



Rushcliffe Statement of Community Involvement for Planning Policy and Planning Applications

March 2019

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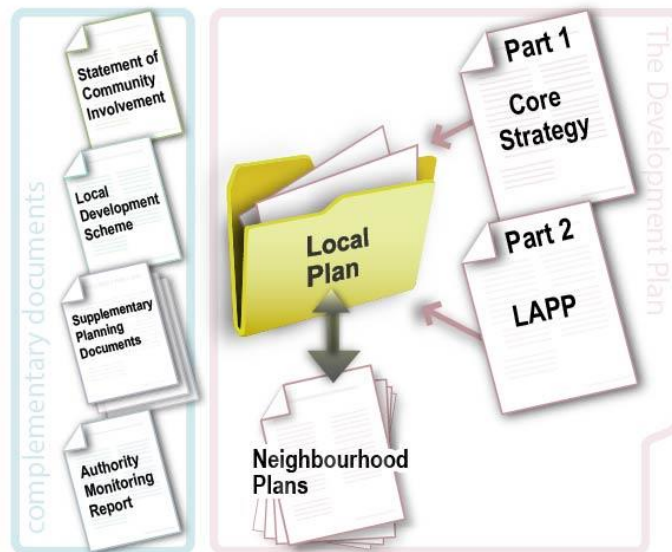
1. Introduction

- 1.1 This Statement of Community Involvement sets out Rushcliffe Borough Council's proposed policies on community involvement in planning policy preparation and the determination of planning applications. This Statement replaces the previous adopted version of the Statement of Community Involvement prepared in 2007. It exceeds the minimum legal requirements for consultation set out in the Planning Acts and regulations.
- 1.2 For community involvement to be successful it must involve an inclusive approach based on the differing needs of the various parts of the community. The Council therefore wishes to use the most effective means to enable people to be informed and to contribute throughout the plan-making process. The aim is to ensure that all groups in the Borough are involved in the process early enough for people to be able to have an input, and to address the needs of those groups of people who traditionally have not been involved in the process but may have specific needs to be met or addressed. It is important that all views are sought, not just those of people with a direct interest in a land use proposal.

2. Planning Policy

Local Plan

- 2.1 Paragraph 16 part c) of the Government's National Planning Policy Framework states that plans should:
- "be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees..."*
- 2.2 The Local Plan sets out how the Borough will develop in the future. It comprises a set of planning documents collectively called Development Plan Documents and in combination these constitute the Development Plan as shown in the diagram below. These plans are subject to a statutory process including community involvement.
- 2.3 In addition to the views of the general public, they must be supported by a number of evidenced based technical documents including a Sustainability Appraisal, Equalities Impact Assessment and Habitats Regulations Assessment. Development Plan Documents are also subject to an independent examination.



2.4 The Development Plan Documents in Rushcliffe include:

- Local Plan Part 1: Core Strategy – setting out the overarching spatial vision and identification of strategic sites.
- Local Plan Part 2: Land and Planning Policies – sets out policies for the management of development against which planning applications will be considered and non-strategic allocations.
- Neighbourhood Development Plans – The Localism Act 2011 gave local communities powers to develop their own planning policies for their areas. Consultation methods on these documents are decided by the local body responsible for the neighbourhood plan, not Rushcliffe Borough Council.

2.5 Supplementary Planning Documents give further explanation and detail to Local Plan policies. They are subject to statutory procedures including community involvement but are not subject to independent examination.

2.6 Other documents that support a Local Plan include:

- Local Development Scheme - sets out the programme for the preparation of Development Plan Documents and also lists supplementary planning documents to be prepared
- Statement of Community Involvement (this document)
- Local Plan Monitoring Report

Local Plan Consultation Principles

2.7 We will abide by the following principles when consulting on the Local Plan:

- We will involve the public and consultees at the earliest opportunity when producing documents;
- Consultation will be transparent, open and accessible to all sections of the community, enabling the community to engage with the planning system, not just those who are familiar with it;
- The consultation process will allow local communities and consultees to see how ideas have developed at various stages with effective feedback;
- Wherever possible consultation will be carried out in tandem with other community engagement initiatives; and
- We will ensure that any personal and, in particular, any sensitive personal data is subject to appropriate technical and organisational security measures so that we meet our obligations under data protection law.

Consultation on Development Plan Documents and Supplementary Planning Documents

2.8 Rushcliffe Local Plan Part 1: Core Strategy was adopted in December 2014. This key planning policy document contains housing and employment targets and their distribution across Rushcliffe, and overarching strategic policies on design, housing mix and tenure, green infrastructure, biodiversity and infrastructure. It also identifies strategic development sites which are critical to the delivery the majority of development proposed in the Core Strategy.

2.9 Whilst policies within the adopted Core Strategy are the primary consideration when determining planning applications, further detailed policies are required to guide and deliver development. These will be contained within the Local Plan Part 2: Land and Planning Policies. This document will also be accompanied by a policies map for the Borough which will identify non-strategic housing and employment allocations, new infrastructure, the Green Belt boundary, retail areas and other features as necessary.

2.10 The Government does not set out precise detail of how a council should prepare a Local Plan but rather considers councils are best placed to decide the exact process and how to engage with their communities. However, the regulations¹ do prescribe certain stages where the public are to be consulted and this is shown in the appendix.

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

2.11 The following consultation methods exceed the requirements as set out in the regulations:

Who we will consult

- Statutory organisations including parish councils and neighbouring authorities, infrastructure providers and government bodies as legally required or otherwise appropriate;
- Organisations representing local geographical, economic, social and other communities or other relevant interests;
- Local businesses, voluntary and other organisations;
- Others who have expressed an interest in the subject matter; and
- The general public.

How we will consult

- We will contact appropriate organisations and individuals directly;
- We will publicise consultations by methods such as leaflets, websites, posters, press releases, social media platforms, displays, working with existing community groups, attending community events and joint consultations;
- We will leave consultation documents on display at locations open to the public (such as the Rushcliffe Community Contact Centre and libraries);
- If requested, and applying any reasonable charges, we will give consultation documents to community groups, councils and statutory organisations;
- We will consider organising events such as stakeholder meetings or workshops; and
- We will publish comments received and/or provide a summary as soon as possible. We will explain how these comments have been considered when decisions are taken. Comments will be available to view on the Council's website, but email address, signature and contact details will not be included. If we determine that specific reference to personal and, in particular, sensitive personal data within the comments needs to be removed or redacted then we will do so on a case-by-case basis in consultation with the Borough Council's Data Protection Officer. Any comments will be publicised in a manner having regard to the General Data Protection Regulations (see <http://www.rushcliffe.gov.uk/privacy/>)

When we will consult

For Development Plan Documents (DPDs)

- We will, where necessary, ask for views on issues, ideas and information from appropriate organisations, individuals or communities;
- After considering any initial comments we will consult on documents

which explain issues to be considered and which may also include potential options; and

- We will consider the need to prepare documents for additional consultation stages setting out further options, information or a preferred option or other useful content; and
- We will formally publish the proposed submission document for representations prior to independent examination.

For Supplementary Planning Documents (SPDs)

- We will, where necessary, ask for views on issues, ideas and information from appropriate organisations, individuals on communities;
- After considering any initial comments we will consult on a draft version of the Supplementary Planning document
- After considering the responses to the draft we will consider the need for further consultation; and
- Once we consider there has been enough community involvement we will adopt the Supplementary Planning document

Duty to cooperate

2.12 The 'duty to cooperate' as set out in the Localism Act (2011) requires local planning authorities, county councils and other public organisations (including the Environment Agency and Highways England) to engage with one another and consider joint approaches to plan making.

2.13 Rushcliffe is located within Nottinghamshire and shares its boundaries with eight other local authorities: Melton, Charnwood, North West Leicestershire, Broxtowe, Erewash, Nottingham City, Gedling, and Newark and Sherwood. Nottinghamshire County Council is also a major service provider. It is important for us to communicate with our partner organisations, particularly regarding cross-boundary and county-wide issues. We also take part in regular discussions through the following forums:

- Nottinghamshire Planning Officer Group (NPOG); and
- Greater Nottinghamshire Joint Planning Advisory Board (JPAB)

2.14 We will continue to work closely with our partners to deliver planning in Rushcliffe and fulfil the requirements under the duty to cooperate.

Seldom Heard Groups

2.15 We are committed to providing fair and equal access to planning services.

Resources will be directed towards those 'seldom heard groups' identified in Equality Assessments to ensure those affected by the plan have a chance to be involved and to ensure we meet our statutory obligations under equalities legislation.

- 2.16 We will provide information in a variety of formats, including Braille, large print, and other languages on request. If this is not possible we will work with the group or individual to provide information and obtain views through alternative inclusive methods.

3. Duty to Advise and Assist on Neighbourhood Plans

3.1 The Borough Council has a statutory role in the preparation of a neighbourhood plan/Order as well as elements of consultation and is responsible for much of the process following the 'submission' of the draft plan/order to the council. We also have a statutory duty to advise and assist groups producing neighbourhood plans. We are required to set out how we will meet these duties within this Statement of Community Involvement. Our commitments in order to meet these duties are as follows:

- For neighbourhood forums, we will publicise the applications for the designation of the neighbourhood area for no less than 6 weeks on the Council's website, along with details of how to make representations, the date by which representations should be received and a statement that if the designation is made then no other neighbourhood areas will be designated in that area.
- We will publicise the designation of all neighbourhood areas on the Council's website, including a map of the area designated, the name of the neighbourhood area and the name of the relevant body who applied for the designation.
- We will identify a main point of contact at the Borough Council to the qualifying body. The point of contact will fulfil the duty to advise and assist as set out in this Statement of Community Involvement.
- The named officer (or substitute officer if named officer not available) will attend, at the request of the qualifying body (which will usually be the parish, town council or qualifying body), an inception meeting in order to explain the process. Attendance to additional meetings will be determined on a case-by-case basis by the named officer.

- We will advise of any potential grant funding available to qualifying bodies in order for them to employ technical support for the production of their neighbourhood plan.
- We will advise the qualifying body on any evidence base documents that we have produced that could potentially support the development of neighbourhood plan policies.
- We will undertake the Strategic Environmental Assessment (SEA) screening to determine whether the Neighbourhood Plan requires an SEA. The SEA itself will be completed by the plan making body.
- Upon request of the qualifying body, and subject to data protection considerations, we will share contact details for statutory consultees or other bodies that may wish to provide feedback on a particular neighbourhood plan where we hold such knowledge or information.
- We may also be able to assist in the provision of Ordnance Survey basemaps in certain formats, subject to the qualifying body being signed up to the Public Sector Mapping Agreement.
- We will check a draft neighbourhood plan/order if the qualifying body want us to and advise if it meets all the relevant legislation/regulations and that it generally conforms to the Local Plan before the formal stage of consultation is undertaken by the qualifying body.
- Officers of the Council, in liaison with relevant portfolio holder will provide a formal response to any neighbourhood plan published under Regulation 14 of the Neighbourhood Plan (General) Regulations 2012 (as amended).

3.2 Once a neighbourhood plan is submitted to the Borough Council the remainder of the process is largely undertaken by the Council.

- We will check that the neighbourhood plan and additional information meets the legal requirements for submission. Where in our opinion the submitted documents do not meet the legal requirements, we will notify the qualifying body of the reasons why not and the measures required to rectify any deficiency in the submission.
- We will undertake a further consultation as required by Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). We will publicise details of the plan including where and

when the neighbourhood plan can be inspected on the Council's website. We will provide details of how representations to the plan can be made, how requests to be notified of the decision on the plan can be made, and the date by which those representations should be received, this not being less than 6 weeks from the date the plan is first publicised.

- Officers of the Borough Council, in liaison with relevant Portfolio Holder will provide a further formal response to any neighbourhood plan published under Regulation 16 of the Neighbourhood Plan (General) Regulations 2012 (as amended).
- We will undertake to notify any consultation body referred to in the consultation statement of the neighbourhood plan/Order as required by neighbourhood planning regulations.
- We will arrange for an examination of the neighbourhood plan or order and appoint an independent examiner. Once received, we will publish the Examiner's Report on our website and provide an electronic copy of it to the qualifying body. Following the publication of the Examiner's Report we will prepare and publish the decision statement and send a copy to the relevant Parish Council and any person who asked to be notified of the decision.
- Subject to the findings of the decision statement we will arrange a local referendum for the neighbourhood plan/order. If over 50% vote in favour then, subject to compliance with the various legal obligations, we will adopt/approve the plan/order. Any adopted neighbourhood plan will formally become part of the Borough's statutory development plan. We will publish on our website the neighbourhood development plan/order stating where and when it may be viewed and notify any person who asked to be notified of the making of the neighbourhood development plan/order.

4. Planning Applications

- 4.1 Planning decisions can often be controversial. There will often be good reasons for and against any development and the Borough Council must apply planning criteria in a reasonable manner. The important issue is to make the decision making process as clear, transparent and inclusive as possible. It is important to realise that the number of objections to a proposal is not a determining factor and applications can only be refused for clear planning- related reasons.

- 4.2 Rushcliffe Borough Council is not responsible for determining all planning applications within the Borough. Nottinghamshire County Council control certain categories of applications, such as minerals and waste developments – and in these cases, they will be responsible for any consultation.

Pre-application stage

- 4.3 The aim of pre-application engagement is to encourage discussion before a formal application is made. The process can help to identify improvements and overcome objections at a later stage. At the pre-application stage, we will:-

- Publish and update advice about the information required when submitting planning applications on the Borough Council's website;
- Actively encourage and hold pre-application discussions with prospective applicants whatever the scale of development proposed. For the larger proposals or those which may give rise to local controversy, on sensitive sites or of a significant scale, consultation may be carried out with technical consultees such as Nottinghamshire County Council as Highways Authority and the Environment Agency;
- Encourage the applicants of more significant applications to engage with the community including holding exhibitions and other events to publicise their proposals; and
- Encourage all landowners/property owners to discuss their proposals with their neighbours and where appropriate the wider community before submitting an application.

- 4.4 Whilst the Borough Council does not charge for general advice on the planning system and application process, charges will be made for pre-application advice on specific proposals. Details of charges made for providing pre-application advice are set out on the Council's website².

Planning application stage

How we will publicise planning applications

- 4.5 We are required by law³ to give publicity to all planning applications and applications affecting Listed Buildings and Conservation Areas. The statutory

² <http://www.rushcliffe.gov.uk/developmentcontrol/applyingforplanningpermission/pre-applicationadvice/>

³ Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and The Planning (Listed Buildings and Conservation Areas) Regulations 1990.

publicity requirements for planning and heritage applications are set out in the following table:-

Type of Development	Publicity Required
<ul style="list-style-type: none"> • Applications subject to Environmental Impact Assessment which are accompanied by an environmental statement; • Applications involving a departure from the development plan; or • Development affecting a public right of way 	Posting of a site notice and notice in a local newspaper.
Major Development (a) 10 or more dwellings or, where the site is 0.5 ha or more; and (b) for all other uses, floor space of 1000 sq. metres or more or site area of 1 ha or more.	Notice in local newspaper and either a site notice or neighbour notification letter.
Minor Development (all other development)	Site notice or neighbour notification letter and publicised on the Council's web site .
Listed Buildings and development in Conservation Areas	Notice in local newspaper and site notice.

How we will consult

- Additional publicity and/or neighbour notification will generally be undertaken, over and above the statutory requirement, dependent on the nature and scale of the development proposal. Anyone can comment not just those who have received a letter. All planning applications are available for inspection on the Borough Council's web site at www.rushcliffe.gov.uk and electronically at the Rushcliffe Community Contact Centre in West Bridgford during office hours or online. The availability of information on major planning applications will be considered on a case by case basis and if it is judged necessary information will be made available at places additional to the Council offices.
- We will consult various specialists and relevant organisations including statutory consultees⁴ such as the Environment Agency and Natural England and other organisations as appropriate such as the town/parish council/meeting and district and parish councils which adjoin Rushcliffe Borough.

- There is a statutory consultation period of 21 days (except where consultation falls over a Bank Holiday, where an additional day will be added). After that period a decision may be taken, but any comment received before the application is decided will generally be considered. Where applications are to be considered by the Planning Committee, any comments received after the agenda has been finalised will be reported to Members of the Committee in a Schedule of Late Representations. However, any comments received after noon on the working day before the date of the meeting will not be reported to the Committee.
- Comments will be made available to view on the council's website as soon as possible, but address, signature and contact details will not be included. Any comments will be publicised in a manner having regard to the General Data Protection Regulations (see <http://www.rushcliffe.gov.uk/privacy/>) However, as copies of representations have to be made available for public inspection, comments cannot be treated as confidential and will be available for inspection in full.
- The preferred and most efficient way for comments to be submitted is through the Council's website at <https://planningonline.rushcliffe.gov.uk/online-applications/> . However, comments submitted by email to planningandgrowth@rushcliffe.gov.uk or by post will also be taken into account.⁵ All comments received from Statutory Consultees, Borough Councillors, Town/Parish Councils and residents etc. will normally be displayed on the website.”
- Comments should consider ‘material planning considerations’. Examples include:
 - Local and national planning policy and guidance
 - Loss of light or overshadowing
 - Impact on residential amenity
 - Impact on listed buildings and conservation areas
 - Heritage and nature conservation
- Examples of issues that are not material planning considerations include: loss of property value, the loss of a person's private view or a boundary ownership dispute.

Amendments to Applications

- 4.6 There is no statutory requirement to consult on amendments to applications. Where amendments to applications are negotiated which satisfy objections no further consultation will be undertaken. Where amendments are made before the decision is taken which significantly affect individuals then re-consultation may be undertaken. Normally a shorter period of 7 to 14 days

⁵ As set out in Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015.

will be given for further responses. Where there are significant changes needed the application should ideally be withdrawn and resubmitted as a fresh application. In this case there is one “free go” with no further planning fee within 12 months of the submission of the original application for applications by the same applicant and relating to the same site which are of similar character or description of development.

Developer Contributions

- 4.7 Developments over a certain size may require the developer to pay financial contributions to address the impacts of the development on local infrastructure such as schools, medical facilities and highway improvements, etc. There may also be a requirement to provide affordable housing. These contributions will be sought as part of a Section 106 legal agreement or Community Infrastructure Levy where one is in place. During consideration of the application, consultations and negotiations will be undertaken with infrastructure providers to determine the level of contributions required. The Section 106 negotiations will not normally involve consultation with or the involvement of the general public or town/parish councils. Once the contributions have been paid to the Borough Council, further consultations will be undertaken with infrastructure providers to ensure that the money is spent appropriately, this may, where appropriate, involve consultation with the town/parish council/meeting for the area where the development is taking place.

The Decision

- 4.8 Borough Council has delegated the taking of decisions on planning applications to designated officers, except where:
- a Ward Member disagrees with the officer’s recommendation;
 - there is a declaration of interest by a Ward Member;
 - the applicant/agent is the Borough Council or County Council (except for minor proposals), a Borough Councillor or a Senior Officer; or
 - where a non-standard Section 106 Legal Agreement is required.
- 4.9 The full list of circumstances where planning applications may be referred to Planning Committee is contained within Appendix 4 of the Borough Councils constitution:
[http://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/councilanddemocracy/constitution/consultation2018/CONSTITUTION%20\(FINAL\)%20March%202018.pdf](http://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/councilanddemocracy/constitution/consultation2018/CONSTITUTION%20(FINAL)%20March%202018.pdf)
- 4.10 In the above cases the application is referred to the Planning Committee (presently made up of 11 Borough Councillors, which meets approximately

every 4 weeks. The agenda papers are available 5 working days before the meeting from the Council offices or from the Council's website. Members of the public can attend the meeting and listen to the debate. People and organisations who have commented on a planning application can request to speak at Planning Committee, subject to the Borough Councils public speaking protocol. The public speaking protocol can be found at <http://www.rushcliffe.gov.uk/councilanddemocracy/haveyoursay/committees/>

- 4.11 After the decision the applicant/agent will receive a decision notice detailing conditions and reasons for approval or reasons for refusal. A copy of the decision notice is kept by the Borough Council and is available for viewing on the website.
- 4.12 To check on the progress of a planning application:
- Contact the Planning and Growth on 0115 9819911
 - Use the Council's planning on-line system: <https://planningonline.rushcliffe.gov.uk/online-applications/>

After the Decision is made

- 4.13 There is a formal application process to deal with relatively minor changes to approved plans, these are referred to as non-material amendments. In addition, there is a formal application process to discharge the requirements of conditions of a planning permission. There is no statutory requirement to publicise or undertake consultation on these applications and any publicity or consultation will be undertaken at the discretion of officers.

Developer Community Involvement

- 4.14 At the pre-application stage we consider that developers can have a crucial role in engaging local communities with the planning process. Carrying out a Community Involvement Exercise will help the community understand what is being proposed and also give them opportunity to voice any concerns.
- 4.15 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:-
- Industrial and commercial development of 1500+sqm;
 - Residential development of 100+ dwellings / 3+ hectares;
 - All major infrastructure projects;
 - All new educational or institutional buildings and extensions of

1000+sqm.

- 4.16 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.
- 4.17 If such an exercise is carried out, the developer is legally responsible for ensuring they comply with data protection law when processing personal and sensitive personal data.

5. Further Information

- 5.1 If you wish to know more about the Statement of Community Involvement or any aspect of the planning policy or planning applications, please contact us at the address shown below. Information on the Local Plan and the development plan process is also available on the Borough Council's website.

By post: Rushcliffe Borough Council
 Rushcliffe Arena
 Rugby Road
 West Bridgford
 NOTTINGHAM
 NG2 7YG

By telephone: 0115 981 9911

By e-mail: localdevelopment@rushcliffe.gov.uk for planning policy
 planningandgrowth@rushcliffe.gov.uk for planning applications

Website: www.rushcliffe.gov.uk/planningpolicy for planning policy
 <http://www.rushcliffe.gov.uk/planningandgrowth/> for planning applications

Appendix 1: Stages of the preparation of a Development Plan Document

Development Plan Document Stage	Consultation
Early tasks	This is an initial survey and evidence gathering stage, which will help identify issues which need to be addressed, and the initial document preparation stage.
Pre-submission (regulation 18)	This is a key stage of plan development and community engagement is required. The Council will consult on issues and options in the early stages of this process and will continue to engage with stakeholders and the community throughout the pre-submission stage using a variety of methods.
Pre-submission Consultation or publication stage (regulation 19)	This stage involves a formal consultation on the final proposed submission document, when the Council will invite all interested parties to submit representations. The consultation will last six weeks. The Council will consider any representations received.
Submission (regulation 22)	The Council will formally submit the development plan document to the Secretary of State for independent examination.
Examination	Interested parties can seek to make representations to the independent Planning Inspector.
Adoption	This is a formal process for Rushcliffe Borough Council to adopt the documents as part of the Local Plan.