

Appendix 2

Consultation Statement: Statement of Community Involvement

September 2018

1. Introduction

- 1.1 The main purpose of a Statement of Community Involvement (SCI) is to set out how the community, businesses and other organisations with an interest in the development of the District can engage with the planning system.
- 1.2 The current SCI was adopted in March 2006. Subsequent changes in legislation, together with the rapid rise of electronic communication and social media meant that an update to the SCI was necessary. As such, a draft SCI was approved for consultation by the Council's Environmental and Development Services Committee on 31 May 2018.
- 1.3 Following the introduction of the General Data Protection Regulation (GDPR) on 25 May 2018, the Council's local plan consultation database (the database) was updated to include only those consultees from whom the Council had received express consent to remain on the database. The GDPR does not require express consent from those who remain statutory consultees. Those consultees included on the updated database on 12 July 2018 were notified of the consultation on the draft SCI; the consultation ran for over 7 weeks, closing on 3 September 2018.
- 1.4 A consultation questionnaire was created to sit alongside the draft SCI itself. The questionnaire was emailed out to all those on the database and posted out to postal consultees on request. The questionnaire was also available on the Council's website at www.south-derbys.gov.uk/sci

2. Consultation Responses

- 2.1 A total of nine responses were received to the draft SCI consultation. Of those nine responses, seven were to provide either no comment or solely to express support for the SCI.
- 2.2 The two responses providing more detailed comments were both from parish councils. Below are the questions included in the draft SCI consultation questionnaire, a summary of the comments from those parish councils to the questions and then a response setting out how these comments have been addressed.

Q1. Do you have any comments on the Council's role in the Neighbourhood Plans process (outlined in Section 2)?

One parish council felt that the District Council could work more with parish councils and local groups that develop neighbourhood plans as they have the required expertise to help and advise them on putting them together and involving the community. The second parish council felt that the draft SCI describes what had happened in the production of their neighbourhood plan and stated that it appeared to be an appropriate way to approach future neighbourhood plans.

Response

Comments on the neighbourhood planning process are noted, however the comments received indicate that the SCI sufficiently sets out the neighbourhood planning process; no change required.

Q2. Do you have any comments on who will be involved (outlined in Section 3)?

One parish council felt that the District Council should work harder to consult with more groups and people within communities; a good first step would be to add parish councils to the Specific Consultation Bodies. The concern was raised that the consultation database is largely unknown to most members of the public.

The second parish council felt that the list was appropriate and suggested parish councils be listed as a General Consultation Body.

Response

The Specific Consultation Bodies are specified in planning regulations. Parish councils are General Consultation Bodies and this has now been highlighted in the final version of the SCI.

Q3. Do you have any comments on the possible methods of community involvement (outlined in Section 4)?

The first parish council stated that it is essential that the community, groups and associations are involved in the consultations more and the consultation process needs to be longer to give them a bigger voice. Comment made that there is no doubt that the most effective way of reaching the community is through Local Media and Social Media. The second parish council's comment was that the proposed SCI appeared appropriate.

Response

No change required to the SCI itself; the concerns of the parish council can be taken on board using the SCI as written.

Q4. Do you have any comments on the consultation of Supplementary Planning Documents (outlined in Section 6)?

The first parish council felt that very often the supplementary planning documents are just as important as the Local Plan, so in the interests of transparency there should be a consultation on them as there is with the Local Plan. The second parish council felt that the proposed SCI appeared appropriate.

Response

No change required to the SCI itself; the concerns of the parish council can be taken on board using the SCI as written.

Q5. Do you have any comments on the involvement in planning applications (outlined in Section 7)?

Concern raised included that very often parish councils feel totally removed from the planning process; there needs to be more of a two-way process with feedback to the Parish Council especially when it has made comments on applications or the applications are contentious. Felt that for larger applications a parish council should be informed at the stage of a developer engaging with SDDC. Otherwise when/if the developer informs the local community, there is already a good understanding between SDDC and the developer as to what will be acceptable. This not only misses the opportunity of getting some local knowledge into the process early, but it would avoid the current situation where public distrust is generated by the apparent secrecy.

Response

Parish Councils are notees and not consultees under the application process. The Council has to balance the publicity exercise with Council resources, and do not presently enter into dialogue on any representations received. The more contentious applications often end up at committee where the public may attend and the meeting is minuted. However, the SCI now includes a commitment to publishing of the officer's report alongside each decision, which provides more discussion and reasoning for the decision made.

Many development proposals are developed in dialogue with Council officers at an early stage and may be commercially sensitive. The Local Plan provides a clear guide on the strategic issues affecting the Parishes and the District as a whole, and

the Council expects developers to have regard to this to inform their proposals. Notwithstanding this, officers across the Council are also regularly in touch with the Parishes and Members, so that there is a continuous exchange of local knowledge. In addition, developers are encouraged to speak with the Parish Council and whilst the Council cannot insist on prior consultation for major developments (except in the case of larger wind turbines), the emerging Local Validation Requirements expect a Statement of Community Involvement to be supplied where the proposal is not in accordance with the Development Plan. As such, it is considered that no changes are required to the proposed SCI.

Q6. Do you have any comments on managing the process (outlined in section 8)?

Comment made from a parish council that because they feel removed from the process as it is now, they consider the process is not always followed properly or consistently. This should be made more transparent and clearer so the Council and other groups feel that the process is robust and followed consistently. The second parish council considered that the proposed SCI appeared appropriate.

Response

No change required to the SCI itself; the concerns of the parish council can be taken on board using the SCI as written.

Q7. Do you have any comments on the Neighbour Notification Policy (outlined in Appendix A)?

One parish council felt that the District Council could go much further with the Neighbourhood Notification Policy. The comment was made that it felt as though the Council did the legal minimum at present, when for an outstanding Council it should be going above and beyond that to make communities feel included in the decision making process.

Concerns raised by this parish council over when developers attempt to 'game the system' by submitting applications just before a major holiday period. "In such circumstances SDDC should, as a matter of course, extend the minimum 21 days to something more like 35 days to ensure that those residents on a two-week holiday are not disadvantaged." The second parish council considered that the proposed SCI appeared appropriate.

Response

The period for receiving comments must be carefully balanced with the statutory periods for making a decision on applications, which can vary between 4 and 16 weeks, depending on the nature of the application made. Legislation has been

recently amended to 'discount' public holidays, such as Christmas Day, within the 21 day period. However, the Council requires certainty of when it is entitled to proceed to make a decision on an application, as does the applicant, and it is not reasonable to expect notification periods to accommodate the wide range of holidays taken by residents across the year when the standard period is normally sufficient to sit around those holidays. It must be remembered that the period allowed for comments is usually a minimum, and it often takes longer to make a decision. All comments received before a recommendation is made are taken into account. Parish councils are also welcome to liaise directly with officers should they require further time to make comments, to establish if this is possible and when these need to be supplied by; and this already happens on a regular basis. On this basis it is considered that no changes are required to the proposed SCI.

Q.8 Do you have any other comments?

One parish council commented that in general, the draft statement of community involvement appeared a well written and comprehensive document.

Response

No change required in response to this comment.

3. Conclusion

3.1 Following consideration of the consultation responses received, a change to the draft SCI has been made to make clear that parish councils are considered to be General Consultation Bodies. Other changes have been made to the SCI, not in response to specific comments but rather to improve the clarity and intent of the document.