgListCommittees.aspx?PC=1&bcr=1>

Group/partner	Description
	relationships with emerging any groups.
Elderly Residents in Erewash	<p>Erewash has two active 50+ forums – the ‘Ilkeston 50+ Forum’ and ‘Long Eaton 50+ Forum’ – both co-ordinated by Derbyshire County Council. The Borough Council is actively engaged with both. The forums give people over the age of 50 an opportunity to put across their opinions on everyday issues such as crime, transport, health and leisure. Views given at a Borough level are fed into County and Regional Forums within the network of Older People’s Advisory Forums – the Derbyshire Forum meets quarterly and information on its work is available at their website⁹. As a group considered ‘hard to reach’, these avenues for engagement are critically important for the elderly in Erewash and will continue to ensure that the elderly remain successfully engaged in planning matters successfully.</p>

⁹ http://www.derbyshire.gov.uk/community/50_plus_forum/dopag/default.asp.

Appendix 5 – Principle groups representing ‘hard to reach’ sectors of the community

Group/partner	Description
Sight Support Derbyshire ¹⁰	A charity group that represents members of the sight impairment community.
Campaign for Tackling Acquired Deafness (CamTAD) ¹¹	A voluntary organisation representing members of the community with a hearing impairment.
Community Concern Erewash ¹²	An organisation representing members of the community with mobility issues.
Derbyshire Friend ¹³	An organisation representing members of the lesbian, gay, bisexual and transgender communities.
Erewash Youth Forum ¹⁴	An organisation representing members of the community aged 11-16, in partnership with Derbyshire County Council and with schools across Erewash.

¹⁰ <http://www.sightsupportderbyshire.org.uk/>

¹¹ <http://www.camtad.org/about/>

¹² <http://www.communityconcernerewash.co.uk/>

¹³ <http://www.gayderbyshire.org.uk/>

¹⁴ <http://www.erewashcouncil.com/yf/>

Appendix 6 – Methods of consultation in Development Management

	Major applications/ departures	Minor/Other applications
Publish on website (all applications since 1 st December 2005)	Always	Always
Publish in weekly list (published on website)	Always	Always
Erection of on site notice	Always	As necessary (where, for example, the character of a wider area is affected and for applications where the development may affect the character of a conservation area)
Letters sent to occupiers of property/ land which abuts application site	Always	Always
Occupiers of property/ land wider afield notified	As appropriate (for example if a particularly large development with strategic implications)	-
Advert in local press	Always (for major, departures, those affecting conservation areas and listed buildings and those accompanied by an EIA)	As appropriate (for example those affecting conservation areas and listed buildings)
Consult with statutory and non-statutory bodies	Always - as appropriate	Always - as appropriate
Press release	As appropriate	-
Planning Officer available to discuss application over telephone	Always	Always
Planning Officer available to discuss application in person	Always	Always
Additional forms of consultation/publicity	As appropriate (resource constrained and dependent on nature and scale of development and timescales)	Unlikely – but if appropriate (resource constrained and dependent on nature of minor development)
Comments accepted in writing, via fax or email	Always	Always
Comments taken into account in decisions made, and reported on	Always	Always
Decisions made by planning committee	In accordance with Scheme of Delegation	In accordance with Scheme of Delegation