



**Rushcliffe Statement of Community  
Involvement for Planning Policy  
and Planning Applications**

**Consultation Statement**

**September 2016**

## **Introduction**

1. The draft Rushcliffe Statement of Community Involvement (SCI) for Planning Policy and Planning Applications was published for consultation on the 29 January 2016. The eight week consultation period ended on the 24 March 2016.

## **Consultation Methods**

2. In order to assist those who wished to comment, the following questions were asked within a response form:

- 1. Consulting on Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs)**

Do you agree or disagree with the consultation methods identified in the Draft Statement of Community Involvement? If you disagree, please explain why and how the Draft Statement of Community Involvement should be changed.

- 2. Consulting on Planning Applications**

Do you agree or disagree with the consultation methods identified in the Draft Statement of Community Involvement? If you disagree, please explain why and how the Draft Statement of Community Involvement should be changed.

- 3. Further comments**

Please provide any others comments you wish to make.

3. During the consultation period seven public exhibitions were held across the Borough (Bingham, East Leake, Keyworth, Radcliffe on Trent (twice), Ruddington and West Bridgford). Exhibition material included notice board information on the draft SCI, response forms and copies of the draft SCI were displayed.
4. Details of the draft SCI were sent to all statutory consultees, including parish councils. It was also available to download from the Council's website alongside a response form.

## **Consultation Representations**

5. A total of eight representations were received, including from Highways England, Historic England and Natural England, from the parish councils of Aslockton, East Leake, Barton in Fabis and Tollerton and from one resident.

6. A summary of all representations received is set out in the tables below. The comments are grouped on the basis of those relating to development plan and supplementary planning document preparation and those which concern the process of determining planning applications.
7. Highways England, Historic England and Natural England welcomed the involvement methods, but did not make detailed comments. Responses from the parish councils raised concerns regarding their involvement in the planning application process, most notably pre-application consultation, Section 106 discussions, and the delegation of applications to officers, speaking at planning committee and the publication/consultation of amendments to permitted developments.
8. Alongside the summary of comments in the tables below is a response to each one. In response to some of the comments made, it is considered that a limited number of revisions to the draft SCI are justified and these have been incorporated into the final version of the SCI.
9. The final version of the SCI was adopted by the Borough Council on 13 September 2016.

## 1. Consulting on Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs)

Question: Do you agree or disagree with the consultation methods identified in the Draft Statement of Community Involvement? If you disagree, please explain why and how the Draft Statement of Community Involvement should be changed.

| Organisation/<br>Individual | Agree/<br>Disagree | Comment Details   | Borough Council Response/Change  |
|-----------------------------|--------------------|---|--|
| East Leake Parish Council   | Comment            | Para 2.4 bullet 3. Consultation on Neighbourhood Plans is laid down by the Neighbourhood Planning (General) Regulations 2012, which includes some stages undertaken by the local planning authority.  | Noted  |
| Highways England            | Comment            | Welcomes the range of methods which the Council intends to consult with stakeholders including community events, meetings, press releases and websites. This should ensure that the entire cross section of the community has the opportunity to comment upon consultation documentation. It also notes that the Council is to consult with infrastructure providers throughout the consultation process, and this is assumed to include Highways England, and this is also welcomed. | Noted  |
| Historic England            | -                  | No comment  | Noted  |
| Natural England             | Comment            | Supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.<br><br>No specific comments to make on this consultation.   | Noted  |
| Tollerton Parish Council    | Comment            | The parish council does not consider there to have been sufficient early engagement from the borough  | Tollerton Parish Council is a statutory consultee and as such was consulted during the formulation |

| Organisation/<br>Individual | Agree/<br>Disagree | Comment Details   | Borough Council Response/Change   |
|-----------------------------|--------------------|---|---|
|                             |                    | <p>council on the methodology or appropriateness of the proposals for Tollerton and would welcome further discussion on future sustainable development within both the village and wider parish before the plans are adopted - to ensure that opportunities for neighbourhood led planning remain available to Tollerton residents.</p> <p>The parish council would also wish to see greater engagement on the sustainability of proposed developments on the road network.</p> | <p>of the adopted Core Strategy (Local Plan Part 1). The adopted Core Strategy includes significant development within Tollerton Parish, which the Land and Planning Policies Development Plan (Local Plan Part 2) will not fundamentally change.</p> <p>The Issues and Options consultation provides an early engagement opportunity for consultees to comment on policy issues either not addressed within the Core Strategy or required to deliver Core Strategy policies.</p> <p>Tollerton Parish Council was sent paper copies of all the consultation documents and responded during the 8 week consultation period.</p> <p>Rushcliffe Borough Council is happy to engage further with the Parish Council in respect of future development within Tollerton Parish.</p> |
| Anne Toombs                 | Agree              | Yes   | Noted   |

## 2. Consulting on Planning Applications

Question: Do you agree or disagree with the consultation methods identified in the Draft Statement of Community Involvement? If you disagree, please explain why and how the Draft Statement of Community Involvement should be changed.

| Organisation/<br>Individual       | Agree/<br>Disagree | Comment Details   | Borough Council Response/Change   |
|-----------------------------------|--------------------|---|---|
| Barton in Fabis<br>Parish Council | Disagree           | <p>Current methods heavily biased in favour of developers against local communities and locally elected parish council representatives. The following amendments are proposed:</p> <p>Para 3.3 bullet point 3 should read:</p> <p><i>“Prior to the submission of more significant applications, applicants are required to engage with the community including Town / Parish Councils and to demonstrate how the views of local communities have been taken in to consideration, or to justify why such views have not been accepted”</i></p> | <p>The Localism Act includes provisions to introduce, through secondary legislation, requirements to undertake consultation with the public prior to submitting a planning application. To date, this requirement has only been enacted for applications involving wind turbines. Therefore, it is not obligatory under legislation to undertake pre application consultation, other than for wind turbines.</p> <p>RBC cannot make it an obligatory requirement through the SCI, it can only be encouraged.</p> <p>However, paragraph 3.15 has been added under Developer Community Involvement which reads:</p> <p><i>“Where pre-application consultation has been undertaken with the community, the application shall demonstrate how the views of the local communities have been taken in to consideration, or justify why such views have not been taken in to account.”</i></p> |

| Organisation/<br>Individual | Agree/<br>Disagree | Comment Details  | Borough Council Response/Change   |
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|                             |                    | <p>SCI/Council should also:</p> <p><i>“Require that all planning applications for larger developments are complete and accurate in every respect before submission.”</i></p><br><p>Para 3.7 (Section 106 negotiations) should read:</p> <p><i>“Section 106 negotiations will always involve consultation with and involvement of town/parish councils”</i></p> | <p>National requirements identify the necessary documentation which must support a planning application. RBC does not believe it is necessary to duplicate these requirements in the SCI.</p> <p>Furthermore, ensuring all applications are complete and accurate is not the purpose of the SCI.</p><br><p>The current wording in the draft SCI states ‘The Section 106 negotiations will not normally involve consultation with or the involvement of the general public or town/parish councils’. This does not preclude involvement of Parish Councils.</p><br><p>RBC accept that compliance with legal requirements for section 106 obligations and their complexity can result in lengthy and time consuming negotiations. Due to legal and confidentiality requirements Parish/Town Councils are often excluded from these negotiations. However, this does not preclude them commenting on issues that they may wish to be included in a section 106 when they are consulted on a planning application in the usual way.</p> |

| Organisation/<br>Individual | Agree/<br>Disagree | Comment Details   | Borough Council Response/Change  |
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|                             |                    | <p>Para 3.8 (decisions and delegation) should include an additional exception:</p> <p><i>“Where a town/parish council disagrees with the officer’s recommendation.”</i></p><br><p>Para 3.9 (speaking at planning committee) should state that:</p> <p><i>“Parish / Town councils are permitted to speak on relevant applications for a maximum of 5 minutes”</i></p><br><p>Para 3.14 (early community involvement) should state that:</p> <p><i>“Prior to the submission of a planning application especially for larger developments (such as below) applicants are required to engage with the community including Town / Parish Councils and to demonstrate how the views of local communities have been taken</i></p> | <p>No changes proposed</p><br><p>The delegation of planning application decisions to officers cannot be altered through the SCI. This can only occur through changes to the Council’s Constitution.</p><br><p>No changes proposed</p><br><p>Planning Committee procedures cannot be amended through the SCI. This could only be achieved through changes to the Constitution.</p><br><p>No changes proposed</p><br><p>Paragraph 3.15 has been added:</p> <p><i>“Where pre-application consultation has been undertaken with the community, the application shall demonstrate how the views of the local communities have been taken in to consideration, or justify why such views have not been taken in to account.”</i></p> |

| Organisation/<br>Individual | Agree/<br>Disagree | Comment Details  | Borough Council Response/Change   |
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|                             |                    | <p><i>in to consideration, or to justify why such views have not been accepted”</i></p> <p>RBC should keep communities up to date regarding meeting between officers and developers. The SCI should include the following:</p> <p><i>“RBC officers will keep comprehensive minutes / notes of all meetings held by officers / councillors with developers of larger development. These will be published on the RBC website and made freely and readily available to Parish / Town councils, subject to normal commercial confidentiality”</i></p> | <p>Pre-application discussions are normally undertaken in confidence and may involve commercially sensitive information. For these reasons, RBC would not publish details or pre-application discussions on the website. Furthermore, some discussions may not result in the submission of an application and publication of discussions in these circumstances may attract abortive comments from residents and create additional work for officers. RBC does not consider that the SCI should include a requirement for officers to keep comprehensive minutes/notes of meetings. This is an internal procedural matter.</p> <p>No changes proposed</p> |
| East Leake Parish Council   | Disagree           | <p>Para 3.5</p> <ul style="list-style-type: none"> <li>• Third bullet on page 9 – are comments submitted by email taken into account? This should be made clear.</li> <li>• It should be made clear that comments will be made public on the website.</li> <li>• Footnote numbering is incorrect.</li> <li>• Neighbourhood Plans should be listed as a</li> </ul>  | <p>Amend fourth bullet point to read:</p> <p><i>“The preferred and most efficient way for comments to be submitted is through the Council’s website at <a href="https://planningon-line.rushcliffe.gov.uk/online-applications/">https://planningon-line.rushcliffe.gov.uk/online-applications/</a>. However, comments submitted by email to <a href="mailto:developmentcontrol@rushcliffe.gov.uk">developmentcontrol@rushcliffe.gov.uk</a> or by post will also be taken into account. All comments</i></p>   |

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|                             |                    | <p>material consideration.</p> <p>Para 3.6 (amendments to applications)<br/>Lack of transparency regarding amendments and variations. Changes to benign applications occur under the radar with greater negative impacts on the community. E.g. Homes within the Kirk Ley development increased by 50% under a variation to two conditions.</p> <p>Planning website can be difficult to use. More should be done to ensure that the overall descriptions are informative at each stage and a summary of</p> | <p><i>received from Statutory Consultees, Borough Councillors, Town/Parish Councils and residents etc. will normally be displayed on the website."</i></p> <p>Neighbourhood Plans, once adopted, form part of the Council's Development Plan (Local Plan). They do not require a separate listing as local planning policy is identified as a material consideration in the fifth bullet.</p> <p>No changes proposed</p> <p>If an amendment results in increased or adverse impact, we would normally undertake further consultation. The example referred to by the Parish Council was the subject of a new Section 73 planning application which was subject to consultation in the same way as for the original application. It was also determined by the Development Control Committee, when it was resolved to refuse permission, and ultimately allowed at appeal following a Hearing. RBC does not agree that these amendments were dealt with 'under the radar'.</p> <p>Noted</p> |

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|                             |                    | <p>amendments provided, rather than being buried in the plans.</p> <p>Para 3.7 (developer contributions)<br/>Town and parish councils should have the opportunity to be more actively involved in negotiating S106 agreements at the initial stage. PC is infrastructure provider in some cases, or connects other providers into the process (e.g. village halls) and should be consulted. Involvement at the next stage is too late, as no contribution will have been included to cover the items of local infrastructure.</p> <p>Repayment period should be consulted upon to ensure sufficient time is agreed to build new infrastructure.</p> <p>Para 3.8 (delegated decisions)<br/>Larger developments, especially where officer's recommendation disagrees with the parish councils,</p> | <p>The current wording in the draft SCI states 'The Section 106 negotiations will not normally involve consultation with or the involvement of the general public or town/parish councils'. This does not preclude involvement of Parish Councils.</p> <p>RBC accept that compliance with legal requirements for section 106 obligations and their complexity can result in lengthy and time consuming negotiations. Due to legal and confidentiality requirements Parish/Town Councils are often excluded from these negotiations. However, this does not preclude them commenting on issues that they may wish to be included in a section 106 when they are consulted on a planning application in the usual way.</p> <p>No changes proposed</p> <p>The delegation of planning application decisions to officers cannot be altered through the SCI. This can only occur through changes to the Council's</p> |

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|                             |                    | <p>should go before planning committee.</p> <p>Para 3.9 (speaking at planning committee)<br/>Members of the public should be given opportunity to speak at planning committee. This would require careful control with strict time limits.</p> <p>Para 12 (amendments)<br/>Welcome opportunity for consultation at the discretion of officers and hope that this will be exercised whenever there is an impact on local communities.</p> <p>Para 13 (early community involvement)<br/>100 homes is too high a threshold for pre-app consultation.</p> | <p>Constitution.</p> <p>No changes proposed</p> <p>Planning Committee procedures cannot be amended through the SCI. This could only be achieved through changes to the Constitution.</p> <p>No changes proposed</p> <p>Noted</p> <p>The Localism Act includes provisions to introduce, through secondary legislation, requirements to undertake consultation with the public prior to submitting a planning application. To date, this requirement has only been enacted for applications involving wind turbines. Therefore, it is not obligatory under legislation to undertake pre application consultation, other than for wind turbines.</p> |

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|                             |                    |  | <p>Paragraph 3.14 states that RBC ‘recommend and would encourage early involvement with the community before submitting a planning application, but particularly for larger developments.’ This does not preclude pre-application consultation on smaller applications. In circumstances where a proposal of less than 100 units is likely to prompt significant interest from the local community, developers are encouraged to undertake pre-application consultation.</p> <p>Paragraph 3.14 has been amended as follows:</p> <p><i>“If a proposal is likely to prompt significant community interest, we recommend and would encourage early involvement with the community before submitting a planning application, particularly for larger developments, such as:”</i></p> |
| Natural England             | Comment            | <p>Supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.</p> <p>No specific comments to make on this consultation.</p> | Noted  |
| Tollerton Parish Council    | Disagree           | The council agrees with the requirements for submission of comments to satisfy the borough   | Due to the statutory timescales for the determination of planning applications and the   |

| Organisation/<br>Individual | Agree/<br>Disagree | Comment Details  | Borough Council Response/Change   |
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|                             |                    | <p>council's development control committee scheduling and asks the borough council to consider the requirements of parish councils that meet monthly. The council requests that the borough council give a guarantee that parish council consultees be afforded a month to respond to ensure that such applications can be considered publicly and appropriately.</p> <p>Para 3.8 (delegated decisions)<br/>The borough council should also consider referring applications to the development control committee where the parish council disagrees with the officer recommendation or the local Member.</p> <p>The borough council should add an additional</p> | <p>increasing emphasis from Government on speed of determination, RBC cannot commit to an 'across the board' agreement to give Town/Parish Councils a month to respond to consultations. However, we recognise that some Town/Parish Councils do not meet as regularly as others and have previously agreed to requests for 'reasonable' extensions of time. This issue was addressed in a letter RBC sent to Town and Parish Councils dated 20<sup>th</sup> October 2015.</p> <p>No changes proposed</p> <p>The delegation of planning application decisions to officers cannot be altered through the SCI. This can only occur through changes to the Council's Constitution.</p> <p>Ward Member comments do trigger committee consideration where their view differs with officer recommendation.</p> <p>No changes proposed</p> <p>The Neighbourhood Plan alongside the Local</p> |

| Organisation/<br>Individual | Agree/<br>Disagree | Comment Details   | Borough Council Response/Change  |
|-----------------------------|--------------------|---|--|
|                             |                    | <p>exception to delegated decision making: Where the local council disagrees with the officer recommendation with regard to policies of a “made” neighbourhood development plan it should be referred to the development control committee.</p> <p>Para 3.7 (section 106 agreements)<br/>The Council disagrees with the proposal that S106 or CIL negotiations will not involve consultation with town and parish councils. Parish councils provide infrastructure important to the community and should be involved in this process at an early stage.</p> | <p>Plan is a material consideration which informs the decision. It should not be used as a trigger for committee consideration.</p> <p>No changes proposed</p> <p>The current wording in the draft SCI states ‘The Section 106 negotiations will not normally involve consultation with or the involvement of the general public or town/parish councils’. This does not preclude involvement of Parish Councils.</p> <p>RBC accept that compliance with legal requirements for section 106 obligations and their complexity can result in lengthy and time consuming negotiations. Due to legal and confidentiality requirements Parish/Town Councils are often excluded from these negotiations. However, this does not preclude them commenting on issues that they may wish to be included in a section 106 when they are consulted on a planning application in the usual way.</p> <p>No changes proposed</p> |
| Anne Toombs                 | Agree              | Yes   |  |



| Organisation/Individual | Comment Details  | Borough Council Response/Change  |
|-------------------------|--|--|
| Tollerton               | <p>Local information can prove very beneficial.</p> <p>The parish council does not consider there to have been sufficient early engagement from the borough council on the methodology or appropriateness of the proposals for Tollerton and would welcome further discussion on future sustainable development within both the village and wider parish before the plans are adopted - to ensure that opportunities for neighbourhood led planning remain available to Tollerton residents.</p> <p>The parish council would also wish to see greater engagement on the sustainability of proposed developments on the road network. There should be further engagement to identify and develop appropriate road safety measures for the expected increase in traffic flows through Tollerton as the result of development</p> | <p>sites is reviewed annually.</p> <p>Tollerton Parish Council is a statutory consultee and as such was consulted at every stage during the formulation of the adopted Core Strategy (Local Plan Part 1). The adopted Core Strategy includes significant development within Tollerton Parish, which the Land and Planning Policies Development Plan (Local Plan Part 2) will not fundamentally change.</p> <p>The Issues and Options consultation provides an early engagement opportunity for consultees to comment on policy issues either not addressed within the Core Strategy or required to deliver Core Strategy policies.</p> <p>Tollerton Parish Council was sent paper copies of all the consultation documents and responded during the 8 week consultation period.</p> <p>Rushcliffe Borough Council is happy to engage further with the Parish Council in respect of future development within Tollerton Parish.</p> <p>Further engagement on the delivery of the Strategic Allocation within Tollerton Parish will occur through the development control process. Given the scale of the proposal, it is expected this will include pre-application consultation.</p> |

| Organisation/Individual | Comment Details   | Borough Council Response/Change  |
|-------------------------|---|--|
|                         | <p>proposed in the plan.</p> <p>PC disagrees with the proposal that S106 or CIL negotiations will not involve consultation with town and parish councils. Parish councils provide infrastructure important to the community and should be involved in this process at an early stage. Following the passing of the Localism Act and localism policies of other local authorities, parish councils are increasingly regarded as an important service deliverer for local communities and should be consulted on S106/CIL negotiations.</p> | <p>The current wording in the draft SCI states 'The Section 106 negotiations will not normally involve consultation with or the involvement of the general public or town/parish councils'. This does not preclude involvement of Parish Councils.</p> <p>RBC accept that compliance with legal requirements for section 106 obligations and their complexity can result in lengthy and time consuming negotiations. Due to legal and confidentiality requirements Parish/Town Councils are often excluded from these negotiations. However, this does not preclude them commenting on issues that they may wish to be included in a section 106 when they are consulted on a planning application in the usual way.</p> |