

 Statement of Community Involvement (SCI)

August 2020

# Disclaimer

This document or some parts of it may not be accessible when using adaptive technology.

If you require assistance with accessing the content of the document, please contact the Planning team and quote the document name and the web page you found it on:

* link: [online form](https://www.ashfield.gov.uk/planning-building-control/contact-planning/)
* email: localplan@ashfield.gov.uk
* telephone: 01623 457381 or 01623 457382 or 01623 457383.

# Foreword

One of the Council’s priorities[[1]](#footnote-1) is to understand the needs and desires of Ashfield residents, communities and businesses, with a commitment to engaging more effectively with our communities. Our aim is to improve opportunities for the community to get involved in shaping the planning policies in our District. It is important that residents and persons, who work in Ashfield, have a greater sense of ownership in planning decisions. Working together, we will help to shape the District to meet the needs of future generations.

The basis of this approach is the Council’s Community Engagement Strategy, the purpose of which is to be able to plan and deliver an appropriate community engagement process that will allow us to achieve our values of being people focussed, honest, ambitious and proud. While the Statement of Community Involvement is a legal requirement, it mirrors the Council’s commitment to engage with our communities but in this case, specifically relating to all aspects of the planning system. This includes the preparation of the Local Plan, the determination of planning applications and the consideration of neighbourhood plans or orders.

The Covid -19 pandemic has and will continue to have a major impact on our community. It is important that at this time the Council does everything it can to keep people safe and minimise the risks to all. Therefore, the Statement of Community Involvement incorporates changes that are necessary, to help reduce the spread of coronavirus. Some of these may be of a temporary nature but they also reflect the increased opportunities for engagement through social media.

# Contents

 **1.0 The Statement of Community Involvement** 5

* What is a Statement of Community Involvement (SCI)
* What is the legislative background
* The effect of Covid-19
* What are the main aims of a SCI
* How to get Involved

 **2.0 Community Involvement Principles** 9

**3.0 Shaping the Local Plan**  12

* Local development documents
* The Local Plan (A development plan document)
* Access to information (Consultation Database)
* Local Plan stages
* Local methods of involvement
* What happens to your views and comments
* Supplementary planning documents
* Covid and the Local Plan/SPD

 **4.0 Taking forward a Neighbourhood Plan** 28

* Consultation stages (The Council’s Role)
* Methods of involvement (The Council’s Role)
* Covid and neighbourhood plans

 **5.0 Your Involvement in Planning Applications and Permission in**

 **Principle** 32

* Pre-Application advice
* Publicity arrangements
* Neighbour notifications and notice period
* Access to information & commenting on applications
* The consideration of applications
* The decision
* After the decision
* Planning applications and Covid-19

 **6.0 Resources**  46

 **7.0 Monitoring and Review** 47

 **8.0 Contacts**  48

# Appendices

 **Appendix 1:** Glossaryand Terms and Abbreviations50

 **Appendix 2:** Statutory Consultees 54

 **Appendix 3:** Other Consultees 56

 **Appendix 4:** Methods of Community Involvement 58

**Appendix 5:** Neighbourhood Plan Preparation Stages & Consultation Methods 59

 **Appendix 6:** Ashfield Community Engagement Strategy 2020-2023

 Level of Community Involvement  64

**Glossary**

|  |  |
| --- | --- |
| Abbreviation | Description |
| AMR | Annual Monitoring Report |
| LDS | Local Development Scheme |
| LPA or lpa | Local Planning Authorities  |
| NPPF | National Planning Policy Framework |
| PAE | Planning Aid England  |
| PiP | Planning in Principle |
| PPG | Planning Practice Guidance |
| SA | Sustainability Appraisal |
| SCI | Statement of Community Involvement  |
| SEA | Strategic Environmental Assessment |
| SPD | Supplementary Planning Document |

|  |  |
| --- | --- |
|  **Section 1**  | **The Statement of Community Involvement**  |

**What is a Statement of Community Involvement (SCI)?**

1. Planning shapes the future of the places in which we live, and work. Decisions will affect directly or indirect residents, businesses, and the wider environment. We are committed to engaging with local people, community organisations, business, developers and other interested parties to ascertain their views and facilitate their participation in the planning of the future of Ashfield. However, the Council has to reach difficulty decisions where there may be opposing views both in relation to bringing forward the Local Plan and in determining planning applications.

1. The SCI sets out how, where and when there are opportunities for you to engage, contribute and participate in the planning process. This includes local plan preparation and the consideration of specific proposals subject to planning applications and Permission in Principle. It also identifies how we will support parish councils or neighbourhood groups in bringing forward neighbourhood plans or orders.
2. The SCI is reflective of our corporate policies and the Council’s Community Engagement Strategy. It has been brought forward in conjunction with other departments to ensure that a consistent approach is taken to consultation on planning policy documents. Where appropriate, public consultations may also be linked with events and activities organised by other Council departments and vice versa.
3. This SCI replaces the SCI of November 2019.

**What is the legislative background?**

1. The requirement to prepare a SCI arises from Section 18 of the Planning and Compulsory Purchase Act 2004 as amended. Local planning authorities are required to prepare a statement, which sets out how they will engage with local communities and other interested parties. Legislation also identifies specific bodies or persons who must be notified and invited to make representations.
2. The Council has a commitment to equality, which is a duty under the Equality Act 2010. Engaging with residents and other stakeholders is key to meeting this duty, to understand the needs of diverse groups. We will promote equality and diversity, and not unfairly discriminate against anyone who wishes to participate in the planning system.
3. Our emphasis on place making aims at facilitating the exchange of relevant information between the community, stakeholders, and the Council. However, the Council’s decisions cannot reflect the wide range and different aspects of all views. In addition, the Council will have to act in accordance with legal requirements, the evidence and policy requirements both locally and nationally. We are committed to enable all views to be considered and to improving the quality and transparency of the planning process.

**The Effect of Covid-19**

1. A key consideration in any consultation undertaken in the near future is community safety in relation to Covid-19. Coronavirus (COVID-19) is an infectious disease which has spread globally, resulting in an ongoing pandemic. The virus is primarily spread between people during close contact. During the emergency period, the Government has introduced regulations[[2]](#footnote-2) , which impose restrictions on movement. While these regulations are likely to be lifted over time, it will be in the context of an on-going requirement, at least in the near future, to retain social distancing.
2. The objective of social distancing is, through a variety of means, to decrease or interrupt transmission of COVID-19 by minimising physical contact between potentially infected individuals and healthy individuals[[3]](#footnote-3). Community-level social distancing measures are needed in parallel with containment efforts (e.g. contact tracing). Social distancing focuses on reducing physical contact as a means of interrupting transmission. However, it is important that social contacts are maintained, from a distance, with friends, family and colleagues.
3. The SCI incorporates changes that are necessary to help reduce the spread of coronavirus in our community. A number of these measures are for a fixed period and reflect temporary requirements.

### What are the main aims of the SCI

1. Planning affects all communities, so it is important that local people understand the process and have the opportunity to get involved. Our methods and approaches have been improved and developed over time in line with good practice. The following four principles are key 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 inform forward plans and future development.
* Continuous involvement – ensuring communities are engaged throughout the planning process both for plan preparation (i.e. the Local Plan) and where planning applications are amended or revised prior to determination. This should result in a greater understanding of the plan preparation and planning application decision-making processes.
* Transparency – ensuring the reasons why planning decisions have been made, 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. Benefits of consultation and community involvement include:
* Outcomes that better reflect local needs and aspirations.
* It enables two-way communication on the proposals.
* Improved quality of decisions by drawing on local knowledge.
* A better understanding amongst the community of different sectors’ needs and the planning process.
* Promotion of social cohesion – making real connections with and between communities.
* A greater sense of ownership for decisions and outcomes.
* The way a plan is developed and delivered is influenced by and responds to, community need.
* There is more influential community participation in the policy, strategy and planning processes.
* People who find it difficult to get involved (for example, because of language barriers, disability, poverty or discrimination) can help to influence the Plan.
* Stakeholders, including public and private sector agencies, can raise local issues that may not otherwise have been identified.
1. There are a number of areas of planning that you can get involved in as set out in Table One.

|  |  |  |
| --- | --- | --- |
|  | Potential involvement | Further information |
| Local Plan  | Setting the policy framework against which planning applications will be assessed, including the Local Plan, Supplementary Planning Documents (SPDs), Conservation Areas, Masterplans and other evidence base documents. | See Section 3 for more information |
| Development Management(Planning Applications & Permission in Principle) Enforcement | Most types of development require a planning application to be submitted andApproved. Anyone can comment on a planning application.Other forms of planning such as Planning in Principle are also open to commentsEnforcement investigating alleged breaches of planning control and rakes actions if required. | See Section 5 for more information |
| Neighbourhood Plans or Neighbourhood Orders  | Parish Councils and local community groups, through neighbourhood forums, have the power to bring forward a neighbourhood plan or order whose policies, once made, will be a significant factor in planning decisions. | See Section 4 for more information |
| Other  | The Council consults on a number of evidence based studies such as town centre masterplans and station masterplans.  | See Section 3 for more information |

**Table One: Opportunities to engage in planning**

Source: Ashfield District Council

|  |  |
| --- | --- |
| **Section 2**  | **Community Involvement Principles**  |

1. The nature of the planning system is that there is a greater opportunity to become involved with the local plan where consultations of various forms is undertaken. There is the opportunity to comment on planning applications/applications for Permission in Principle but there is no third party rights of appeal.
2. The Local Plan sets out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well designed places. Community involvement is an important part of the Plan and provides the opportunity for you to influence the Plan and future planning decisions.
3. The Local Plan is brought forward in the context of legislation and national policy requirements. The Plan must be based on evidence, take into account a sustainability appraisal of alternatives and must consider representations by all parties including the local community, businesses, infrastructure providers and stakeholders. Consequently, in taking the Plan forward, the Council has to balance different needs and views and make judgements in the interests of all our communities.

1. Getting local opinions will help us make decisions in the most informed way possible. In this context:
* We will undertaking community engagement to inform of the planning proposals.
* Councillors and officers enter into the consultations with an open mind, with a willingness to listen and understand.
* We will identify who is in our communities and engage people from different parts of the community.
* We will talk to people affected by or can benefit from our ideas. We will encourage people to get active in the Local Plan.
* Through digital transformation, we will look to find new ways to reach people in Ashfield.

1. To achieve this, we will apply some general principles to our planning consultations:
* To make the process as clear and transparent as possible to assist individuals, communities and stakeholders to understand what we do and when, and how they can get involved.
* Involvement process that pays attention to sharing information and establishing common aims and objectives to help move projects forward.

* To use the ‘front-loading’ principle by discussing proposals at the earliest stage as people can then learn together and be involved throughout the process. We will be clear about any constraints to consultation, such as higher-level policies, and explain these from the outset.
* Building trust with the community by being open and honest, and we will expect the same in return. Communication will be based on two-way listening and questioning, with all input being considered.
* To include as many interests and groups as reasonably possible in order to take the consultation forward. We will not favour one group over others.
* To build a shared responsibility for success with all involved in the consultation process to create confidence and to provide a platform from which we can make further progress.
* To identify the favoured options from all the ideas ‘brought to the table’ (as part of the Local Plan process). Sustainability appraisals and environmental assessments will also be prepared which can strengthen the overall picture.
* To ensure consultation is accessible to all reflecting the protected characteristics under the Equalities Act such as age, gender, faith, race, disability as well as knowledge and experience.

1. Communities can expect the following standards in the level of service to be provided by us:
* We will clearly brand documents and ensure as far as possible that they are written in plain English.
* We will make available on request alternative languages and formats, provided it is reasonable to do so.
* We will provide documents in a downloadable format on the Council’s website.
* We will make available printed media in audio format and large print if required.
* We will endeavour to respond to all correspondence requiring acknowledgement within a reasonable period.
* We will seek to ensure that all consultation methods are efficient and effective, in respect of the cost implications and Officer’s time.
* We will review the Statement of Community Involvement (SCI) as part of our Annual Monitoring Report (AMR) to assess whether the methods are successful or require adjustment.
1. The Council’s Community Engagement Strategy summarises community engagement into five levels[[4]](#footnote-4). For each level, it clarifies the purposes, possible benefits and examples of the engagement techniques. For the Local Plan, engagement is anticipated to be at a number of different levels dependent on the stage of the Plan. There is more flexibility in the Regulation 18 stage, which is anticipated to reflect up to Level 3. For projects arising out of the Local Plan, they are likely to be of a local nature, which provides the opportunity to achieve the higher levels of engagement.

|  |  |
| --- | --- |
| **Section 3**  | **Shaping the Local Plan** |

**Local Development Documents**

1. Local planning authorities are required, under the Planning and Compulsory Purchase Act 2004, to sets out in their local development documents, their policies relating to development and use of land in the area. Local development documents is the collective term for :
* Development plan documents[[5]](#footnote-5) - For Ashfield, the Local Plan which forms part of the statutory ‘development plan’,
* Supplementary planning documents, which do not form part of the statutory ‘development plan’ and
* The SCI.
1. For Ashfield, the ‘development plan’ will include the Local Plan and any made neighbourhood plans relevant to a specific area of the District. Policies with these plans form the basis of planning decisions, as legislation requires that decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise[[6]](#footnote-6).
2. This SCI will be used to guide the development of our planning policy and supporting documents.
3. Within this Section(Section 3), the following applies:
* Any reference to Regulations relates to The Town and Country Planning (Local Plan)(England) Regulations 2012, as amended.
* Any reference to Coronavirus Regulation relates to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

**The Local Plan (A development plan document)**

1. The Local Plan sets out strategic policies, allocates sites for development, and set policies for decision-making. The Local Plan is required to follow a statutory process set out in the Town and Country Planning (Local

Planning) (England) Regulations 2012, as amended. This is summarised in Table Two.

1. The Local Plan consists of a Written Statement (Vision, Strategic Objectives and Local Planning Policies) and a Policies Map. The vision and strategic objectives present the Local Plan’s core principles and aspirations, which the Council and its stakeholders will aim to achieve through the Plan’s successful implementation.
2. The Local Planning Policies consider the land use needs for specific uses (e.g. housing) and identifies sites for development or protection. Once adopted by the Council the Local Plan provides local policies against which planning applications will be determined.
3. The context for the Local Plan is provided by:
* Legislation.
* The National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and other related strategies produced by stakeholders.
* An evidence base.
* Sustainability appraisal (incorporating Strategic Environmental Assessment) and habits appraisal, which is an integral part of the plan making process, and tests and improves the sustainability of the proposals.
* Consultation with local communities, businesses, infrastructure bodies, stakeholders and other interested parties.
1. Local planning authorities must publicise and keep up-to-date their timetable for producing their local plan. This is set out in the Council’s Local Development Scheme (LDS). The LDS is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). It is a public statement outlining the programme for preparing development documents (i.e. local plans), identifying key milestones and key pieces of work to be undertaken. To ensure the LDS is up to date it is reviewed at least every five years in line with statutory requirements.
2. The Council produces an Annual Monitoring Report (AMR) together with other monitoring reports on housing and employment land setting out how policies are being delivered. It will also indicate how well the Council is doing in meeting its timescales for the production of the Local Plan.
3. The bodies that the Council must consult with are set out in legislation. For the Local Plan these are

### Specific consultation bodies (Statutory Consultees) - The Council has identified the specific statutory consultation bodies that must be included at various stages of the involvement process and these are set out in Appendix 2.

### General consultation - The Council has identified stakeholders who will be consulted, as the Council consider appropriate. (See Appendix 3). This may take the form of regular notification or general discussions in relation to issues, as may be appropriate. It is stressed that additional groups or bodies may be identified after the adoption of this SCI. Where appropriate, the Council consulting with these additional groups or bodies. Appendix 3 is not a closed list and will be subject to changes over time without the necessity of reviewing the SCI.

### Such groups, residents or other persons carrying on business in the District who have an interest in the local community and the local plan.

**Who will be involved?**

**Prescribe Bodies (specific consultation bodies)**

**The bodies we are required to consult with**

**Other parties**

**Groups, individuals, businesses interested in proposals that affect their community.**

**Non Statutory Consultee (general consultees)**

**Organisations, stakeholders, community groups etc who have an expertise.**

1. The Localism Act 2011 introduced a Duty to Co-operate, which places a requirement for all local planning authorities, national park authorities, county councils and a number of other public organisations to engage with one another and consider joint approaches as part of the preparation of their local plans.The bodies prescribed are set out in the Regulations.
2. The Duty to Co-operate forms part of the ‘Tests of Soundness’ against which the inspector will assess the Local Plan during a Public Examination. It is essential that the Council can demonstrate effective collaborative working with neighbouring authorities, key stakeholders and other organisations during the preparation of both its Local Plan and the evidence base that supports it.
3. There are a number of issues with impacts that cross district boundaries, including transport, flood risk, housing and employment. The Council will explore appropriate approaches to these issues, jointly with neighbouring authorities and public bodies, to ensure that strategic priorities are reflected in the Local Plan.

**Access to Information (Consultation Database)**

1. A consultation database holds the details of all the relevant consultees who need to be consulted and those who have requested to be engaged in the Ashfield Local Plan. Inclusion in the database is open to anyone who wants to be involved in the Plan and it is updated on an on-going basis.

1. Emails or letters will be sent to parties on the Local Plan database. The letter or email will set out details of the consultation including where further information is available and how to respond.
2. If you wish to be included on the Database, please contact officers in Forward Planning. (Contact details are set out in Section 8).

### Local Plan Consultation Stages

1. The Ashfield Local Plan will need to progress through a number of production stages. In broad terms these are:

*Survey of the Area*

1. Consideration of the information and evidence under the provisions of the Planning and Compulsory Purchase Act 2004. Evidence has been gathered through various monitoring reports. In addition, a number of studies are or have been undertaken. Depending on the nature of the evidence base, there may be opportunity for engagement as part of a study, for example town centre masterplans for Sutton in Ashfield and Kirkby-in-Ashfield

#### Draft Local Plan

1. The Draft Local Plan will present the Council’s ‘preferred approach’ to guiding development across the District for the next 15 years. This document, supported by relevant evidence, will present a vision for the District and outline a policy mechanism to help achieve this in a sustainable way. The document will outline the housing and employment requirements for the District, the infrastructure needed, and propose land allocations to help deliver this. It will ensure development helps support our town centres and promotes a brownfield first approach. In doing so, it will aim to protect the District’s highest quality green spaces and heritage assets. Once the Draft Local Plan has been prepared and approved by the Council, it will be subject to a minimum of a 6 week period of public consultation.

#### Publication Local Plan/Submission

1. The Council will carefully consider all comments received during the Draft Local Plan consultation. Comments received will be used to inform the Publication document of the Ashfield Local Plan. Whilst all views are taken into account, it is not possible to meet everyone’s wishes and aspirations; difficult choices have to be made to arrive at a Local Plan, which meets the needs of the area. Accompanying the Publication document will be a report (Statement of Consultation) as to the representations received as part of the Draft Local Plan consultation, the key issues raised and the key changes made to inform the Publication document.
2. Taking into account comments received and any additional evidence base work undertaken, the Council will prepare the Publication Plan. At this stage in the plan preparation process, the Publication document is considered to be ‘sound’ (see Glossary) by the Council. The Publication Plan will be published enabling representations to be submitted for a period of at least 6 weeks.

1. Following the final stage of public consultation, the Council will compile and assess comments received. If, as a result of comments, material changes are required to the Plan, a further stage of consultation will need to be undertaken. If only minor modifications are needed, these will be recorded and incorporated into the Plan. The Submission Local Plan, together with supporting documentation, will be submitted to the Secretary of State, who will appoint a Planning Inspector to undertake an examination of the Plan.

#### Examination in Public

1. The Planning Inspector will examine the legal compliance and soundness of the Submission Plan, ensuring the Plan is based on relevant, up to date evidence and has been produced in accordance with national policy and regulations. As part of this examination process, it is likely that a number of hearing sessions, to be determined by the Inspector, will be held to discuss elements of the plan. These sessions will enable the Inspector to discuss the content of the Plan with the Council and other parties. The inspector will consider written representations and enable objectors to have their comments considered and discussed by the Inspector.

#### Adoption

1. The Planning Inspector will prepare a report on the Local Plan, setting out his/her recommendations, which concludes the Examination. If the Inspector finds the Local Plan ‘sound’, the Council will consider the Inspector’s recommendations and make a decision on the adoption of the Plan.

|  |  |  |
| --- | --- | --- |
| **Stage** | **Process and requirements** | **Opportunities for engagement** |
| 1: Pre-production | * Undertakes monitoring of the local area.
* Collect evidence
* Establish the wider policy framework.
* Consider issues and alternatives.
* Establish scope of the SA/SEA
* Carry out the ‘duty to co-operate’ requirement. (On-going)
 | * Carry out informal consultation and early engagement with relevant stakeholders and where appropriate, the local community. The nature/ extent of this will be determined by the evidence gathered, subject matter and scope of the consultation.
* Consult with statutory bodies and other parties on the scope of the SA/SEA.

N.B. The engagement methods adopted will take into account the implications arising from Covid-19. |
| 2: ‘PreferredOptions’ Draft Local Plan(Regulation 18).N.B. The implications arising from Covid-19 may make it necessary to undertake additional consultations on specific areas of the Local Plan. | * Prepare and publish ‘Preferred Options’ Draft Local Document.
* Prepare interim SA/SEA.
* Consult for a minimum statutory period of six weeks.
* Prepare Consultation Statement.
* Council considers the response made.
 | * Write to specific, general and other consultees
* Make consultation documents available for inspection including on the Council’s website, planning offices and other locations as considered appropriate.
* Hold exhibitions, events and workshops or more focused meetings where appropriate.
* Use social media and/or local media.

N.B. The engagement methods adopted will take into account the implications arising from Covid-19. |
| 3: Publication ofProposed SubmissionDocument(Regulations 19 and 20). | * Having considered the comments and evidence gathered,
* The Publication/ Proposed Submission Document and SEA/SA Report is prepared.
* Statutory consultation for a minimum of six weeks to comment on the Plan, the SA/SEA and supporting evidence.
* Council considers the comments received and whether to propose further minor amendments to be considered by the Inspector.
* The inspector at the examination will consider the comments received.

N.B. if major changes to the Plan are proposed a further period of consultation is necessary. | * Write to specific, general and all other consultees who the Council consider may have an interest, including everyone on the Forward Planning consultation database.
* Make consultation documents available for inspection including on the Council’s website, planning offices and other locations as considered appropriate
* Invite representations as appropriate.
* Use social media and/or local media.

N.B. The engagement methods adopted will take into account the implications arising from Covid-19. |
| 4: ExaminationPlanning & Compulsory Purchase Act 2004 Section 20(Regulation 22, 23, 24 & 25). | * Main issues raised at Stage 3 are summarised and made publicly available.
* Plan submitted to Secretary of State for independent examination.
* Independent Examination likely to involve hearing sessions. (6 weeks prior notice to people who have requested to appear at the hearings).
* Planning Inspector issues report if main modifications are not required, or
* Optional Stage where the Council agrees, the Inspector can propose changes or ‘main modifications’ to the plan to avoid it being found ‘unsound’.
* Inspector considers representations on main modifications.
* Planning Inspector issues report.
 | * Use Council’s website and social and/or local media to raise awareness of the Examination.
* Make Examination documents available on the website.
* The Inspector will consider all representations made at Stage 3.
* The Inspector will decide how to undertake the examination and who is invited to participate.
* Hearing sessions are generally open to the public.
* Examination documents published on the Council’s website.
 |
| 5: Adoption(Regulation 26). | * Plan adopted by the Council if found ‘sound’ by Inspector.
* Six week period for legal challenge to the High Court.
 | * Publish the Plan, adoption statement and other relevant evidence base documents on the website, and make available at offices and other locations as considered appropriate.
* Send Adoption Statement to consultees on the Forward Planning Consultation Database and others who have asked to be notified.
* Use social media and/or local media.
 |
| 6: Monitoring andReview. | * Plan is monitored to make sure it is achieving its aims.
* The plan will be reviewed where necessary and at least every 5 years.
 |  |

**Table Two: Preparing the Local Plan**

Source: Legislation and Planning Practice Guidance. (This Table set out procedures under normal circumstances. However, these procedures and opportunities to engage must be seen in conjunction with the section on Covid-19 and the Local Plan/SPD).

### Local Plan Methods of Involvement

1. We consider that wide engagement is important so suitable methods to engage will not only need to meet the statutory requirements but build on them. Consultations will reflect the requirements of the Council’s Community Engagement Strategy and different methods will be used dependent on the scope of the consultation, the target audience and the resources available.
2. It is recognised that there will be varying degrees to which you will wish to become involved in the preparation Local Plan. It is acknowledged that there are differing needs depending upon a person’s knowledge and experience of the planning system. We are also aware that people need to access information in different ways and at different times. We have therefore, identified a variety of methods, which seek to address these varying requirements to provide opportunities for your involvement in the plan making process. As the Local Plan progresses through this process, the Council will ensure it utilises a range of consultation methods and media, appropriate to the stage of the Plan.
3. Set out below are the consultation methods which may be used by the Council when it undertakes consultation on the Local Plan:
* Internet-based consultation - The internet offers a number of benefits which include:
* Extensive information can be made easily available in your own home.
* Online community engagement enables more people to have their say, at their convenience.
* The full range of information is available so there is the opportunity to consider all or part of the plan or supporting information dependent on areas of interest.
* Dispelling myths and tackles misinformation through directing people to information and resources to build community capacity.
* It is a way for organisations to invite stakeholders to comment on the specific proposals and a means of receiving feedback.
* It is an interactive medium allowing discussion and debate.
* It allows a wider audience to be reached.
* It potentially, brings diverse groups together, including hard to reach communities, providing access to often neglected perspectives and helping marginalised voices to be heard.

Therefore, for all consultations on the Local Plan, we will undertake web-based consultation using website consultation pages.

* Social media - Social media is an effective way to spread news-stories to reach a wide audience. With 10k followers on Facebook and nearly 4k on Twitter we are able to reach a large audience for no cost. The use of Facebook advertising would allow us to reach a much larger, and even targeted, audience across the District for a minimal cost.
* Emails and letters – Emails or letters will be sent to those individuals, groups, business, and stakeholders registered on the Forward Planning Consultation Database informing them of the consultation.
* Press and public relations - Newspaper articles are an effective way of spreading planning information. We will inform the community of key consultation dates during the production of the Local Plan by releasing appropriate and timely press releases and, where required, public notices. Where appropriate and possible, the Councils and community publications will be utilised.
* Availability of reference copies of documents - Local Plan consultation documents will be made available for inspection at the Council offices at Kirkby-in Ashfield. They will also be made available where there are local offices at Sutton in Ashfield and Hucknall. Subject to the consent of the libraries, the consultation documents will be made available for inspection at all four major libraries in the District (Hucknall, Kirkby, Sutton and Selston) for the duration of the consultation period.

* Parish Councils and Neighbourhood Forums - The Council will inform and liaise with parish councils and neighbourhood forums on the Local Plan consultations. The Council will meet with the parish council/forum or their representatives, if this is considered by both parties to be required and appropriate.
* Public exhibitions - Staffed and/or un-staffed exhibitions at accessible venues throughout the District.
* Public meetings - Although public meetings can help deliver immediate discussion and feedback, some people find them intimidating and are reluctant to participate. Therefore, public meetings will only be used in conjunction with other techniques where considered appropriate.

* Formal and informal meetings with community groups - Where appropriate, the Council will have meetings with community groups ensuring that these are timed to facilitate attendance. We will use our discretion for meetings with other community groups or representatives of groups, as it is not practical to have a meeting with every local group.
* Placing information stands/displays at Council offices and the four major libraries (subject to consent from the libraries);

* Circulating posters across the District to publicly accessible buildings, such as community centres, post offices and shopping centres (where consent is given from the relevant parties); and
* Disseminate information regarding the Local Plan and any consultation to various sections of the Council to ensure joint working.
1. When considering what consultation methods to utilise, the Council will review the proposed consultation in the context of the Council’s Community Engagement Strategy and the nature of the Local Plan consultation proposed. Where appropriate, a consultation strategy will be brought forward for a particular stage of the local plan consultation.

**What happens to your views and comments?**

1. All comments received on planning policy documents including the person/organisation’s name and contact details will be recorded and included on the Local Plan Consultation database. This ensures that you are informed on any future local plan consultation.
2. At the draft document stage (Regulation 18), comments received will be reported as summaries or summary reports within a consultation statement, which sets out the consultation undertaken and the responses received.
3. All comments will be available to inspect in full on request but personal details such as emails, telephone numbers and signatures, will not be available. Generally, anonymous comments are not accepted for consultation purposes.
4. Depending upon the nature and significance of representations, we will sometimes need to arrange for further dialogue to ensure we have fully captured the relevant issues.
5. Responses can be made by letter or email. However, it is more efficient and timesaving if, wherever possible, responses are made via any available form on the consultation web page or by email.
6. For Local Plan representations made at the Publication Stage (Regulation 19) representations will be sent to and considered by a planning inspector who will examine the Local Plan. The representations received at this stage will be published on the Council’s website in full but with personal details removed (redacted).
7. Members will consider comments made during the preparation of the Local Plan. However, there are likely to be conflicting views expressed as part of the consultation. Consequently, it may not be possible to determine a matter in line with the specific comment received. In addition, the Council has to consider other aspects such as the evidence base, legislative requirements and the implications of national policy or guidance.

**Supplementary Planning Documents**

1. Supplementary Planning Documents (SPDs) should build upon and provide more detail advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. However, they are a material consideration in decision-making.
2. As with the Local Plan, consultation on an SPD is a legal requirement of its creation process, but the SPD is not subject to an examination. When bringing forward an SPD, the Council will work with relevant stakeholders to produce a draft SPD. The document will then be subject to a minimum 4 week period of public consultation. During this period, as a minimum requirement, the document will be placed on the Council’s website together with details on how comments can be submitted and where paper copies can be viewed.
3. The Council’s approach to consulting and involving consultees in the production of SPDs will relate to the content and purpose of the SPD. Therefore, it may entail the use of any of the consultation methods outlined for the local plan. However, it is likely to reflect the following:
* Make all relevant consultation documents available for inspection at the Council Offices and all four major libraries in the District (Hucknall, Kirkby, Sutton and Selston) for the duration of the consultation period;
* Make full use of the media including the Council’s website, local newspaper adverts and press releases;
* Utilise social media if available and appropriate; and
* Disseminate information regarding the content of the SPD and the consultation to various sections of the Council to ensure joint working.
1. Following the period of consultation, comments received will be reviewed. Where appropriate, the SPD will be revised to take on board relevant comments and finalised for adoption. As soon as possible after adoption, the Council will publish, in accordance with the regulations, the SPD and adoption statement. A copy of the adoption statement will be sent to anyone who has been asked to be informed.

|  |  |  |
| --- | --- | --- |
| **Stage** | **Process and requirements** | **Opportunities for engagement** |
| 1: Development of the evidence base | The Council collects up to date information on a range of social, economic and environmental matters. | Carry out informal consultation and early engagement with relevant stakeholders and where appropriate, the local community. The nature/ extent of this will be determined by the evidence gathered, subject matter and scope of the consultation. |
| 2: Preparation of the draft SPD | Production of a draft version of the SPD based on theevidence collected at Stage 1. Considers whether there are SEA implications. |  |
| 3: Consultationon the draftSPDReg 12, 13 & 35)  | Once the draft document has been produced, the Council will undertake a public consultation for a minimum of four weeks.Any representations made will be considered and amendments will be made to the document where required. | Opportunities for commenting on the draft SPD during the consultation period. |
| 4: Adoption(Reg 14) | Responses will be considered and, where appropriate, amendments will be made to the SDP. The Council will consider the revised document and determine whether to adopt the SPD.  |  |

**Table Three: Preparing a Supplementary Planning Document**

Source: Legislation and Planning Practice Guidance

N.B. This Table sets out procedures under normal circumstances. However, these procedures and opportunities to engage must be seen in conjunction with the section on Covid-19 and the Local Plan/SPD.

**Covid-19 and the Local Plan/SPD**

1. It is important that the local plan progresses, particularly in the current circumstances, as the local plan is a means to support the economic recovery. Consequently, the Government, through planning guidance, has amended the approach to community engagement requirements and the need for physical documents.
2. There is considerable flexibility about how Councils carry out consultation prior to the Regulation 19 stage. At the Regulation 19 stage, there is a requirement for hard copies of documents to be available at a principal office (Regulation 35). Consequently, this indicates any consultation under Regulation 19 cannot be fully complied with until council offices are open to the public. (Unless the Government amends these Regulations).
3. Ensuring the safety and wellbeing of the community, officers, and councillors is paramount. The implication of Covid-19 is that vulnerable people will be self-isolating. For the rest of the community there is a need to employ social distancing, which is likely to continue for the foreseeable future. However, it also offers opportunities for us to rethink consultations. There will be a need to emphasise a digital approach while Covid-19 restrictions are in place but over the longer term, the question is how to bring together the traditional and digital approaches.
4. As a response to Covid-19, the Council has, where possible, introduced or expanded flexible working arrangements. Wherever possible, officers are no longer working from the Council’s buildings but have transitioned to remote working from home. The Council has adapted the way it engages with external stakeholders by holding meetings virtually or by conference telephone calls.

Consultation

1. The implication of the need to retain social distancing is that it is unlikely that the Council will be able to undertake certain forms of consultation. The emphasis is upon safeguard the health of the public, Council members, and officers. Consequently, we will consider Government advice on Covid-19 and the risk from particular forms of consultation before determining any specific approach. However, based on the current government advice, it is unlikely that drop-in, face-to-face community consultations, which have been favoured by the Council in the past, will be feasible.

1. The emphasis will be online engagement methods. We will consider whether the consultation web page can be enhanced. This may include:
* The use of short videos with an overview and specific aspects of the draft plan (limited to a maximum of 5 minutes).
* The availability of presentations on different aspects of the draft plan;
* The availability of maps and interactive map, where useful and practical.
* Interactive virtual workshops/meetings with groups or representatives of groups.
* The facility to raise questions and obtain responses from the Council via website or email.
* The use of specialist software to under virtual exhibitions. However, in this case there are cost implications that will need to be considered.
1. There will be an emphasis on using social media techniques to raise the awareness of consultation events and documents availability through the use of Facebook and Twitter.
2. Forward Planning officers are utilising virtual platforms to hold meetings with consultants undertaking evidence base studies.
3. Any meeting with parish council, neighbourhood forums, other groups and stakeholders is likely to be via remote meetings (virtual). Consideration will be given to the platform to be used, as ideally, any platform should enable telephone access for those without a computer or tablet.
4. Not everyone has access to the internet. Therefore, for any Local Plan consultation the Council will need to consider how to engage with those who do not have internet access or the skill or desire to engage digitally. This could include:
* Having officers available in the Council’s office at Kirkby-in-Ashfield as ‘duty planners’ for the duration of the consultation (providing social distancing can be achieved within the layout of the office).
* An emphasis on telephone questions and answers subject to time limits for the duration of the consultation.
* In exceptional circumstances, a meeting by appointment at the Council’s offices at Kirkby-in-Ashfield.
* Where possible, the increased use of local newspapers and community newsletters to disseminate awareness of the consultation.
1. The Council has used site-specific notices in the past to raise awareness in relation to proposed housing allocations. A similar approach would have to be considered against Government advice on site visits.
2. The Council will need to consider whether it is appropriate to make paper copies of the local plan available at offices/libraries. If access to the internet were not available to a person, a potential solution would be to forward relevant pages of interest from the local plan to an individual person. However, unless there are exceptional circumstances, it is not anticipated that the Council could print and forward the whole of the local plan to individual parties.
3. The emphasis will be on receiving responses to consultation electronically wherever possible. However, paper responses will be scanned and distributed to officers in Forward Planning for analysis.
4. Under the Regulations, a local plan consultation has to be for a minimum of 6 weeks. The Council will review whether there is a case for extending this review period to allow a longer period for a response. However, our experience is that generally responses are left to the last couple of weeks. Therefore, there is an issue whether extending the timescale of the consultation has any significant benefit?
5. A consequence of the Covid-19 lockdown has been delays to the preparation of the evidence base for the Local Plan. There is considerable flexibility for the preparation of the Local Plan under Regulation 18. Consequently, if necessary, additional consultations could be undertaken in relation to specific areas or issues relating to the emerging Local Plan. These would need to be for a minimum period of six weeks under the Regulations. In these circumstances, the responses received from all consultations would inform the Local Plan Publication taken forward under Regulation 19 and 20.

1. The Council will review consultations methods available for the Local Plan based on Government guidance on Covid-19.

Decision making

1. Engagement between councillors and officers on the Local Plan takes place through the Local Plan Working Group. Meetings have and will be, undertaken by virtual means as long as this is necessary under Government guidance.
2. Where necessary, the Local Plan Working Group may need to meet physically. However, this will only be undertaken where risks have been considered and social distancing can be achieved.
3. Decisions by the Council and Cabinet on the Local Plan, if necessary, will be undertaken virtually[[7]](#footnote-7) as a means to enable the Local Plan to progress. The Coronavirus Regulations place a time limit on the powers to hold meetings of this nature to 7th May 2021.

Local Plan Examinations

1. The Planning Inspectorate will determine the form of the Local Plan examination. If the need for social distancing remains in place at the time of the Local Plan Examination it is possible that the examination will be undertaken as digital events (by video/telephone conference) unless hearings can be undertaken which allow for social distancing.
2. It is highly likely that the submitted plan would be subject to modification by the Inspector, which necessitates a main modification consultation. How this is undertaken would be a matter for review between the Inspector, through the Programme Officer, and the Council.
3. The Planning Inspectorate will be providing on-going information and advice on how to run local plan examination reflecting any future changes in Government guidance on Covid-19.

|  |  |
| --- | --- |
| **Section 4**  | **Taking forward a neighbourhood plan** |

1. An emphasis has been placed on planning at a local level, enabling local people to shape where they live and work. Neighbourhood planning enables people, where they choose, to decide where new homes, businesses, shops and community facilities should be located in their area. It can takes a number of forms:
* Neighbourhood Plans allow communities to establish general planning policies for the development of land in the area. A neighbourhood plan comes into force for the neighbourhood area as part of the statutory development plan once it has been approved at referendum. This means that the Council or a planning inspector on any planning application in the neighbourhood area will need to take the policies in the neighbourhood plan into consideration when making planning decisions.
* Neighbourhood Development Orders grant planning permission for a specific type of development in a particular area. This could be either a particular development or a particular class of development such as housing or retail.
* Community Right to Build Orders are a type of Neighbourhood Development Order. They can be used to grant outline or full planning permission for specific development, which complies with the order. It allows community groups to bring forward small developments, which might include proposals for new homes, business premises or community facilities.
1. Within Section 4, the following applies:
* Any reference to Regulations related to The Town and Country Planning Neighbourhood Planning (General) Regulations 2012, as amended.
* Any reference to Coronavirus Regulation relates to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

 **Consultation Stages (The Council’s Role)**

1. The statutory neighbourhood planning obligations of the Council are summarised below:
* **For neighbourhood area and neighbourhood forum designations:** In accordance with the timescales set out by Regulations determine their acceptability, publicise and consult (when required) and where appropriate formally designate the neighbourhood area or neighbourhood forum and publicise it on the Council’s website.
* **At pre-submission plan stage:** Whilst the Qualifying Body (a parish council or a neighbourhood forum) will carry out the pre-submission consultation and publicity. The Council will support as necessary including checking the conformity of the draft plan with the NPPF/existing and emerging local plan.
* **At submission plan stage:** When the Qualifying Body submits the draft plan and other relevant documentation to the Council, the Council will publicise the submitted Neighbourhood Plan and other relevant documentation.
* **Preparing for examination:** The Council will submit the draft Neighbourhood Plan and supporting documents (including any representations made in accordance with Regulation 16) for examination. Under the legislation, the Council fund the examination.
* **Once the examiner’s report is received:** The Council will consider the recommendations of the Examiner’s Report, check that the draft Neighbourhood Plan meets the Basic Conditions and arrange the publication of the Decision Statement.
* **At the referendum stage:** The Council will arranged and fund the referendum in accordance with The Neighbourhood Planning (Referendums) Regulations 2012.
* **For the ‘making’ (i.e. adoption) of the plan/order:** As soon as possible after a positive referendum result in favour of the neighbourhood plan.
* **Publicising a neighbourhood plan:** The Council will publicise the ‘making’ of the neighbourhood plan.

**Methods of Involvement (The Council’s Role)**

1. Like local plans, regulations cover neighbourhood plan/orders preparation, including consultation requirements and the undertaking of a referendum. Our role is to provide advice and support to groups developing a plan/order. Up to submission of the final draft (‘proposed submission’) plan/order, the parish council or forum is responsible for public consultation and engagement in its preparation.
2. We actively support and promote neighbourhood planning and we are committed to providing ongoing advice and support to groups who wish to prepare neighbourhood plans and orders. We will support qualifying bodies and facilitating the process through the provision of the following:
* Initial advice regarding the suitability of completing a plan or order and its potential scope including attendance at suitable meetings or providing briefings. Advice may include:
* Advising on potential topics for your plan;
* Making data available or advising where to find useful data to provide evidence for your plan;
* Providing advice on the legal requirements for your plan;
* Advising on organisations that may be able to help with the production of your plan;
* Advising on ways to engage your community.

Timescales for a response to any request will vary depending on the nature of the request, but every effort will be made to respond at the earliest opportunity.

* On-going advice and support throughout the process. This support will be provided both on an informal basis through support and guidance, but also on a formal written basis when responding to specific consultations. The focus will be on the conformity of the neighbourhood plan/order with the existing national and local planning framework.
* Practical assistance such as mapping and IT advice where appropriate.
* Relevant contact information for consultation including statutory consultees and local interest groups and bodies. Advice on undertaking consultation, publicity and engagement.
* Guidance and interpretation of the relevant legislative requirements.
* Following submission of the plan/order we will undertake the relevant consultation and organise the examination and referendum in accordance with the timescales prescribed in legislation.
* Guidance relevant to the referendum.
* Advice relating to the monitoring and review of adopted plans/orders.
1. The Table in Appendix 5 sets out the various stages in preparing neighbourhood plans/orders. It identifies the opportunities for engagement and whether the parish council/forum or the District Council undertakes the relevant consultation.

**Covid-19 and Neighbourhood Plans**

1. Government guidance is that neighbourhood plan groups may continue to prepare plans but this needs to be within the context of the Government’s advice on meeting the requirement for social distancing.
2. Coronavirus Regulations linked to the Coronavirus Act 2020 mean that no elections or referendums can take place until 6 May 2021. This includes neighbourhood planning referendums. The Government has identified that these provisions will be kept under review and may be amended or revoked in response to changing circumstances.
3. Planning practice guidance[[8]](#footnote-8) on neighbourhood plans has been updated to reflect the Covid-19 pandemic. In relation to consultation, the regulations require neighbourhood planning groups and local planning authorities to undertake publicity in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area at particular stages of the process. However, it is stressed that is not mandatory that engagement is undertaken using face-to-face methods. Nevertheless, it needs to be demonstrated that all groups in the community have been sufficiently engaged, such as those without internet access. Consequently, more targeted methods may be needed including by telephone or in writing. The Guidance identifies that it is not mandatory for copies of documents to be made available at a physical location. They may be made available online.

|  |  |
| --- | --- |
| **Section 5**  | **Your involvement in planning applications and Permission in Principle** |

1. Development management is the process whereby we receive, consider and determine whether a proposal for development should be granted planning permission or permission in principle (PiP), taking into account the development plan[[9]](#footnote-9) and any other material considerations. Planning applications can be determined by either by:
* council members on the planning committee, or

* development management officers under delegated powers. (These applications are not referred to planning committee).
1. There is the opportunity to set out your views on a planning application/ PiP. Our approach is to seek to ensure that the views of communities who have an interest in the application are fully considered before the Council takes a decision.
2. The Development Management Team is committed to informing and engaging with the community and individuals in relation to planning proposals. However, we have to achieve a balance between making decisions in a timely and cost effective way and providing reasonable opportunities to comment. Legislation sets out timescales in which planning determinations should be made.
3. Planning applications and decisions can be controversial. There will often be reasons for and against any type of development, and we must apply planning policies accordingly in a reasonable and impartial manner.
4. It is important to make the planning decision making process as clear, transparent and inclusive as possible. As such it should be noted that the quality and relevance of points raised within any objection carry more weight within the decision making process than simply the number of objections. Therefore, a large number of objections being received does not mean that a proposal will be refused.
5. While objections to a proposal are a consideration within the planning process, applications can only be refused for clear and sound planning related reasons.
6. There are some types of applications, which the Council is not responsible for determining within the District. This is because the County Council are in control of certain categories such as waste and minerals developments, and are responsible for any consultation relating to these matters. The County Council should consult with the relevant district council(s) on the proposal, and provide the opportunity for them to make any representations on the application. Applications of this nature are identified as ‘county matters’.
7. The Council aims to work as proactively as possible throughout all stages of the planning process. Therefore we will:
* Supply general advice and guidance to members of the public;
* Engage in pre-application discussions for all enquiries, subject to an appropriate fee and reasonable amount of information being submitted;
* Maintain an office rota system to ensure that an appropriately qualified and experienced officer can deal with administrative, procedural and technical enquiries during normal office opening hours.
1. The following paragraphs set out the approach to planning applications before the Covid-19 pandemic. While the Government lockdown and social distancing is in force, our approach to considering planning proposals will reflect the measures that have been or will be put in place for responding to the Covid-19 situation.

**Pre-Application Advice**

1. Paragraphs 39-41 of the National Planning Policy Framework (NPPF) recognises that there is no requirement or obligation for developers to engage with pre-application discussions. However, we will encourage developers to undertake pre-applications discussions, as early engagement between all parties can have a positive impact in terms of improving the efficiency and effectiveness of the planning system to help deliver improved outcomes.
2. The level of information necessary for effective pre-application engagement will vary depending on the scale and nature of the proposed development. Early and timely engagement between developers, statutory consultees and the Council at the pre-application stage is important in helping avoid delays occurring at the formal application stage.
3. Section 93 of the Local Government Act (2003) allows Local Planning Authorities (LPA) to charge for providing a pre-application advice service. Further information on the pre-application service, including a list of the relevant fees can be found on the Council’ website at [www.ashfield.gov.uk](http://www.ashfield.gov.uk)
4. The Local Government Act (2003) states that where charges are applied, they must not exceed the cost of providing the service. This is important to adhere to so as not to discourage appropriate pre-application discussions, as these often ensure that the quality of a development is improved and that there is a degree of certainty in the outcome for the applicant.
5. In simplest terms, a pre-application assessment of a proposal allows the Council to provide an informal opinion to the applicant on the likelihood of the proposal being viewed favourably, should a formal application be submitted.

**Pre-application Consultation**

1. Although this is not mandatory or a legal requirement, we will encourage developers to undertake pre-application consultation with the community for large or locally significant developments. For these applications, it is important for developers to engage with local communities prior to the submission of a formal planning application. This enables communities and stakeholders to have early input into planning proposals and help to identify improvements and overcome objections at a later stage.

**Publicity Arrangements**

1. Ashfield District Council is required by statute to give publicity to planning applications and applications for listed building consent. The statutory publicity requirements for these applications are set out in Table 4. This may be subject to variation through legislation.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Type of development | Site notice | Site notice or neighbour notification letter | Newspaper advertisement | Website |
| Applications for major development as defined in Article 2 of the Development Management Procedure Order (which are not covered in any other entry) | - | X | X | X |
| Applications subject to Environmental Impact Assessment which are accompanied by an environmental statement | X | - | X | X |
| Applications which do not accord with the development plan in force in the area | X | - | X | X |
| Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies | X | - | X | X |
| Applications for planning permission not covered in the entries above eg non-major development | - | X | - | X |
| Applications for listed building consent where works to the exterior of the building are proposed | X | - | X | X |
| Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building. | X | - | X | X |
| Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area. | X | - | X | X |

**Table Four: Statutory publicity requirements for applications for planning permission and listed building consent.**

Source: Planning Practice GuidanceConsultation and pre-decision matters.

**Neighbour Notification**

1. The Council sends individual notification letters to all properties/premises immediately adjoining or adjacent to the application site. This is to ensure they receive a timely and direct notification, as they will likely be the most sensitive parties to any application.
2. Additionally, in some circumstances the Council will erect a site notice(s) at a visible location near to the application site. This is to ensure that interested stakeholders who have not received an individual postal notification still get the opportunity to become aware of, and comment on, the application.
3. For the more sensitive applications, such as those affecting Conservation Areas or Listed Buildings, the application is advertised in local newspapers in addition to the aforementioned consultation methods. This ensures maximum coverage as part of the consultation process.
4. Parish Councils are notified of all applications in their area, and the Neighbourhood Forum receive a ‘weekly list’ of all applications validated in the last 7 days, as an alternative to individual consultations.
5. When an application is validated, every stakeholder (neighbours, statutory consultees etc.) is provided with 21 days to make any representations. Any representations made should be in writing and directed to the Councils planning department by either email or post. **Please note that email is the preferred option to receive consultation comments, and these should be sent to:** **planning.admin@ashfield.gov.uk**. All forms of notification sent from the Council will include direct contact details for the relevant officer dealing with the application.
6. After the 21 day statutory consultation period, a decision may be made on the application. Any comments received after the expiry of the 21 days may still be accepted, but failure to meet this deadline may jeopardise the chances of any comments being taken into account prior to a decision being issued.
7. Permission in Principle (PiP) is a new form of planning consent, which establishes the principle of development on sites. The PiP consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second (‘technical details consent’) stage is when the detailed development proposals are assessed. Dependent on the form of PiP, the length of determination and consultation period may be less than a typical planning application (14 days consultation and 5 weeks to issue a decision).
8. Prior notification is a procedure whereby a developer must notify the planning authority of proposals before exercising permitted development rights. The consultation period for specific types of prior notification are reduced to 14 days due to the tighter timescales we have for dealing with the notification.

**Access to Information and Commenting on Proposals**

1. Planning applications are available for inspection (upon request) at the Ashfield District Council officers on Urban Road, Kirkby in Ashfield during office hours and are available to view online at [www.ashfield.gov.uk](http://www.ashfield.gov.uk).
2. The website contains all the submitted information in relation to the particular application. This will include the site address, a description of the proposed development and documentation submitted to accompany the application (including all relevant plans and statements where necessary). Details are provided on how representations can be made, and when the consultation period expires.
3. In accordance with the Council’s Code of Conduct, any comments submitted in respect of an application will become available for inspection by any interested persons, including members of the public and the applicant. All representations will be available to view on the Council’s website within 48 hours of receipt. Please note that a formal acknowledgement will not be sent confirming receipt of written representations.
4. Your comments are published in full this includes your name and address. We only redact the following personal contact details signatures, telephone numbers and emails addresses. All other information will be published unless clearly requested at the beginning of your correspondence.
5. Officers from the Planning Team will be available to offer advice or answer questions. The Council operates a ‘duty planner’ service where no appointment is needed to see an available ‘on duty’ officer. However if you wish to speak with a specific officer, this should be arranged with them by a pre-organised appointment.

**What happens to your views and comments?**

1. The Council can only consider ‘material considerations’ when determining planning applications. Examples of these are, but not limited to, policies within the Council’s Local Plan, Government advice and policy, impact upon residential amenity (noise, disturbance and smells), highway safety, design and external appearance, impact upon Listed Buildings, Conservation Areas and trees. No weight can be given to comments, which sets out matters which are not planning issues within the decision making process. These are issues such as private property rights, covenants, local competition, moral issues, loss of a view and impact upon property value.
2. Any comments made are in the public domain. We will remove any personal details such as signatures, phone numbers and email addresses. Any support, objections and comments will be noted in the planning case officer’s report. We also reserves the right to withhold any comment(s) considered defamatory or harmful to an applicant, a consultee or the wider community.

**The Decision**

1. The Council decides many planning applications under delegated powers, where the Chief Executive, Service Director or designated officers determine the application. The more complex, contentious and ‘in-house’[[10]](#footnote-10) applications, where concerns are raise, which cannot be dealt with under powers of delegation are generally referred to the Planning Committee, which is where the elected members of the Council determine the applications. Councillors can also request specific applications to be referred to Planning Committee, which is held approximately every 4 weeks. This usually takes place in the Council Chamber at the main council offices on Urban Road, Kirkby in Ashfield.
2. When an application is reported to the planning committee, a report will be prepared by the case officer, which outlines the planning aspects of the proposal. This report will also contain a professionally informed recommendation on whether the application should be approved or refused. The Committee is not obliged to accept the recommendation, but they must give planning reasons as to why they have decided to refuse or grant an application contrary to officer recommendations.
3. The applicant/agent in addition to any resident who has lodged a written objection to the Council will be notified in writing (either by email or postal correspondence) if a particular application is to be determined by the Planning Committee.
4. There is the opportunity for members of the public to speak at Planning Committee, however only one registered speaker is allowed to support, and one oppose the proposal, with a specified time limit being allowed per speaker. An officer of the Council monitors this aspect.
5. Anybody wishing to speak at Planning Committee must pre-arrange this by contacting the Council’s Democratic Services department by telephoning 01623 457316 or by emailing speakplanning@ashfield.gov.uk. Any requests to speak must be made no later than 4:00pm two working days before the committee.

**After the Decision**

1. The Council will inform each person who commented on an application of 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 retained on file and is available for viewing at the Council offices. A copy of the decision notice will also be available to view on the Council’s website.
2. Following a refusal of planning permission or a grant of permission subject to conditions, the applicant/agent has the right to appeal the Council’s decision to the Planning Inspectorate, who will carry out an impartial assessment of the proposal, taking all relevant policies and material planning considerations into account before issuing a decision. The Inspector is not obliged to agree with the Council, and may choose to overturn the Council’s decision. The Inspector will issue a decision notice detailing reasons for approval and the associated conditions, or the reasons for refusal.
3. Any appeal must be made within 8 weeks (for Advertisement Consent), 12 weeks (for a Householder Planning Applications), or 6 months (for other planning applications) of the decision being issued. People who were consulted and/or responded to the original application will be informed and given a further opportunity to make any additional representations to the Planning Inspectorate for consideration.
4. All comments received from the community in response to the consultation carried out on the original application will also be sent to the Planning Inspectorate. This ensures that regardless of whether or not people chose to engage in the appeal process, their views would be made known and taken into account.

**Approach to community involvement in S106 Agreements**

1. Where a draft Section106 Legal Agreement has been submitted as part of an application a copy is normally made available for inspection on the public register and on the council's website.
2. As part of the application, we will consider what planning obligations may be necessary in order to mitigate the impact of the development. We will aim to ensure any community request for an obligation is considered against the relevant legislation as part of the overall consideration of a planning application.

|  |  |  |
| --- | --- | --- |
| **Key stage**  | **Process and requirements** | **Opportunities for engagement** |
| 1: Receipt and registration. | * Check compliance with relevant national and local validation requirements.
* Check all relevant information and that the appropriate fee has been provide.
* Where appropriate, encourage developers to have early discussions with local residents for major applications.
 | The application will be available to view on the Council’s website once validated. |
| 2: Consultation and publicity. | * Consult in line with current regulations
* If the scheme is amended, and we consider that those amendments raise new issues that could lead to further comment, we will seek to re-consult.
 | The Council notifies stakeholdersand the community in accordance with the regulations by:* A weekly list of all new applications received by the Council is posted on the its website, and
* Publishing the application details on Council’s website and how to comment, and
* Letter to the owners/occupiers of properties adjoining the application site advising of application and the period in which to submit comments, and/or;
* Site notice placed on or near sites subject to applications for development, and or;
* Publishing a notice in the local press for certain types of development.

Depending on the proposal, we will also consult with:* Various statutory and non-statutory consultees.
* Other bodies and interest groups relevant to the proposal.
* Duty to Cooperate bodies on major strategic applications or neighbouring authorities on applications for development close to the District boundary.
 |
| 3: Assessment. | * The planning case officer will normally visit the site.
* Decision are based on local plan policies with all material considerations being taken into account, including national policy and guidance.
* Any comments received[[11]](#footnote-11) will be in the public domain. We will remove any personal details such as signatures, phone numbers and email addresses.
 |  |
| 4: Making a decision. | * The planning case officer will make a recommendation on the application in a report, which sets out the reasoning, along with a summary and consideration of comments and consultation response.
* The majority of planning applications are determined under delegated powers. Decisions for such applications will be made in accordance with the Council’s ‘Scheme of Delegation’.
* Some applications will be taken to and determined by Planning Committee.
 | * There is the opportunity to speak at the Planning Committee for a specified time if you have supported or objected to an application which is being considered by the Committee.
* Planning Committee meetings are open to the public.
* Once a decision has been issued, a decision notice will be sent to the applicant and/or agent to inform them of the decision.
* If you have commented on an application, you will be notified of the decision.
* All planning decisions are published on the Planning Register.
 |
| 5: Post decision. | * If the applicants disagree with our decision, they have the opportunity to make an appeal to the Secretary of State.
 | Please note There is no right of appeal for third parties. This means that if planning permission is granted a member of the public cannot take the application to an appeal. |

**Table Five: Process and Consultation on Planning Applications**

Source: Legislation and Planning Practice Guidance. (This Table sets out procedures under normal circumstances. However, these procedures and opportunities to engage must be seen in conjunction with the section on Planning procedures and Covid-19).

**Planning Enforcement**

1. The enforcement officers are responsible for investigating alleged breaches of planning control, including unauthorised works to listed buildings, unlawful advertisements, works to protected trees and developments carried out without the necessary planning permission.
2. A Planning Compliance and Enforcement Plan 2020 sets out the level of service that can be anticipated from the Council.
3. The Council relies on members of the public to bring to our attention the majority of breaches of planning control. Anyone who believes that a breach of planning control has occurred can make a complaint to the Council, which will be investigated.

**Planning Procedures and Covid-19**

1. The aforementioned paragraphs set out the Council’s approach to consultation on planning applications and applications for PiP under normal circumstances. However, the implications of Covid-19 have seen a number of temporary changes in relation to the determination of planning applications/permission in principle.

1. In considering the Council’s approach in these circumstances, we will have regard to Government advice on Covid -19, amendments to planning practice guidance, the requirements set out under relevant regulations and our experience of the temporary measures adopted. Consequently, the procedures implemented to ensure that planning determinations can still be made are subject to change over time.
2. We will ensure that up-to-date information on the procedures adopted and the timetable for future Planning Meetings is set out on the Council’s website. A Development Management Protocol – During COVID-19 Emergency is available on our website at:

<https://www.ashfield.gov.uk/residents/planning-building-control-and-land-charges/planning-applications/>

Planning Committee Meetings

1. One of the implications of the lockdown and social distancing was that it effectively meant the Planning Committee could no longer physically meet. The Coronavirus Regulations[[12]](#footnote-12) made on 2nd April 2020 have provided necessary powers for local authorities to hold virtual meetings up to 7th May 2021. Consequently, Planning Committee meetings will be held through a virtual platform unless the requirements for social distancing can be met or they are no longer authorised by legislation.

Publicity requirements

1. Regulations[[13]](#footnote-13) have allowed for temporary changes to the publicity requirements for certain planning applications. The Table[[14]](#footnote-14) below sets out the requirements prior to 14th May 2020. The temporary changes under the Regulations to 31st December 2020 (unless amended or new regulations are introduced) give local planning authorities greater flexibility in relation to the way they publicise the planning applications. However, they only apply if the Council is unable to meet the requirements set out in the Table because it is not reasonably practicable for reasons connected to the effects of Covid-19, including restrictions on movement.
2. In these circumstances, the Council must take reasonable steps to inform any persons who are likely to have an interest in the application of the website where notice of the application can be found. This may include the use of social media and communication by electronic means and must be proportionate to the scale and impact of the development. Forms of electronic communication might include, but are not limited to:
* Council mailing lists,
* using social media such as Facebook and Twitter,
* using the Authority’s website,
* using local online newspapers,
* issuing a weekly press bulletin,
* informing local neighbourhood forums and parish/town councils by email,
* informing local community, amenity and environmental groups by email.
1. Where temporary publicity means have been used, we will retain a record of how the public were notified about the planning application as evidence that reasonable steps were taken to engage people who live, work or carry on business in the area in the decision-making process.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Type of development | Site notice | Site notice or neighbour notification letter | Newspaper advertisement | Website |
| Applications for major development as defined in Article 2 of the Development Management Procedure Order (which are not covered in any other entry) | - | X | X | X |
| Applications subject to Environmental Impact Assessment which are accompanied by an environmental statement | X | - | X | X |
| Applications which do not accord with the development plan in force in the area | X | - | X | X |
| Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies | X | - | X | X |
| Applications for planning permission not covered in the entries above eg non-major development | - | X | - | X |
| Applications for listed building consent where works to the exterior of the building are proposed | X | - | X | X |
| Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building. | X | - | X | X |
| Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area. | X | - | X | X |

**Table Seven: Statutory publicity requirements for applications for planning permission and listed building consent (Before Covid Regulations )**

Source: Planning Practice GuidanceConsultation and pre-decision matters – Update 13th May 2020

Timescale for Comments

1. The minimum time period for anyone to make representations on planning applications has been temporarily increased from 21 to 28 days.

Site Visits

1. Site visits are being carried out where appropriate providing it is safe and social distancing can be achieved. Meetings are however limited to ensure nobody is put in any danger. The use of photographs supplied by the applicant, google street view and site plans are being used where appropriate.

Planning Register

1. The regulations also temporarily discharge local authorities of their obligation to make their planning application registers available for physical inspection if it is not practical to do so provided they maintain a version available for inspection on their website. The Council’s web site is the planning register.

Permitted Development

1. From 9th April 2020, a time-limited permitted development right came into force. This gives an emergency permitted development rights to support health service bodies and the Council’s immediate response to Covid-19; and a relaxation of planning rules so that pubs and restaurants can operate as hot food takeaways during the Covid -19 outbreak. Consequently, there is no opportunity to comment on these developments.

Planning appeals

1. While the Planning Inspectorate initially postponed planning appeals, they will be using digital platforms to undertake appeals where social distancing is not possible. There may also be the use of appeals involving a mix of different procedures or events where some parties may attend in person and others by video or telephone links.

|  |  |
| --- | --- |
| **Section 6**  | **Resources** |

1. There are currently adequate resources to carry out the consultation as laid out in the Statement of Community Involvement.
2. Work on community engagement for Local Plan documents will be carried out mainly from the officers within the Forward Planning Team.
3. Consultations on planning applications/PiPs will be carried out by officers in the Development Management Team.
4. Participation on Supplementary Planning Documents will be carried out by officers within both the Development Management Team and the Forward Planning Team, depending on the context of the SPD.

1. Successful community engagement will, to a large extent, be reliant on partners/other stakeholder active participation in the process.

1. The resources issue will be kept under review as part of the Local Development Scheme and the Annual Monitoring Report.
2. To help improve representation and participation we will strengthen relationships with other Council departments, education establishments and community development organisations to learn from their experience, gain a better understanding of the needs of particular groups and ensure that the needs of all sectors of the community are met.

|  |  |
| --- | --- |
| **Section 7**  | **Monitoring & Review** |

1. Ashfield District Council will monitor the success of community involvement methods and use the results to review the techniques used in the future.
2. The Council will carefully consider the resource implications of all of the methods used to try to ensure that the most effective use is made of the resources available for this work. The Council recognises that good quality community engagement has significant costs in terms of time and financial resources.
3. It is also clear that the Council may not be able to meet all of the aspirations for engagement that the community may wish to promote due to time and resource limitations. However, the Council will strive for transparency at all stages and will seek to ensure that views can be put forward whenever possible. Methods of community involvement that provide the best results in terms of the quality and quantity of involvement, for the best cost, will be utilised more regularly where appropriate.
4. The SCI will be kept under regular review and be updated at least every 5 years. Changes to the SCI may also be instigated by further revisions of the regulations, which govern publicity and involvement in the planning policy preparation and planning application processes.

|  |  |
| --- | --- |
| **Section 8**  | **Contacts** |

1. Information and support on any aspect of the local plan and the planning system is available through the Council’s Forward Planning Team. You can contact us in a number of ways;
* Write to us at: Forward Planning Team, Ashfield District Council,

 Urban Road, Kirkby-in-Ashfield, Nottingham, NG17

 8DA.

* Visit the website: [www.ashfield.gov.uk](http://www.ashfield.gov.uk)
* E-mail us at: localplan@ashfield.gov.
* Telephone us at: 01623 457381 or 457382 or 457383

1. If you wish to know more about planning applications then please contact us.
* Write to us at: Development Management Team,

Ashfield District Council, Urban Road, Kirkby-in Ashfield, Nottingham, NG17 8DA.

* Visit the website: www.ashfield.gov.uk
* E-mail us at: dutyplanner@ashfield.gov.uk
* Telephone us at: 01623 457388
1. You can also gain information about how the planning system works in a clear and concise way through the Planning Portal at: <http://www.planningportal.gov.uk>.
2. Planning Aid England (PAE) is a voluntary service offering free, planning advice and support to community groups and individuals. It aims to provide everyone with the opportunity to get involved in planning in their local area, and provide people with the knowledge and tools to achieve this. PAE provides a free and independent advice service on all planning related matters for individuals and community groups who cannot afford consultant's fees. Contact details are as follows:
* Planning Aid: <http://www.rtpi.org.uk/planning-aid/>
* Tel: 020 7929 9494
* Email: advice@planningaid.rtpi.org.uk
1. Advice on how to develop a neighbourhood plan or neighbourhood development order and what support is available to you is available at

<https://neighbourhoodplanning.org/>

## Appendices

**Appendix 1**

### Glossary of Terms and Abbreviations

**Adopted Policies Map:** A map of the local planning authority’s area based on an Ordnance Survey map including an explanation of any symbol or notation and illustrating geographically the application of the policies in the adopted local plan.

**Adoption:** The approval, after independent examination of the final version of a Local Plan by a local authority for future planning policy and decision making.

**Ashfield Local Plan Review (ALPR)**: The current Local Plan adopted in November 2002 with a timescale to 2011.

**Annual Monitoring Report** **(AMR):** A report which is produced annually to establish what is happening now and what may happen in the future and compare trends against LDF polices to determine if changes need to be made.

**Duty to Cooperate:** This duty requires local authorities and other public bodies to work together on planning issues in the preparation of the Local Plan.

**Evidence** **Base:** The Local Plan should be based on adequate, up-to-date and relevant evidence about the economics, social and environmental characteristics and prospects of the area.

**Inspector:** Independent Inspector appointed by the Secretary of State to carry out the public examination of the Local Plan.

**Local Development Scheme** **(LDS):** Statement detailing the timescales and arrangements for the preparation of local development documents.

**Localism Act 2011:** The Localism Act introduced changes to the planning system including making provision for the revocation of Regional Spatial Strategies, and introducing the Duty to Cooperate and Neighbourhood Planning.

**Local Plan:** Comprises a Written Statement and a Policies Map. The Written Statement includes the Authority’s detailed policies and proposals for the development and use of land together with reasoned justification for these proposals.

**Material Consideration:** Must be genuine planning considerations i.e. they must be related to the development and use of land in the public interest.

**National Planning Policy Framework** **(NPPF):** Sets out the Government’s planning policies for England and how these are expected to be applied. Providing a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, reflecting the needs and priorities of their communities.

**Neighbourhood** **Plan:** Gives communities direct power to develop a shared vision For their neighbourhood and deliver the sustainable development they need.

**Planning and** **Compulsory Purchase Act 2004:** This Act updated the 1990 Town & Country Planning Act. The Planningand Compulsory Purchase Act 2004 introduced a new statutory system of regional and local planning an has since been amended by the Localism Act 2011.

**Planning Inspectorate:** The Government body responsible for providing independent inspectors for planning inquiries and for examinations of development plan.

**Planning in Principle:** The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second (‘technical details consent’) stage is when the detailed development proposals are assessed.

**Planning Policy Statement** **(PPS):** Replacement for PPG with the aim of being more accessible and simpler to use by having greater clarity.

**Protected Characteristics:** The Equality Act 2010 covers nine protected characteristics on the grounds upon which discrimination is unlawful:

* Age - referring to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).
* Disability - a person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
* Gender reassignment - the process of transitioning from one gender to another
* Marriage and civil partnership - marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.
* Pregnancy and maternity - pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
* Race - refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.
* Religion or belief - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism).
* Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
* Sex - a reference to a man or to a woman
* Sexual orientation - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

**Public Examination:** Local Plan will be examined by an independent Inspector whose role it is to assess whether the plan has been prepared in accordance with the Duty To Co-operate, legal and procedural requirements and whether it is sound.

**Regulations:** This means “The Town and Country Planning (Local Planning)

(England) Regulations 2012” unless indicated otherwise. Planning authorities must follow these when preparing Local Plans.

**Saved Policies:** Policies in the current Local Plan which have been safeguarded and then reused in other documents.

**Secretary of State:** Sets policy on supporting Local Government, communities and neighbourhoods, regeneration, housing, planning, building and the environment.

**Soundness:** Under the National Planning Policy Framework 2019 paragraph 35 local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

* **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs19; and is informed by agreements withother authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
* **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
* **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
* **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.

**Statement of Community Involvement** **(SCI):** Local authority’s policy for involving the community in the preparation of local development documents and for consulting on planning applications.

**Supplementary Planning Document** **(SPD):** Provides supplementary information in respect of the policies in Development Plan Documents. They do not form part of the Development Plan and are not subject to independent examination.

**Sustainability Appraisal** (**SA):** Appraise the social, environmental and economic effects of the strategies and policies in local development documents from the outset of the preparation process. (Typically it includes SEA).

**Strategic Environmental Assessment (SEA):** AnSEA ensure that environmental consequences of certain plans and programmes are identified and assessed during their preparation and before their adoption.

**Appendix 2 - Statutory Consultees**

### Specific Consultation Bodies (as set out in the Town and Country Planning (Local Development) (England) Regulations 2012) as amended

(**These consultees may be subject to amendment set out in legislation)**

###

* All Local Planning Authorities adjoining the District
* Nottinghamshire County Council (including education and highways)
* Parish Councils both in and adjoining the District
* Nottinghamshire Police & Crime Commissioner
* Derbyshire Police & Crime Commissioner
* The Coal Authority
* Natural England
* Environment Agency
* Historic Buildings and Monuments Commission for England (Historic England)
* Highways England
* Network Rail Infrastructure Limited
* Homes England
* any person—
	1. to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003, and
	2. who owns or controls electronic communications apparatus situated in any part of the local planning authority’s area,
* if it exercises functions in any part of the local planning authority’s area—
	1. a Clinical Commissioning Group established under section 14D of the National

Health Service Act 2006 or continued in existence by virtue of that section;

ii) a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989;

iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986;

iv) a sewerage undertaker; and

v) a water undertaker;

### Under the Town and Country Planning (Local Development) (England) Regulations 2012) Duty to Cooperate

###

(These consultees may be subject to amendment set out in legislation)

* Environment Agency;
* Historic Buildings and Monuments Commission for England (Historic England);
* Natural England;
* Civil Aviation Authority;
* Homes England;
* Clinical Commissioning Group established under section 14D of the National Health Service Act 2006 or continued in existence by virtue of that section (Mansfield and Ashfield Clinical Commissioning Group, NHS England and Public Health, Nottinghamshire County Council);
* National Health Service Commissioning Board;
* Office of Rail Regulation;
* Integrated Transport Authority;
* Highway Authority;
* Local Enterprise Partnership (LEP);
* Local Nature Partnership.

If bodies listed cease to exist, successor bodies will be consulted.If legislation is amended, any new bodies created will be consulted.

### Appendix 3 - Other Consultees - General Consultation Bodies

The general consultees (general consultation bodies) that the regulations require the Council to consult, where appropriate, are:

* Voluntary bodies some or all of whose activities benefit ant part of the District.
* Bodies which represent the interests of different racial, ethnic or national groups in the District.
* Bodies which represent the interests of different religious groups in the District.
* Bodies which represent the interests of disabled persons in the District.
* Bodies which represent the interests of persons carrying on business in the District.

The Table below illustrates bodies that could be consulted as general consultation bodies. New bodies could be included in any consultation as deemed appropriate.

|  |  |
| --- | --- |
| Voluntary and other bodies  | Representational Groups - e.g. Age Concern, Ethnic, Disabled and Youth Groups Conservation, Heritage and Amenity Groups Relevant Community and Resident Groups Environmental bodies – e.g. CPRE, RSPB, Wildlife Trust and Woodland TrustResidents associationsCommunity groups (interest, activity and belief)Community forumsTown partnershipsLocal strategic partnershipsCommunity development organisationsOther organisations for specific community groups (e.g. youth,women) |
| Business sector | Chambers of CommerceBusiness ForumsHome Builder’s Federation Registered Social Landlords (RSLs)Developers and LandownersThe National Farmers Union (NFU)Town and shopping centre managementEconomic development organisations |
| Other | Discover Ashfield Parish councilsNeighbourhood ForumsEmergency Services (Police, Fire and Ambulance)NHS Nottinghamshire County (Primary Care Trust) Nottinghamshire Healthcare NHS Trust Sport England and relevant local sports groups and bodiesNational TrustHousing CorporationBus OperatorsRegional Housing BodySub-Regional Strategic PartnershipsRelevant Government DepartmentsEducation establishments Utilities ProvidersRelevant Government Departments |

###

###  Appendix 4

###  Methods of Community Involvement – Benefits, Disadvantages and Resource Implications

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|   | **Method**  | **Benefits**  | **Disadvantages**  | **Resource** **Implications**  |
| 1  | Documents / Leaflets at Council Offices and Libraries  | Documents available locally and can be studied. Targets public with no usual involvement in planning.  | Limited to office hours. Some of the community do not visit council offices and libraries.  | Staff time  |
| 2  | Letters  | Can target specific groups and reach the whole District and Consultees.  | Database needs to be continually updated. Some interested parties may be outside the District and are therefore excluded.  | Staff time and postage  |
| 3  | E-mail / Website / Social Media / QR Codes  | Can access at home/work. Appeals to young people, can target people further a field.  | Disadvantages the less computer literate. Website needs to be kept updated.  | Staff time  |
| 4  | Press Releases / Press Adverts  | Good information source. Covers a wide cross section of people.  | Different newspapers for different areas, limited space and not everyone reads the local press.  | Cost of adverts  |
| 5  | Public Exhibition  | Staff can answer queries. Covers more remote areas. Visual information  | Suitable venues are hard to find. May be difficult for some people to access. Resource intensive.  | Room hire and Staff time and costs  |
| 6  | Workshops / Forums  | Useful for specific topics. Face-to-face questions and answers.  | Resource intensive.  | Room hire and Staff time and costs  |
| 7  | Information Stand  | Less staff resources needed.  | Limited feedback. Finding suitable venues.  | Cost of exhibition material  |
| 8  | Questionnaires / Surveys  | Could be on-line or postal adaptable.  | Feedback needs analysing. Time delay.  | Staff time. Cost of Software Packages  |
| 9  | Planning Aid  | Useful for hard to reach groups.  | Time consuming for Planning Aid**.** Does not reach all groups.  | Time consuming for Planning Aid  |

**Appendix 5**

**Neighbourhood Plans Preparation Stages & Consultation Methods**

|  |  |  |
| --- | --- | --- |
| **Key Stages** | **Parish Council / Neighbourhood Forum (qualifying body)** | **Ashfield District Council** |
| **Prior to any submission**The parish council or potential forum should seek the views of the local community in terms of:* the geographic extent of the proposed neighbourhood area, and
* the issues that it should seek to address through neighbourhood planning activity.
 | This early stage of engagement can provide invaluable information and resources to the neighbourhood planning group and give members of the community an opportunity to become directly involved. It will also ensure that community buy-in is established at an early stage. This is important particularly given the proposal will eventually be subject to a local referendum. | We will provide advice on the proposed neighbourhood area. |
| **Stage 1:** * **Designation of a Forum**
* **Designation of neighbourhood area (and if appropriate neighbourhood forum)**

The Parish Council submits an application to the District Council to designate area. A potential neighbourhood forum will need to submit an application for a forum as well as an application to the District Council to designate an area. | Before submitting an application to designate the neighbourhood area the parish council or potential neighbourhood forum may decide to consult with the local community about preparing a neighbourhood plan/ order. | * Upon submission of a formal application, if we consider this does not meet the regulations we will contact the group, set out what the concerns are and how they might be addressed.
* We will aim to validate your application or notify you of any problems within 10 working days.
* Where an application is by a Parish Council for the whole of their area the Council must designate the area. The Council will aim to do this within 10 working days of the application being validated.
* If consultation is required, we will publish your application on the District Council’s website and advertise as necessary in at least one of the following (provided one of these exist): local library; community centre; parish council building and/or local notice board, for the consultation period with details of how long the consultation will run and how to make representations.
* We will make a decision on whether the area should be designated within the period specified within the regulations, advising the applicant group of the required period of consultation.
* We will publicise the decision on whether or not to designate the neighbourhood area on our website.

In the case of an application relating to an area which does not follow a parish boundary, or that is submitted by a prospective neighbourhood forum if there are valid reasons for declining the application, they will be explained to the group both in person and via a “decision document” (for Neighbourhood Area Applications) or by a “refusal statement” (for Neighbourhood Forum Applications). |
| **Stage 2: Preparing the Draft Neighbourhood Plan/Order: Qualifying body to prepare:** * Develop vision, aims and objectives
* Develop communications strategy
* Gathering baseline information and evidence
* Identify and assess options
* Prepare draft Neighbourhood Plan/ Order and associated documents
 | Qualifying body should undertake ongoing consultation and engagement with the community (those living, working, with an interest in or affected by proposals) and relevant consultees (such as infrastructure providers) as the neighbourhood plan/order is being developed.  | We will provide ongoing support and assistance this includes sign posting evidence from the Local Plan and other areas, which may be of assistance. |
| **Ensure compliance with EU obligations:** If the plan is deemed likely to have significant environmental effects then Strategic Environmental Assessment will be required. | If it is determined that a SEA is required for the neighbourhood plan then the parish council/forum will need to undertake the SEA. | We will carry out an initial screening, which requires consultation with the statutory consultees set out in the relevant Regulations. |
| **Stage 3: Pre-submission publicity and consultation:** This is the first formal community engagement activity. It is the responsibility of the neighbourhood planning group to undertake consultation. The group will need to manage this consultation, collate and consider the responses received. | * Qualifying body will formally publicise the draft neighbourhood plan or order and invite representations.
* Consultation bodies (outlined in the Neighbourhood Planning Regulations need to be consulted.
 | * We will make formal representations in response to consultation
* We will provide advice on the parties that need to be consulted.
 |
| **Stage 4: Submission of Neighbourhood Plan/Order to District Council:**Submission Plan and supporting documents submitted to the council by the qualifying body including basic conditions statement, SEA and consultation statement. |  | If the Council finds that the plan or order meets the legal requirements we will publicise the submission proposal for six weeks. To achieve this, we will:* Place links to the plan and supporting document on our website;
* Place copies in the nearest local council office or library or other suitable location;
* Liaise with the group to have a notice published in the local parish council newsletter;
* Notify the relevant consultation bodies as set out in the regulations; and
* Use social media and local media/ press to raise awareness.
* In the case of a Community Right to Build Order, we will also notify by letter those whose property abuts the area covered by the proposed order.
* Upon the close of the consultation any responses received together with the plan and supporting documents will be forwarded to the independent examiner.
 |
| **Stage 5: Independent examination** * Council submits plan, relevant documentation and representations to independent examiner.
* Following examination, the examiner issues a recommendation to the council and parish council or neighbourhood forum. The Examiner’s report will contain one of three recommendations: proceed to referendum, proceed to referendum subject to certain amendments, or not proceed.
* In the case of a neighbourhood development order or a Community Right to Build Order we have to decide whether to accept the recommendations in the examiner’s report.
 |  | * We will identify up to three potential Independent Examiners and appoint one of these in agreement with the Qualifying Body.
* We will manage and fund the process of the examination and act as key contact for the examiner. We will publish the examiner’s report and the Council’s decision on whether the plan will proceed to referendum.
* If the council is satisfied that the Plan/Order meets the basic conditions the neighbourhood plan proceeds to referendum, working with the parish council/forum in light of any changes required by the examiner.
* If we do not think the basic conditions have been met, we will work with the qualifying body to determine the way forward.
 |
| **Stage 6: Referendum plan/ order** * Referendum version of the neighbourhood plan/ order made available by the council along with associated documents including information statement, examiners report, decision statement and general information document.
* Results declared after polling has taken place.
* If there is a positive referendum result the NP becomes part of the Development Plan immediately.
 | Qualifying body can raise awareness of referendum through publication of neutral promotional material. | * We will make arrangements and publishes notice for the referendum setting out the relevant information and associated documents in line with legislative requirements. These documents will be made available on the council’s website, council offices, local library and parish council office along with any locations suggested by the qualifying body.
* The Council declares result of referendum on website and via social media.
 |
| **Stage 7: Making the neighbourhood plan/ order** If more than 50% vote in favour, the Council ‘makes’ the plan via Council resolution. |  | We will:* Publish the Neighbourhood Plan, adoption statement and SEA adoption statement (where relevant) on the council's website, at the council offices and other locations as considered appropriate such as libraries or parish offices.
* A copy of the adoption statement will be sent to specific, general and all other consultees who the Council consider may have an interest.
* Use the plan in making decisions on relevant planning applications in the neighbourhood area.
 |
| **Stage 8: Monitoring and Review**The Neighbourhood Plan sets out the period for which it has effect. Qualifying bodies in areas where policies in a made neighbourhood plan have become out of date may decide to update their plan, or part of it before the end of the plan period. | The process for the ‘making’ of a replacement plan/order is the same as the process for the making of the existing plan/order. A streamlined procedure for modification of a neighbourhood development plans/orders where the proposed modifications would materially affect the policies in the plan/order, but would not be so significant or substantial as to change the nature of the plan is also possible. | We will advise on the options, process and timing for reviewing neighbourhood plans. |

**Appendix 6 - Ashfield Community Engagement Strategy 2020 -2023**

**Levels of Community Engagement**

The table is taken from the Community Engagement Strategy and summarises community engagement into five levels, and clarifies for each level the purpose, the benefit and what is involved.

|  |  |  |  |
| --- | --- | --- | --- |
| **Level 1 - 5** | **What** | **Why** | **How** |
| 1. Informing
 | Provide information | To keep people informed | Brochures, websites, news releases,  |
| 1. Consulting
 | Obtain feedback to inform decision makingObtain feedback on proposals | To keep people informed, listen to their views and provide feedback on how their input influenced decision making. | Annual surveys, questionnaires, focus groups, interviews, surveys via social medemail/SMS mobile |
| 1. Involving
 | Working directly with people to ensure that their issues, concerns and aspirations are understood and considered. | Engage with people to ensure that issues, concerns and aspirations are reflected in decision making. Provide feedback on how their input influenced decision making. | Public meetings, focus groups and forums, surgeries, network meetings |
| 1. Collaborating
 | Working in partnership on all aspects of decision making including development of options and identifying preferred solutions. | To gain advice and innovation to find solutions from people, with the intention to incorporate contributions made to maximum extent. | Community needs analysis, focus groups, partnership groups, steering groups |
| 1. Empowering
 | The final decisions are taken by the people engaged with. | To facilitate people taking responsibility for designing and delivering services/outcomes for themselves. | User led commissioning, direct service delivery, community asset transfer, skill development |



1. Ashfield Corporate Plan 2019 -2023 [↑](#footnote-ref-1)
2. The Coronavirus Act 2020 and secondary legislation arising from the Act. [↑](#footnote-ref-2)
3. Government Guidance as at 26th June 2020 (Review of two metre social distancing guidance)

 identify a distances of  2m or 1m with risk mitigation (where 2m is not viable). [↑](#footnote-ref-3)
4. See Appendix 6. [↑](#footnote-ref-4)
5. Different councils have difference approaches. For example, for Ashfield, this consist of a single Local

 Plan. For our neighbouring authorities at Nottingham City, Gedling BC and Broxtowe BC this

 comprises a Core Strategy (Local Plan Part 1) and a Local Plan Part 2. [↑](#footnote-ref-5)
6. See section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and

 Compulsory Purchase Act 2004. [↑](#footnote-ref-6)
7. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and

 Police and Crime Panel Meetings) (England and Wales) Regulations 2020 [↑](#footnote-ref-7)
8. Planning Practice Guidance Neighbourhood Plans Paragraph: 107 Reference ID: 41-107-20200513 [↑](#footnote-ref-8)
9. Local plan and any relevant neighbourhood plans. [↑](#footnote-ref-9)
10. Applications where Ashfield District Council is the applicant. This is to ensure transparency in the decision

 making process. [↑](#footnote-ref-10)
11. The Council reserve the right to withhold any comment(s) considered defamatory or harmful to either an applicant, consultee or the wider community. [↑](#footnote-ref-11)
12. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 [↑](#footnote-ref-12)
13. The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 [↑](#footnote-ref-13)
14. From Planning Practice Guidance: Consultation and pre-decision matters 029 Reference ID: 15-029-20170728 [↑](#footnote-ref-14)