



Nottinghamshire County Council's Statement of Community Involvement 2017

Covering all minerals and waste planning issues and planning applications for the County Council's own development such as schools and roads.

Consultation Date: October 2017

Foreword by Councillor John Cottee

Nottinghamshire County Council adopted its first Statement of Community Involvement (SCI) in January 2007. This was reviewed in 2013 to reflect national and local changes to the planning system and we are now carrying out a further review to make sure that the SCI remains fit for purpose.

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

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

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

Councillor John Cottee
Chairman of Communities and Place Committee

Preface

The County Council adopted its first Statement of Community Involvement (SCI) on 18 January 2007. This was reviewed in 2013 and the Council is now carrying out its second review largely to reflect changes that have taken place in the way the Planning Group engages with the public when carrying out its statutory functions. This updated SCI document replaces the earlier adopted version. It has been prepared in accordance with the National Planning Policy Framework, the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012.

Changes to the SCI

Since the SCI was last updated in 2013 new secondary legislation and planning guidance has come into effect. These are the National Planning Practice Guidance, an online planning information resource first published to the web in 2014, National Planning Policy for Waste (published 2014) and the Town and Country Planning (Development Management Procedure) (England) Order 2015.

During this time the County Council has carried out ongoing consultation on its replacement Minerals and Waste Local Plans and on a large number of planning applications.

The County Council places great emphasis on making the best use of available resources to deliver its services. A wide range of local authority services are now delivered online and the Council is committed to providing online/electronic services wherever possible, in line with the Nottinghamshire Strategic Plan 2017-2021, which states:

'The digital age is rapidly transforming the way we live, do business and spend our leisure time. People expect to access information, pay bills, make bookings and buy things online. We will reflect this by continuing to introduce new technology and more online services'

The SCI has therefore been updated to show that we will provide information electronically wherever possible through the use of the Council's website and social media accounts, email and interactive Local Plan consultation database. Where there is a genuine need to provide information in printed form we will continue to do so. All planning documents are available in large copy prints, audio cassette, Braille, or languages other than English. If you require a document in one of these formats please contact the address below:

Planning Policy Team,
Nottinghamshire County Council, County Hall
Loughborough Road, West Bridgford
Nottingham
NG2 7QP
tel; 0300 500 80 80 (customer service centre)
email; development.planning@nottsc.gov.uk

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1 Introduction

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

- **The preparation of local plans and policies** which provide the framework for determining all future proposals for minerals and waste developments, such as quarries and major waste management facilities. These plans can include preferred areas for development as well as more general policies.
- **The determination of planning applications** for minerals, waste and the County Council's own development such as schools and roads.

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

What are the main aims of the SCI?

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

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

- **Transparency** – ensuring the reasons why certain planning decisions have been made, and what other options have been considered and why they have been rejected, are available for public scrutiny and consultation.
 - **Providing feedback** – letting the community know when and why a decision has been made and how their views have been taken into account.
- 1.4 The principles underpinning the SCI build upon the priorities and guiding principles set out in the County Council’s **Sustainable Community Strategy 2010-2020**. For example, the strategy wants to see local people influencing decisions which affect their lives and their communities. Principles such as this are reflected in other public engagement initiatives such as the **Public Engagement Policy**. 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 helps achieve consensus and legitimacy in delivering sustainable development.
- 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 local plans

Why plan for minerals and waste?

- 2.1 Where minerals are worked, and how we can best deal with all of the waste we produce present major planning issues for the county and are of obvious interest and concern to those communities most affected by these activities. The industry must also be able to plan ahead so it can justify the long term investment needed to develop new or extended minerals and waste sites on which our environment, economy and lifestyle depend.
- 2.2 Nottinghamshire County Council is the minerals and waste planning authority for the county of Nottinghamshire. This means that it is responsible for all matters associated with minerals and waste development, including setting land use policies and determining planning applications for such developments.
- 2.3 Decisions on planning applications should be made on the basis of having an up-to-date statutory development plan setting out strategy, provision, policies and sites for development. Alongside the Local Plans produced by the District and Borough Councils, the County Council has a statutory duty to prepare, and keep up-to-date, an equivalent local plan or plans for minerals and waste, and together these documents form the development plan for the county. A Local Plan can be produced as a single, comprehensive document or it can be made up of several separate documents depending on local circumstances.
- 2.4 Exactly which documents are going to be prepared and how and when is set out in the **Minerals and Waste Development Scheme**. The County Council's current development scheme came into effect in September 2017.
- 2.5 All Local Plans must be monitored annually and reviewed as necessary to make sure that the Council's planning policies remain comprehensive and up to date.

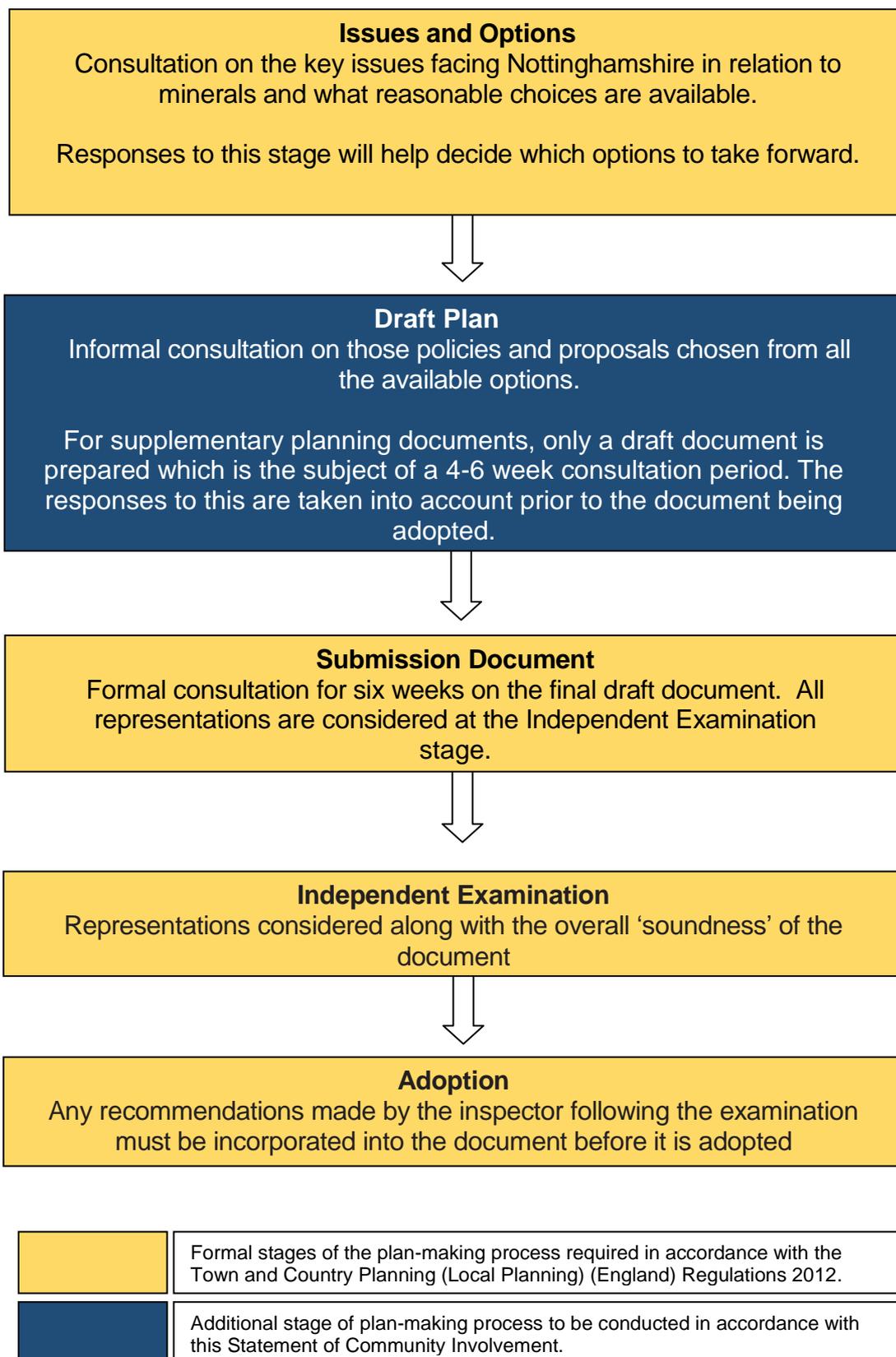
How are the new plans prepared?

- 2.6 Each development plan document must go through various stages of public consultation and an independent examination before it can be adopted. (see **Figure 1**).
- 2.7 This process begins with a formal requirement to notify and consult relevant organisations and individuals on the scope of the plan to be prepared. This is commonly referred to as the '**issues and options**' stage which explores what reasonable options exist to address the planning issues that need to be resolved. The information and comments received are then used to help prepare the draft plan. Although there is no legal requirement to do so, the local authority/Council will often prepare and consult informally on a '**draft**

plan’ document setting out which options are considered the most suitable to go forward into the plan and which have been rejected and why. Responses from this informal stage can then be used to help prepare the final version of the plan known as the ‘**submission draft**’ document which must be published and subject to a formal consultation period before being submitted to the Secretary of State. This draft will be made available for public inspection at the County Council’s offices and on our website. All of the representations received are then forwarded to the Secretary of State, along with the submission draft and any supporting information. This will include a summary of the main issues raised and how these have been taken into account during the plan’s preparation which will also be available on the County Council’s website or provided on request. Once the plan has been submitted, there will be an independent examination held before a Government appointed inspector.

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

Figure 1 – Stages in the preparation of development plan documents



Who approves the Minerals and Waste Development Framework documents?

- 2.9 All development plan documents must be considered and approved by the County Council's elected councillors. The approval mechanisms vary according to each document and the stage it is at. Early stages may be considered by the relevant committee but more formal stages will have to be considered at a meeting of the Full Council.

Legal challenges and complaints

- 2.10 All objectors to the submission draft document have a right to have their views heard at the independent examination. Neither the County Council nor objectors have a right to appeal against the inspector's recommendations.
- 2.11 Objectors can legally challenge the inspector's decision on a development plan document within six weeks of it being adopted. Such challenges are by judicial review and must be based on procedural or other legal errors in preparing the document. The County Council is also able to challenge the inspector's report on procedural or other legal grounds.
- 2.12 The usual rights to make a complaint against the County Council on procedural grounds, maladministration or other substantive legal error applies and can be made to the Local Government Ombudsman, or via the County Council's own complaints procedure.

Compliance with the SCI

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

3 Community involvement during the preparation of local 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 issues and options stage. The County Council must consult all organisations and other bodies it considers relevant to the document being prepared. These will normally include Government departments and agencies, the minerals and waste industries, district and parish councils and environmental groups. The types of groups that will be consulted are set out in annex 1.
- 3.3 At the formal consultation stages, details of the plan, public information notices and forms for making representations will be published on the Council's website along with all other relevant documents, such as the sustainability appraisal. Notifications will be sent by email or other online communication methods such as social media. For those who do not have access to a computer, documents can be viewed at libraries and printed copies will be available in council offices at both Nottinghamshire County Council, Nottingham City Council and Nottinghamshire District Council Offices. Wherever possible details will be sent electronically (see paragraph 3.21). Paper copies can still be requested and will be provided in circumstances where there is a clearly identified need and information cannot be obtained by other means.
- 3.4 Please note, there is no specific requirement to publicise, or to consult local residents or any other members of the public individually but the Council will make use of the internet/social media channels and local media to publicise consultations as widely as possible. Local residents, interest groups and other organisations are encouraged to register for updates via the Council's 'email me' service or to register directly with the County Council's online consultation database in order to receive direct notification of upcoming plan consultations. The Council will also send information to Parish Councils to enable them to publicise the upcoming plan within their administrative area.
- 3.5 At the formal consultation stages, there is no requirement to place public notices in the local press but copies of all relevant documents and details of how to make representations must be made available for public inspection at the County Council's main office. This information must also be made available on the County Council's website and electronically. The County Council must make provision for representations to be submitted electronically.
- 3.6 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.

Duty to Co-operate

- 3.7 The Localism Act 2011 also introduced a specific ‘Duty to Co-operate’ for local planning authorities and other public bodies which extends to all parts of the UK, not just our local area, where there are common issues such as cross- boundary movements of waste, the supply of minerals or the impact of major proposed development schemes. Where such issues are identified, the County Council will work with those local planning authorities or public bodies affected to address these issues through its development plan documents.

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

- 3.8 As well as the minimum requirements set out above, we will also make use of some or all of the following methods, where appropriate, to ensure wider community engagement in line with the four key principles set out in paragraph 1.3.
- 3.9 Each measure is discussed in turn and its relevance to each type of local plan and the stages of its preparation detailed. A summary of all the options can be found in table 2 (see pages 23-25). Tables 3a-3c (pages 26-28) detail when each of these options is likely to be used at the various stages of preparation for the different types of forward plans.

- **The use of online consultation and other electronic communication**

- 3.10 The use of the internet and email is now an integral part of everyday life and is a key tool when it comes to consultation and raising public awareness. Email will be the main way the County Council communicates, with contact email addresses being distributed on material produced by the County Council. Once communication with Nottinghamshire County Council has been established by email, it will be used as the main form of communication.
- 3.11 Members of the public will be able to comment on documents online, allowing them to provide public comments and also to view the comments left by others. The County Council will communicate by post where there is a clearly identified need, which will be considered by the County Council on a case by case basis.
- 3.12 All of the consultation documents and supporting information will be available on the County Council’s website for the public to view and download. The website shall be the primary location through which information regarding consultation documents is accessed. The internet publication of these documents will be publicised using County Council e-mailing lists, social media pages and County Council website to raise the profile of these

documents, awareness of them and provide updates on plan progress. Where there is a clearly identified need, paper copies will still be provided upon request as deemed appropriate by the County Council.

- **Local Notification**

3.13 Minerals and waste development proposals can have a real or perceived impact over a wide area and possibly whole communities. While near neighbour notification is useful for planning applications, which affect a specific location (see paragraphs 5.11 – 5.16), there are practical problems in using this for local plans which cover the entire county. It is not feasible for the County Council to write to every resident individually, but where minerals and waste plans are putting forward site specific proposals, rather than general, strategic policies, notifications placed physically within communities may provide a useful means of communication.

3.14 The relevant parish and town council(s) (or parish meeting where relevant) for an area affected by proposals will be supplied with the materials to enable them to place notices providing information regarding site specific proposals. This enables the relevant local government body (the parish) for the local area to place notification and information in the locations most appropriate for the community it serves. Parish representatives are the best placed administrations within their area to determine the best locations for information, which might include libraries, leisure centres (or gyms), church halls, parish notice boards or other suitable locations, depending on the parish. Paragraphs 3.15 and 3.16 detail further how the County Council will work with parish/town councils.

3.15 Where there is no parish council, town council or parish meeting to conduct the activities detailed in 3.14 in an area affected by proposals, the responsibility for ensuring that information is placed would fall to Nottinghamshire County Council.

3.16 This approach (detailed in paragraphs 3.13 – 3.15) provides a balance between consultation of those directly and indirectly affected by proposals and the costs and practical limitations associated with consultation on proposals across a large County area. Additional information and support will be provided to Parish and Town Councils as they have an important role to play in relaying information to their communities when local plans are produced.

3.17 This is especially the case for site specific proposals, as information, materials and communication in addition to the notices (detailed in paragraphs 3.12 and 3.13) will enable parish/town councils to feed back any local concerns back to the planning authority. The relevant parish/town councils, both within and adjacent to the county, can assist the County Council in deciding how best to inform local communities, including groups we find hard to reach, 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.

3.18 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 County Council will support parish councils, town councils and parish meetings with information and resources to enable them to provide information to those within their parish area. Resources such as exhibition material and electronic copies of information leaflet designs can be passed onto parishes (by the County Council) to assist them in fulfilment of this role. In return, parish/town councils will be expected to work co-operatively with the County Council in providing adequate communication with their parishioners and the County Council, pro-actively using the materials and information provided to them.

- **The use of the media**

3.19 Press releases provide an important function in enabling the County Council to distribute information to major media outlets. Press releases give media outlets such as local and national radio, television and printed press (along with their associated online output) information provided by the County Council at no additional cost to the authority. Press releases have the potential to reach a large number of Nottinghamshire residents with information about local plans.

3.20 Where it is deemed appropriate at officers' discretion regarding any perceived need in relation to the Plan concerned, the County Council will go beyond the statutory minimum consultation by placing public notices in local press.

3.21 The County Council may also use its own publications, such as County Life, to bring key documents to the public's attention. The County Council's own social media and web presence also provide a low cost, highly visible and easily distributable means of notifying the public about key documents.

- **Stakeholder meetings**

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

3.23 To be effective, the groups are best limited in number, usually no more than 15 or 20 to contain sufficient expertise and breadth of views to provide useful guidance. Representatives from Government bodies and agencies, the minerals and waste industries, environmental bodies and community organisations would normally be invited.

3.24 Stakeholder groups are more likely to be suitable when preparing strategic

policies setting out the broad approach on the amount and type of development that is appropriate, for example, rather than when considering specific site allocations where individual commercial and local interests may tend to make objective discussion and consensus more difficult to attain.

3.25 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 voluntary and community organisations**

3.26 Voluntary and community organisations can also have an important role to play when local 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.

- **Groups we find hard to reach**

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

- Older people
- Young people
- Black and Minority Ethnic communities
- Gypsies or travellers
- People with disabilities

Under the Equality Act 2010, they have protected characteristics and we are required, as a public body, to eliminate discrimination, promote quality of opportunity and foster good relations between those who have a protected characteristic and those who do not. By working with these groups and their representatives, it is our aim to give them a more active role in planning matters in the future.

- **Feedback**

3.28 It is important that all consultees receive good feedback so they know how their comments and representations have been considered and why they have been accepted or rejected. For example, 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.

Below is a summary of how and when we will use these various consultation methods.

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

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

If you no longer wish to be contacted by the County Council about any of our planning documents you can let us know and ask us to remove your details at any time. However, if you have made formal representations on a plan we cannot delete your record unless you withdraw your representation which will mean it cannot be considered by an Inspector at examination. This also applies to any representations you may have made on a plan that has since been adopted. The Council has to retain all of the information and evidence, including representations that were part of preparing that plan in case of any procedural/legal challenge. Usually the information is retained until the Plan has been replaced which may take several years.

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

For more details on how we use your information and who to contact if you have any concerns please view Nottinghamshire County Council's Privacy Statement at <http://www.nottinghamshire.gov.uk/global-content/privacy>

4 The determination of planning applications

Types of planning applications

- 4.1 The County Council is responsible for determining planning applications for minerals and waste proposals and for its own development. The type, scale and complexity of applications vary enormously. These range from major proposals including new quarries, large scale waste management facilities, new schools and road schemes to minor applications such as applications to vary planning conditions, extensions to schools and multi-use games areas on school sites. Since their introduction in 2009 the County Council has also dealt with applications for non-material amendments to existing planning permissions.
- 4.2 The nature of each application can influence how long the County Council will take to deal with them. There are statutory time limits to be met for dealing with planning applications comprising 13 weeks for major applications and 8 weeks for all other types of development, unless the application is subject to an Environmental Impact Assessment in which case a 16 week limit applies. Where these time limits cannot be met, the Council can ask the applicant for an extension of time to allow for further consideration of the proposal or to conclude a legal agreement for instance. Local Planning Authorities are monitored by central government which publicises league tables for performance on the determination of planning applications. Failure to meet the criteria, which includes the percentage of applications for major development that have been determined within the statutory period or the agreed extended time, can result in the council being “designated” on the basis of under-performance. If this happens legislation allows applicants to submit their planning applications for major development to be submitted directly to the Secretary of State for determination.
- 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 adds further time to the issuing of the decision.

Stages of determining planning applications

- 4.4 The process of determining a planning application is essentially the same regardless of its size or complexity. The applicant must submit the necessary forms and supporting information and the County Council then makes a decision to grant or refuse planning permission after all consultations and negotiations have been completed. In some cases, the applicant may discuss the proposal with the County Council, other key consultees and local communities before the planning application is submitted. The merits of this approach are considered later in paragraphs 5.6 – 5.7.

Making the decision

- 4.5 Major and controversial planning applications are reported to the County Council's Planning and Licensing Committee for a decision by councillors. Using powers delegated to the Corporate Director for Place planning officers make decisions on more straightforward applications and those which do not raise significant objections.
- 4.6 If a planning application is approved, the decision usually has a comprehensive set of planning conditions attached (with reasons) and sometimes a legal agreement covering aspects such as financial contributions towards the long term aftercare and management of a site or dealing with lorry routeing. Where appropriate, the County Council will undertake additional consultation on the approval of details required by planning conditions.

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

- 4.7 If a planning application is refused, reasons have to be stated and applicants have the right to appeal against this decision or against conditions they consider to be unreasonable. Appeals are considered by a government inspector who can either uphold the decision made by the local planning 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 relevant legislation or 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 the Council's adopted 'Local Enforcement Plan'. 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 Planning regulations require various bodies and organisations to be consulted on certain planning applications. For example, where an application is likely to have a significant effect on a public highway, the local highways authority will 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 consulted via email and directed to the County Council's website to inspect all planning application documents. Planning law requires statutory consultees to respond within a set time period of 21 days. Such bodies as Natural England will be allowed a longer period of time to comment on certain applications where this is prescribed by legislation.

5.3 The minimum requirements for publicity and notifying local communities are very limited, comprising a combination of one or more of the following: site notices; local press notices and notifying adjacent land owners. Applicants must 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 1.

Table 1 – Publicity requirements for planning applications (as required by Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015)	
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, Notice in a local newspaper and the County Council (CC) Website Note: applications accompanied by an Environmental Statement require publicity for 30 days (2017 EIA Regulations)
Other applications for major development*	Posting of a site notice for not less than 21 days, or serving notice on adjoining owners/occupiers; Notice in a local newspaper and CC Website
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; Notice in a local newspaper and CC Website
Other applications	Posting of a site notice for not less than 21 days; or Serving notice on adjoining owners/occupiers and CC Website

Copies of all site and press notices are now available to view on the Council's website. The Environmental Impact Assessment Regulations 2017 made this mandatory for all applications accompanied by an Environmental statement.

* 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, a single press and a single site notice are limited in achieving their purpose of notifying the public of proposals and fall well short of the consultation and engagement measures communities can reasonably expect. Over the last few years the County Council has increased the use of its website as a means to publicise planning applications, to receive comments on applications and to publish planning decisions. The County Council also 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 2 (see pages 23-25). Details of when these options are likely to be used are set out in Table 3c (see page 28).

• Pre-application discussions

- 5.6 The National Planning Policy Framework (paras.189-190) stresses that although developers are not required to engage with local authorities before submitting planning applications early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and should therefore be encouraged. The main advantage of pre-application discussions is that they provide an opportunity for the County Council to check if any issues have not been covered before the planning application is submitted. Pre-application advice can be provided on all proposals 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. Like many other local authorities and statutory consultees, the County Council now charge for providing pre-application advice with the level of fee reflecting the size and nature of the

proposal.

- 5.7 Developers often request that pre-application information be treated as confidential for commercial reasons, for example when they have yet to secure a legal interest in the land. However, where such obstacles do not exist or have been overcome, there are benefits to 'front-loading' the process by encouraging pre-application dialogue with the wider community. This early stage offers a real opportunity for local residents to influence a development before final proposals are drawn up and submitted. While the County Council cannot make pre-application discussions compulsory (with the exception of those application types listed in paragraph 5.9 below) it will continue to encourage developers to enter into them, and welcomes the involvement of the local community. Developers/applicants will be encouraged to ensure that all public meetings and exhibitions are held at easily accessible locations.
- 5.8 In March 2014 the Government published the National Planning Practice Guidance (NPPG) which includes a section on the value of pre-application engagement and states that "pre-application engagement by prospective applicants offers significant potential to improve both efficiency and effectiveness of the planning application system and improve the quality of planning applications and the likelihood of success". The Guidance added "that the approach to pre-application engagement needs to be tailored to the nature of the proposed development and the issues to be addressed".
- 5.9 Notwithstanding the significant benefits of pre-application engagement, for most applications consultation at this stage is not mandatory. Currently the only compulsory pre-application consultation involving applications which may be determined by the County Council relates to proposals for wind farms (involving the installation of more than 2 turbines or the hub height of any turbine exceeds 15 metres in height). Where such proposals are submitted applications must be accompanied by details of consultation undertaken, any responses received and how these responses have been taken into account. For more information on this please contact the Development Management Team.
- 5.10 The only other compulsory pre-application consultation relates to Nationally Significant Infrastructure Projects, such as new power stations or major road or rail developments. In 2012 the Planning Inspectorate became the agency for this type of project.

• **Additional consultation**

- 5.11 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, organisations such as 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**

5.12 Past experience has confirmed that the most effective way of ensuring local communities are aware of a proposal is through a combination of additional site notices placed in residential areas close to application sites and notifying 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.

5.13 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.

5.14 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 may 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 noise, odour, dust, landscape and visual impacts, 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.

5.15 This approach differs from the local notification methods that will apply to development plan allocations for minerals and waste proposals (see paragraphs 3.13 – 3.15). This is because consultation on planning applications can be more precisely tailored to reflect the expected impact of a detailed proposal. 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.

5.16 The County Council will continue to carry out near neighbour notification by letter with a site location plan enclosed and details of the County Council's website at which details of the application can be viewed. Comments will be invited within 21 days with all responses being acknowledged by the County Council. Consultees and local residents are encouraged to respond electronically by using the comments form on the County Council's website or by emailing the Development Management Team (at development.management@nottsc.gov.uk). Where an email address is provided the County Council will use this method as the default means of communication with consultees. 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. However, the County Council will continue to be

mindful of Government targets for determining applications within specific timeframes when agreeing to additional time to respond to consultations on applications. If significant amendments are made to a proposal the County Council will notify all relevant consultees about these changes.

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

5.17 The County Council has significantly developed its website and other forms of electronic communication in recent years to make its planning service more efficient and accessible to the public, applicants and consultees. This includes placing information, including planning application forms, plans and other supporting documents on the County Council website. Copies of consultee responses, press and site notices, as well as decision notices are also displayed on the website. Local residents and other interested parties are encouraged to submit their representations on planning applications electronically and an online form has been developed for this purpose. Submitting representations electronically allows all future correspondence to be carried out electronically which is both the most efficient and effective way of keeping local residents informed of the progress of the application. Furthermore, the County Council has an 'email me' service which provides subscribers with regular updates about key planning matters.

- **Stakeholder group meetings**

5.18 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**

5.19 Parish and town councils, both within and adjacent to the application site, 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**

5.20 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.

- **Groups we find hard to reach**

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

- Older people
- Young people
- Black and Minority Ethnic communities
- Gypsies or travellers
- People with disabilities

Under the Equality Act 2010, they have protected characteristics and we are required, as a public body, to eliminate discrimination, promote quality of opportunity and foster good relations between those who have a protected characteristic and those who do not. By working with these groups and their representatives, it is our aim to give them a more active role in planning matters in the future.

5.22 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 2 (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**

5.23 Where planning applications are reported to Planning and Licensing Committee for a decision, anyone who has submitted written views on an application within the appropriate timescale and has indicated a wish to speak at committee is given an opportunity to register to speak. The places to speak at committee are allocated on a first come first served basis. Further details about who can speak and for how long are set out in the County Council's 'Guidance Note on Public Speaking at Committee' which can be viewed on the County Council's website at www.nottinghamshire.gov.uk

- **The use of the media**

5.24 The County Council will utilise the local media and its own publications, such as County Life, to inform the public of planning applications submitted to it, particularly major or controversial ones. This could include press releases to local papers, radio stations and television. Where relevant social media, such as Twitter, will also be used. 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**

5.25 The final decision on all applications , including the statement of reasons for the decision, conditions and legal obligations will be placed on the County Council's website at www.nottinghamshire.gov.uk

5.26 Anyone making representations should be aware that names, addresses and any comments made will be publicly available and will be retained by the County Council for the relevant period of time. Names and signatures will not be put on the County Council's website.

Table 2 – Community involvement options – objectives and benefits

Method	Objectives and benefits
Near-neighbour notification	<ul style="list-style-type: none"> • Ensures residents and businesses near a proposal are informed
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
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
Placing planning documents at local venues	<ul style="list-style-type: none"> • Makes information more easily available to local communities
Loaning plans and documents	<ul style="list-style-type: none"> • Makes information available to those with mobility problems which would otherwise be inaccessible
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

Method	Objectives and benefits
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 • Provides opportunities for detailed conversations
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
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
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
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

Method	Objectives and benefits
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
County Council's own publications, such as County Life	<ul style="list-style-type: none"> • Increases awareness and interest in planning matters • User friendly format • Guaranteed coverage, not subject to editorial decisions
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
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
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

Table 3(a) – Community involvement – who, when and how

(A) Local Plans		Statutory consultation	Likely methods of additional community involvement										
			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
Target group for method of community involvement	Stage of document preparation												
General public	Issues and options			✓	✓	✓	✓	✓	✓		✓	✓	✓
	Draft Plan			✓	✓	✓	✓	✓	✓		✓	✓	✓
	Submission			✓	✓			✓	✓		✓	✓	✓
Government bodies	Issues and options	✓	✓					✓	✓		✓	✓	
	Draft Plan	✓	✓					✓	✓		✓	✓	
	Submission	✓				✓	✓	✓	✓		✓	✓	
Parish/ town councils	Issues and options	✓				✓	✓	✓	✓	✓	✓	✓	✓
	Draft Plan	✓						✓	✓	✓	✓	✓	✓
	Submission	✓				✓	✓	✓	✓	✓	✓	✓	✓
Interest groups	Issues and options	✓	✓			✓	✓	✓	✓		✓	✓	✓
	Draft Plan	✓	✓					✓	✓		✓	✓	✓
	Submission	✓						✓	✓		✓	✓	✓
Other planning authorities	Issues and options	✓	✓					✓	✓		✓	✓	
	Draft Plan	✓	✓					✓	✓		✓	✓	
	Submission	✓						✓	✓		✓	✓	
Industry/utilities	Issues and options	✓	✓					✓	✓		✓	✓	
	Draft Plan	✓	✓					✓	✓		✓	✓	
	Submission	✓						✓	✓		✓	✓	

Table 3(b) – Community involvement – who, when and how

(B) 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
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 3(c) – Community involvement – who, when and how

(C) 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

- 6.13 The planning functions covered by this SCI are carried out by the Planning Group, which includes a Planning Policy team and a Development Management team.
- 6.14 The Group is supported by Administration Officers and a GIS Development Officer. Temporary staff and consultant services can also be engaged for particular planning tasks, or to meet periods of particularly high workload.
- 6.15 The County Council's Community and Voluntary Sector Team is available to provide advice on community involvement.

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

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

Email: advice@planningaid.rtpi.org.uk

Making information accessible

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

7 Monitoring and review

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

Annex 1 – List of types of consultees

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

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

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

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

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

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

As well as the consultation requirements for development plan documents and planning applications, the 2012 Regulations prescribe a list of specific bodies with which the Council must engage under the Duty to Cooperate.

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

Details on which bodies and organisations the County Council must consult are set out in Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 Full details of the content of Article 18 can be provided by the County Council on request.

Annex 2 – Definition of ‘major development’

This is as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015

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

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

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

Legal background

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

Localism Act 2011

Planning and Compulsory Purchase Act 2004 as amended

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

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

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

Town and Country Planning (Development Management Procedure) (England) Order 2015

Sets out procedures to be followed when determining planning applications.

National planning guidance and other Government publications

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

National Planning Policy Framework 2012

Government planning policy for plan making and development management.

National Planning Practice Guidance 2014

Government planning guidance

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.

Nottinghamshire County Council publications Nottinghamshire's

Sustainable Community Strategy 2010- 2020

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

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

Public Engagement Policy

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

Guidance Note on Public Speaking at Planning and Licensing Committee

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

Other legislation relevant to the preparation of the SCI Equality Act

2010

Freedom of Information Act 2000 Data

Protection Act 1998

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

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

Provides information on Government guidelines and initiatives.

Planning Portal (www.planningportal.gov.uk)

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