

**Report of the Chief Executive**

**REVISED STATEMENT OF COMMUNITY INVOLVEMENT**

1. Purpose of report

To agree, for consultation purposes, a revised Statement of Community Involvement (SCI).

2. Detail

The SCI sets out the ways in which the Council involves all parts of the community in all aspects of planning work. Councils are required to have an SCI and to review it every five years. Broxtowe's SCI was last reviewed in 2017.

In line with government guidance, the proposed new SCI moves away from less effective means of communication, such as advertisements in newspapers, and towards more effective means, such as social media tools and online documents. It simplifies and adds flexibility to the previous version of the SCI.

There is no legal requirement to consult on the preparation of the SCI, however in order to be transparent, to give everyone the chance to comment, and in line with the practice of other authorities, consultation would take place for four weeks, via the website and emails. A further report would then be brought to members in order to consider responses to the consultation and adopt the SCI.

The proposed SCI is in the appendix to this report.

**Recommendation**

**The Committee is asked to RESOLVE that the SCI be approved for consultation.**

Background papers

Nil

**APPENDIX**

**Broxtowe Borough Council Statement of Community Involvement**

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## 1. Introduction

### What is a Statement of Community Involvement?

- 1.1 The Statement of Community Involvement (SCI) sets out how Broxtowe Borough Council, as the Local Planning Authority, will engage and consult the public and stakeholders in preparing Local Planning Policy documents and determining planning applications.
- 1.2 The purpose of the SCI is to set out who the Council will consult, when consultation will be undertaken and how it will be carried out.
- 1.3 This document will replace the Broxtowe Borough Council SCI, adopted in June 2009, and the Broxtowe SCI Supplement, adopted in 2017.

### Why is a Statement of Community Involvement needed?

- 1.4 The Planning and Compulsory Purchase Act 2004 makes provision for the SCI. This document also reflects the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012, The Localism Act 2011 and the National Planning Policy Framework (NPPF).
- 1.5 In accordance with the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, the Council will review its SCI at least every five years in order to determine if the commitments made by the Council are working in practice and to assess how effective the community engagement processes have been in shaping the decision-making process.

## 2. Community Involvement in Planning Policy

### Planning Policy Documents

- 2.1 The Local Plan in Broxtowe is in two parts, as set out below. It sets out a strategy, development management policies and site allocations for future development across the Borough. These documents are subject to a statutory process which includes public engagement.
- 2.2 Decisions on planning applications have to be made in accordance with what is known as the 'development plan', unless material considerations indicate otherwise. The 'development plan' in Broxtowe includes:
  - Broxtowe Aligned Core Strategy Part 1 Local Plan (2014) – setting out the overarching strategic vision, aims and objectives for Broxtowe as a whole until 2028. This document has been prepared and revised on an 'aligned' basis with the LPAs of Gedling Borough Council, Nottingham City Council and Broxtowe Borough Council.
  - Broxtowe Part 2 Local Plan (2019) – delivers the strategic aims and objectives as set out in the Core Strategy.
  - The Minerals and Waste Local Plans, which are prepared by Nottinghamshire County Council.

- Neighbourhood Plans – The Localism Act 2011 gave local communities powers to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Broxtowe Borough Council currently has a number of groups at different stages of the Neighbourhood Plan production and consultation methods for these are decided by the local body responsible for the Neighbourhood Plan.
- 2.3 Supplementary Planning Documents (SPDs) give further explanation and detail to Local Plan policies. They are subject to statutory procedures including community engagement but are not subject to independent examination. The Council is not obliged to produce any SPDs and these will be produced as and when they are considered necessary.
- 2.4 The Local Development Scheme is a programme that sets out how and when the Council will prepare and revise its policies in Development Plan Documents. The Local Development Scheme is kept up-to-date and reported every year in the Annual Monitoring Report. The annual Authority Monitoring Report sets out how planning policies are being delivered and how well the Council is doing in meeting its timescales for the production of the Local Plan.

### **Statutory Consultees**

- 2.5 The Council must at least conform to the minimum requirements for consultation set out in Government legislation. Following this, the Council has identified the specific statutory consultation bodies that must be included at various stages of the consultation process.

### **Stakeholders**

- 2.6 The Council has a database of stakeholders who will be consulted as the Council considers appropriate. Additional stakeholders will be added to this database as they are identified.

### **Duty to Co-operate**

- 2.7 The Localism Act 2011 introduced a Duty to Co-operate, which places a requirement for all local planning authorities, all county councils and certain other specified public organisations to engage with one another on an ongoing basis and consider joint approaches to plan-making.
- 2.8 The Duty to Co-operate forms part of the legal and procedural requirements against which an independent inspector will assess the Local Plan during a public examination. It is considered essential that the Council can demonstrate effective collaborative working with neighbouring authorities, key stakeholders and other organisations during the preparation of both its Local Plan and the evidence base that supports it.

### **Consultation Stages**

- 2.9 The production of Local Development Documents is guided by national planning policy and regulations. The Council will aim to consult with local communities and other stakeholders at the earliest appropriate stage in the production and revision of Local Development Documents. However, it is important to take into consideration the relevance of the particular stage of the document preparation and revision in order to ensure that proper methods are being used and relevant people are invited to participate to guarantee efficiency and effectiveness of the consultation process. For DPDs each stage of the consultation period will run for a minimum of 6 weeks. For SPDs consultations must be carried out during their preparation and before adoption, for a period of no less than 4 weeks.
- 2.10 Upon completion of the final stage of public consultation a submission version of any Development Plan Document will be submitted for independent examination.

### **Methods of Involvement**

- 2.11 As the document progresses through the public consultation process the Council will ensure it utilises a range of consultation methods and media to help. Taking into account the increasing range of digital outlets and technology available to the general public, the Council will focus on reducing the amount of printed literature produced, shifting the focus towards digital platforms. This will also have a positive impact on the environment by reducing the amount of printing and waste paper.
- 2.12 Listed below are the consultation methods which will be used by the Council when it undertakes consultation on the document:
- All documents to be consulted on will be available on the Council's website and social media platforms will be used to announce consultation dates and to keep people informed about the planning process.
  - Statutory consultees and other appropriate organisations will be contacted directly via the most suitable method of communication.
  - Emails will be sent informing those individuals, companies and groups registered on the Local Plan Consultation Database of public consultation.
  - Hard copies of the document will be available to view in the Council offices.
  - Upon request and applying any reasonable print and postage charges, printed consultation documents will be made available to community groups, town and parish councils, and statutory organisations.
  - Presentations, exhibitions and workshops will be undertaken where considered appropriate to discuss consultation documents with various stakeholders and members of the public.

### **Hard to Reach Groups**

- 2.13 The Council will encourage the participation of all members of the public with an interest in the Borough and is committed to providing fair and equal access to planning services. Taking factors of financial and resource constraints into account, the Council will make all reasonable efforts to engage in consultation which is fair and accessible to all communities within Broxtowe.
- 2.14 The Council recognises that 'hard to reach' groups tend to be underrepresented in responding to consultation exercises and are therefore 'seldom heard' from. For this reason, the Council will make additional efforts and will endeavour to be inclusive and consult taking account of any of the 9 protected characteristics contained within the Equality Act.
- 2.15 The Council will attempt to provide information in a variety of formats, including braille, large print, and other languages on request. If this is not possible we will work with the group or individual to provide information and enable them to express their views through alternative inclusive methods.
- 2.16 The Council will revise the Local Development Scheme (LDS - the 'timetable' for producing planning policy documents) when it seems appropriate, in accordance with the legislation. This will depend on the Council's planning priorities at the time and we do not therefore intend to consult on the LDS itself.

### **3. Duty to Advise and Assist on Neighbourhood Plans and Neighbourhood Development Orders**

- 3.1 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. The Council welcomes and encourages Parish and Town Councils and local communities to embark on the preparation of Neighbourhood Plans.
- 3.2 Neighbourhood planning can be accomplished by following six stages:
- setting up a neighbourhood forum, if necessary;
  - establishing an area designation;
  - gathering evidence, preparing the plan and conducting community consultation;
  - submitting the plan and LPA Plan consultation
  - Examination: Examiner's report and LPA's decision statement
  - Plan referendum
- 3.3 The Council has a statutory role in the preparation of a Neighbourhood Plan as well as elements of consultation. The Council also has a statutory duty to advise and assist groups producing Neighbourhood Plans. The Council will assist in the designation of Neighbourhood Forums and Neighbourhood Areas where needed, taking a positive and proactive approach to the preparation of Neighbourhood Plans. Our commitments in order to meet these duties are as follows:

- Providing access to relevant information available (technical reports, maps, etc.) for Neighbourhood Forums and Town or Parish Councils to gather evidence;
- Providing information about strategic and non-strategic planning policies adopted by the Council in its Local Plan (Parts 1 and 2). We will also provide information and guidance in relation to relevant national policies;
- Informing Parish Councils and Neighbourhood Forums about planning applications in their area;
- Giving legal and general advice on planning requirements;
- Sharing relevant contact information for consultation with stakeholders, interest groups, public agencies and statutory consultees (subject to the provisions of the GDPR);
- Checking the Neighbourhood Plan before submission and providing feedback on drafts.

The responsibility for neighbourhood planning content rests almost entirely on the Neighbourhood Forum or Parish Council.

3.4 Once a Neighbourhood Plan has been submitted to the Council the remainder of the process is largely undertaken by the Council:

- The Council must satisfy itself that the plan submitted for independent examination complies with all the legal requirements. Where the Council has the responsibility to publicise them, the Council will publicise details of the draft plan including where and when it can be inspected on the Council's website. The Council will provide details on how representations to the draft plan can be made, and the date by which those representations should be received, this not being less than 6 weeks from the date the plan is first publicised.
- The Council also has to issue a statement that any representation may include a request to be notified of the LPA's decision in relation to the NP.
- The Council will notify any consultation body referred to in the Consultation Statement of the draft Neighbourhood Plan as required by Neighbourhood Planning Regulations.
- The Council will submit the draft Neighbourhood Plan and supporting documents (along with any representations made) to examination, which will be funded by the Council.
- Once received, the Council will publish the Examiner's Report on the Council website. The Council will consider the recommendations of the Examiner's Report, and decide what actions to take in response to each recommendation. The Council can make modifications to ensure the NP meets the basic conditions. The Council must set out its decision and reasons in a decision statement. Should the NP meet the basic conditions and is compatible with any EU obligations and any of the Convention rights, the Council must make a decision to proceed to referendum as soon as reasonably possible.

- The Council will arrange and fund the referendum in accordance with The Neighbourhood Planning (Referendums) Regulations 2012. If over 50% vote in favour of the Plan then, subject to compliance with the various legal obligations, the Council will adopt ('make') the Neighbourhood Plan.
- 3.5 Neighbourhood Development Orders (NDOs) can be introduced by a Parish or Town Council, or a Neighbourhood Forum, in order to grant planning permission for a specific development or type of development in their neighbourhoods. The Council will give similar advice and assistance regarding neighbourhood development orders as it will regarding neighbourhood plans.

#### **4. Community Involvement in Planning Applications**

- 4.1 Planning applications and decisions can be controversial. There will often be arguments for and against granting permissions for any type of development, and the Council must apply planning policies accordingly in a reasonable and impartial manner. The important issue is to ensure that the decision-making process is as clear, transparent and inclusive as possible.
- 4.2 It is important to note that the quality and relevance of points raised in any objection carry more weight within the decision-making process than the number of objections. Therefore, a large number of objections being received does not automatically mean that a proposal will be refused. Equally the absence of objections does not necessarily mean that an application will be approved.
- 4.3 Broxtowe Borough Council is not responsible for determining all planning applications within the Borough. Nottinghamshire County Council deals with certain categories of applications such as mineral and waste developments, and is therefore responsible for any consultation relating to these matters.

#### **Pre-Application Advice and Enquiries**

- 4.4 The Council encourages applicants for major planning applications and larger schemes such as new residential developments to submit pre-application enquiries in order to enter into early discussions with the Council regarding the proposals. Section 93 of the Local Government Act (2003) allows Local Planning Authorities (LPAs) to charge for providing a pre-application advice service. Details of the relevant fees are provided on the [Council's website](#).
- 4.5 The level of information necessary for effective pre-application advice to be given will vary depending on the scale and nature of the development. Whilst the Council will not set out a list of validation requirements for pre-application enquiries it should be noted that the more information provided the more detailed and insightful the response from Planning Officers can be.
- 4.6 Pre-application enquiries will generally not be consulted on and are treated as confidential. However, where it may aid the advice being given the Council

may consult with technical consultees such as the Highway Authority and Environment Agency. The Council will also encourage applicants to enter into proportionate levels of consultation with neighbours and members of the public prior to the submission of a planning application.

- 4.7 For more general queries relating to permitted development rights and householder development the Council offers a Duty Planner service. The details regarding the number to call and times this will be operational will always be available on the [Council's website](#). It should be noted that advice offered through the Duty Planner service is free of charge, although it will only extend to verbal advice. Any advice required in writing will be subject to a pre-application enquiry and the relevant costs associated with this. All advice offered is informal and 'without prejudice'.

## Planning Application Stage

### Publication of Planning Applications

- 4.8 The Council is required by law (Article 15 of the Town and Country Planning (General Management Procedure) (England) Order 2015 as amended) to give publicity to all planning applications. The legislation sets out the publicity required for various types of development and this is summarised in the table below. The Council will only publicise the required applications in local newspapers for as long as required by law. Should the legislation change in respect of this during the lifetime of this SCI the Council will use a reasonable alternative method as required.

Type of Development	Publicity Required
<ul style="list-style-type: none"> <li>• Applications subject to Environmental Impact Assessment which are submitted with an Environmental Statement;</li> <li>• Applications involving a departure from the development plan; or</li> <li>• Applications for development affecting a Public Right of Way.</li> </ul>	<ul style="list-style-type: none"> <li>• Publication on the Council's website;</li> <li>• Publication in a local newspaper;</li> <li>• Sending a neighbour notification letter to identifiable neighbouring properties; and</li> <li>• A site notice will be erected on or near the land for no less than 30 days.</li> </ul>
Applications for Major Development: <ul style="list-style-type: none"> <li>(a) Residential development of 10 or more dwellings or where the site is 0.5ha or more; and</li> <li>(b) For all other uses, floor space of 1000 sq. metres or more or site area of 1ha or more.</li> </ul>	<ul style="list-style-type: none"> <li>• Publication on the Council's website;</li> <li>• Publication in a local newspaper;</li> <li>• Sending a neighbour notification letter to identifiable neighbouring properties; and</li> <li>• A site notice will be erected on or near the land for no less than 21 days.</li> </ul>
Applications for external works to a Listed Building and development in Conservation Areas.	<ul style="list-style-type: none"> <li>• Publication on the Council's website;</li> <li>• Publication in a local newspaper;</li> </ul>

	<ul style="list-style-type: none"> <li>• Sending a neighbour notification letter to identifiable neighbouring properties; and</li> <li>• A site notice will be erected on or near the land for no less than 21 days.</li> </ul>
Minor Development (all other development, except as at 4.9)	<ul style="list-style-type: none"> <li>• Publication on the Council's website;</li> <li>• Sending a neighbour notification letter to identifiable neighbouring properties; or</li> <li>• A site notice will be erected on or near the land for no less than 21 days where neighbouring properties are not clearly identifiable or where there is considered likely to be wider interest in the application.</li> </ul>

- 4.9 The Council will not consult on applications for advertisement consent and those involving internal works to Grade II Listed Buildings.

#### Neighbour Notification and Consultation Period

- 4.10 The Council sends individual notification letters to all properties/premises immediately adjoining or adjacent to the application site to ensure neighbours receive a timely and direct notification. Where a neighbouring property is not clearly identifiable adjacent to the application site a site notice will be posted at the site for no less than 21 days. A site notice will also be posted where there is considered likely to be wider interest in the application.
- 4.11 There is a statutory consultation period of 21 days (except where consultation falls over a bank holiday, where an additional day will be added for each bank holiday the period covers). After that period a decision may be taken, although any comments received prior to the application being decided will generally be considered. Where planning applications are to be determined by the Planning Committee, any comments received after the agenda has been finalised will be reported to the Planning Committee in a schedule of late items. However, any comments received after noon on the day of the meeting will not be reported to the Committee.
- 4.12 Public comments on planning applications will not be made available on the Council's website. However, all comments received will form part of a public record and made available for public inspection. Members of the public should therefore consider the content of any comments made in response to planning applications and only provide information they would be happy to be viewed by other members of the public and applicants. The sharing of information will be carried out in accordance with the Council's Planning Privacy Notice which can be viewed via <https://www.broxtowe.gov.uk/for-you/planning/planning-privacy-notice/>.

- 4.13 Upon request comments from the public may be sent to any other members of the public, including the applicant. Names and addresses if included on letters will not be redacted in these instances unless clearly requested at the beginning of your correspondence. The only personal information to be redacted as standard will be telephone numbers, email addresses and signatures. Some information such as medical details may also be identified as being confidential and as such would not be available for public viewing. This would be on a case by case basis upon agreement between the Council and the individual who commented.
- 4.14 The preferred and most efficient way for comments to be submitted is through the Council's website at <http://planning.broxtowe.gov.uk/ApplicationSearch>. However, comments can also be submitted by email to [pabc@broxtowe.gov.uk](mailto:pabc@broxtowe.gov.uk) and by post with all correspondence referencing the planning application number.
- 4.15 The Council will only assess planning issues relevant to the application. Examples include:
- Compliance with national or local planning policies
  - Design and appearance
  - Loss of privacy
  - Loss of daylight/sunlight
  - Sense of enclosure
  - Noise/smell and disturbance as a result of the proposal
  - Traffic generation and access

Examples of issues that are not material planning considerations include:

- Impact on property values
  - Boundary/legal disputes
  - Loss of view
  - Commercial competition
  - Impact of building work
- 4.16 Comments received from statutory and technical consultees, ward Councillors and Town/Parish Councils will normally be displayed on the website.

#### The Decision and Planning Committee

- 4.17 The Council decides many planning applications through delegated powers with Council Officers being responsible for determining the applications. Borough Councillors can call applications in for determination at Planning Committee, which is held approximately every 4 weeks. Other occasions whereby applications are determined by Planning Committee include those applications which the Head of Planning considers should be considered by members as well as applications where Broxtowe Borough Council is the applicant.
- 4.18 Where an application is to be determined by the Planning Committee a report will be prepared by the case officer and will form part of the agenda. The agenda will normally be available 5 working days prior to the meeting and be available on the Council's website. The applicant/agent and any member of the public who has commented on the application will be advised in writing (by

email or post where an email address is not provided) if a particular application is to be determined by Planning Committee. Where a petition has been received in respect of a particular application only the organiser of the petition or the person listed at the top of the petition will be notified.

- 4.19 There is an opportunity for members of the public to speak at Planning Committee. Only one registered member of the public is allowed to speak to support, and one to oppose, the application and no agents (or other similarly qualified individuals) will be eligible to speak. In the event that more than one member of the public requests to speak the Council will assess who is more appropriately placed to speak. Speakers will be allowed a maximum time of 3 minutes to speak. Information on how to register to speak will be included in the correspondence making members of the public aware of the application being taken to Planning Committee.

#### After the Decision

- 4.20 The Council will post all planning decision notices on the Council website as soon as possible after a decision has been made. A copy of the decision notice is retained on file.
- 4.21 Following a refusal of planning permission or the imposition of conditions, the applicant has the right to appeal the Council's decision to the Planning Inspectorate who will consider the proposal and make an independent decision. Should an appeal be submitted the Council will notify members of the public who commented on the original application in accordance with Government requirements.
- 4.22 Following the granting of planning permission there is no third party right of appeal against the decision.

### **5. Nationally Significant Infrastructure Projects**

- 5.1 Nationally Significant Infrastructure Projects (NSIPs) such as HS2 are subject to separate consultation processes and dealt with on an individual basis. The Council will follow the appropriate guidance should such measures be required.
- 5.2 Further information on consultation in respect of NSIPs is available at <https://infrastructure.planninginspectorate.gov.uk/>.

### **6. Further Information**

- 6.1 For further information regarding this Statement of Community Involvement or any aspect of the process for planning policy and planning applications please contact us using the details below. Further information regarding all these matters is also available on the Council's website.

By Email:

[pabc@broxtowe.gov.uk](mailto:pabc@broxtowe.gov.uk)

By Post:

Broxtowe Borough Council  
Council Offices  
Foster Avenue

Beeston  
Nottinghamshire  
NG9 1AB

Telephone: 0115 917 3447  
Website: [www.broxtowe.gov.uk](http://www.broxtowe.gov.uk)

## **Appendix 1 – Glossary of Terms**

**Development Plan Document:** A spatial planning document which is part of the development plan subject to extensive consultation and independent examination.

**Development Plan:** Includes adopted Local Plans and Neighbourhood Plans, and is defined in Section 38 of the Planning and Compulsory Purchase Act 2004.

**Localism Act 2011:** An act of Parliament that introduced changes to the planning system including introducing the Duty to Cooperate and Neighbourhood Planning.

**Local Development Documents:** Documents including Development Plan Documents and Supplementary Planning Documents that deliver the spatial planning strategy for the Local Planning Authority.

**Major Planning Application:** Planning applications for residential development of 10 or more dwellings or site area of 0.5 hectares or more. For non-residential proposals 1000 sq.m. floor space or a site area of 1 hectare or more.

**National Planning Policy Framework:** Sets out the Government's planning policies for England and how these are expected to be applied.

**Nationally Significant Infrastructure Projects:** Major infrastructure developments that bypass normal local planning application processes.

**Neighbourhood Plan:** A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area.

**Planning Committee:** A committee of local councillors that determines certain planning applications.

**Supplementary Planning Documents:** Documents which add further detail to policies in the Local Plan. Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the development plan.