

**DERBYSHIRE COUNTY COUNCIL**

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND  
INFRASTRUCTURE**

**30 July 2020**

Report of the Executive Director - Economy, Transport and Environment

**PLANNING SERVICES - STATEMENT OF COMMUNITY INVOLVEMENT**

(1) **Purpose of Report** To seek the Cabinet Member's approval to carry out a consultation on a revised and updated Statement of Community Involvement in respect of the production and review of Minerals and Waste development plans, planning applications and the Council's strategic planning duties.

(2) **Information and Analysis** Section 18 of the Planning and Compulsory Purchase Act 2004 introduced a requirement for all local planning authorities (LPA) to prepare a Statement of Community Involvement (SCI) setting out how the LPA would involve the community in matters relating to spatial development and town and country planning in its area. In the context of Derbyshire County Council, these matters concern the production of Minerals and Waste Local Plans and any associated supplementary planning documents (SPD); the determination of applications for minerals and waste development and planning applications relating to schools/libraries/new highway schemes, etc, for which the Council is the appropriate determining authority; and the Council exercising its statutory function as a strategic consultee in respect of development plans and proposals of neighbouring upper tier/unitary authorities, lower tier authorities and neighbourhood forums.

The purpose of a SCI is to be the first means for stakeholders and the community to find out when and how they can become effectively involved in all aspects of the planning process from the earliest stage. The SCI forms part of a suite of documents, which also include local plans, supplementary planning documents, etc, which are collectively referred to as Local Development Documents. More meaningful community involvement is a key tenet of both the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011, the aim being to achieve greater consensus in, and understanding of, planning policies and decisions in order to minimise conflict, resolve issues at an early stage and therefore to reduce the need for a lengthy public examination process.

Derbyshire County Council adopted its first SCI in December 2006, following extensive consultation and independent examination by a Planning Inspector following its submission to the Secretary. Since its adoption in 2006, there have been a number of legislative changes which need to be reflected in the updating of the content to ensure that it is legally compliant and fit-for-purpose. The previous requirements to undertake formal consultation and submit an SCI for examination by an Independent Planning Inspector no longer exist.

Relevant legislation which affects the SCI and how the Council can communicate with the stakeholders and the community includes:

- Section 110 of the Localism Act 2011, which created a new section of the 2004 Act, section 33A, which requires for all LPAs and other prescribed bodies to cooperate with each other when addressing strategic planning issues. National policy in respect of this “duty to co-operate” is provided in paragraphs 178-181 of the National Planning Policy Framework (NPPF)
- Section 6 of the Neighbourhood Planning Act 2017, which introduced a requirement for SCIs to set out the LPA policies for giving advice or assistance in respect of proposals for making or modification of neighbourhood development plans.
- The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, which require a review of each Local Development Document, including the SCI, to be completed every five years starting from its date of adoption.
- The General Data Protection Regulation 2018, which has brought more rigorous requirements in respect of holding and processing of personal information by bodies including LPAs. This type of information, includes the details of those persons and community groups previously consulted as part of the consultation.

The draft revised SCI has been updated to take account of the above legislation, as well as to bring it in line with the Council’s current corporate approach to community engagement (attached at the end of this report). The revised document has also been restructured to cover the three main areas of the Council’s planning function, relating to development plans, development management and strategic planning, which also better reflects the legislative requirements.

Whilst there is no legal requirement for LPAs to consult when reviewing and updating their SCI, in the spirit of encouraging meaningful community engagement, as the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 were designed to encourage, it is considered appropriate to do so in this instance. It is intended that the consultation would involve the publication of the draft revised SCI on the Council’s website. Emails would also be sent to those organisations identified as consultation bodies under

The Town and Country Planning (Local Planning) (England) Regulations 2012 and the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Following the consultation exercise, it is proposed that the revised and updated SCI would be adopted before subsequent review after five years.

It is anticipated that following completion of the consultation exercise a further report would be made to the Cabinet Member to seek approval for adoption of a revised and updated SCI. The SCI as proposed for adoption (incorporating any significant amendments arising from the consultation draft that might be proposed) could be annexed to the report. Any fundamental objections received under the consultation could also be addressed by such a further report.

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Legal Considerations** The recommendation in this report is made having full regard to the County Council's responsibilities under the provisions of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Localism Act 2011, the Planning and Compulsory Purchase Act 2004, the Town and Country Planning Act 1990, the National Planning Policy Framework 2019 and the Town and Country Planning (Development Management Procedure) (England) Order 2015, and services provided by the Council in accordance with these responsibilities.

(5) **Social Value Considerations** The relevance of social value in terms of social, economic and environmental wellbeing is considered in the preparation of all local development documents including the Statement of Common Ground. Meeting the current and future needs of communities and the management of scarce resources (i.e. sustainable development) is central to the role of local and county planning authorities in preparing and implementing their local plans. In seeking to encourage more meaningful community engagement, the SCI would provide a mechanism that would add social value right from the earliest stages of the planning process.

### **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(6) **Key Decision** No.

(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** None.

(9) **OFFICER'S RECOMMENDATION** That the Cabinet Member gives approval for the Planning Service to carry out a consultation on a revised and updated Statement of Community Involvement.

**Mike Ashworth**  
**Executive Director for Economy, Transport and Environment**

# DERBYSHIRE COUNTY COUNCIL

## STATEMENT OF COMMUNITY INVOLVEMENT

1<sup>st</sup> Review, Consultation Draft

June 2020



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**VW 09.06.2020**

# 1. Introduction & Background

1.1 This Statement of Community Involvement (SCI) sets out Derbyshire County Council's policy for community involvement in planning through involvement both in the preparation and review of the documents containing its planning policies on minerals development and waste development (known as the Minerals Local Plan and the Waste Local Plan) and in its decision making on individual planning applications. The SCI will be the first point of contact for stakeholders and the community to find out when and how they can become involved in these planning processes.

1.2 The first SCI by Derbyshire County Council was produced through extensive consultation with the public, statutory bodies and other interested parties and independent examination by a Planning Inspector which included a public inquiry following the submission of a draft version to the Secretary of State. Since its adoption in December 2006, there have been a number of legislative changes to the planning system, which are summarised in Section 2 below. This document has been prepared so that the SCI is revised in accordance with these changes to ensure that it is compliant with current legislation and is fit-for-purpose in the preparation of the new Minerals and Waste Local Plans and in the consideration of planning applications.

1.3 The previous requirement to undertake a formal consultation as the document is prepared and to submit the document for examination by an independent Planning Inspector no longer exists.

1.4 A key objective of the Local Plan formation process under the Planning and Compulsory Purchase Act 2004<sup>1</sup> is to encourage meaningful community involvement. The system is also designed to ensure that local people are continuously and actively involved in this local planning process from the earliest stage. This means that issues can be discussed and resolved at an early stage in the process, therefore saving time and money at the examination of the Local Plan. The Act also sets out that the Planning Authority should ensure that all information is easily accessible to all sections of the community.

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2004/5/contents>

1.5 A key thread running through the Localism Act 2011<sup>2</sup> allows communities to have a greater influence on how their area evolves either through engaging in the planning process or by embracing neighbourhood planning.

1.6 The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017<sup>3</sup> set out that a review of all Local Development Documents including the SCI should be completed every five years from adoption.

### **What is the Statement of Community Involvement?**

1.7 This updated and revised SCI sets out how the Council will involve the community in the planning process. It describes the means by which the County Council will actively and continuously engage local communities, individuals and stakeholders in the following areas of work;

- The preparation of documents to be included in the Derbyshire and Derby Minerals and Waste Local Plans
- The determination of planning applications for minerals and waste developments and also for those relating to its own development, such as schools and roads.
- Monitoring and enforcement of minerals and waste development; and
- Strategic planning

1.8 All county planning policy documents will be prepared, and planning applications considered, in accordance with the principles set out in this SCI.

1.9 The aim of more effective continuous community involvement in the preparation of development plans is to achieve greater consensus in, and understanding of, planning decisions in order to minimise conflict, resolve issues at an early stage and therefore to reduce the need for a lengthy public examination process. It is important, therefore, that the community is involved in the process from the outset.

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<sup>2</sup> <http://www.legislation.gov.uk/ukpga/2011/20/contents>

<sup>3</sup> The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017  
<http://www.legislation.gov.uk/uksi/2017/1244/contents/made>



## **Reaching all Sections of the Community**

1.10 Rather than being consulted purely on planning issues, as has traditionally been the case, the public are now encouraged to participate actively and become engaged in the formulation of planning policy. The County Council will seek to ensure the involvement of a wide spectrum of the community in the planning process from the outset, and, in this respect, it will strive to involve those groups that have traditionally been hard to reach, such as the young, the elderly, the less able bodied, black and minority ethnic groups and travellers, who may, in the past, have been under represented in the planning process. The Council will employ a wide variety of engagement techniques, many of which are tailored to the needs of these diverse groups.

1.11 With regard to this area of community engagement, the County Council will be guided by the standards described on the 'Have Your Say' section of the County Council website<sup>4</sup> which will, amongst other things, utilise existing local groups (including local strategic partnerships, Derbyshire Citizens Panel, the Black and Minority Ethnic (BME) Forum, youth forums, parish councils, local community forums and local interest groups) which provide a key link to hard-to-reach groups.

## **Planning for Minerals and Waste**

1.12 The authorities that are responsible for most types of planning (e.g. housing, employment, shopping and leisure developments) are unitary and district/borough councils. Derbyshire County Council is responsible for minerals and waste planning as well as its own development such as schools, libraries, roads and bridges. The Council also has strategic planning duties, being a statutory consultee for Local Authority development plans, as required by the Localism Act 2011. This is a distinct area of planning dealt with by county councils and unitary authorities.

1.13 Derbyshire is one of the largest producers of crushed and industrial limestone in the East Midlands and the United Kingdom, and also produces a significant amount of sand and gravel. These minerals provide essential raw materials for the construction and energy industries, and are vital to the national economy.

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<sup>4</sup> <https://www.derbyshire.gov.uk/council/have-your-say/have-your-say.aspx>

1.14 Large quantities of waste are produced in the county from households, industry and businesses. Much of this is managed locally through recycling, composting, energy recovery and disposal to landfill. It is a national and local priority that this waste is managed as sustainably as possible.

1.15 Both the minerals and waste industries have important implications for the social, economic and environmental well-being of the county.

1.16 The Minerals Local Plan (Adopted 2002) and the Waste Local Plan (Adopted 2005) set out the policies to show where minerals can be worked and how facilities for managing waste facilities should be accommodated. Work is currently in progress to replace both of these plans.

1.17 As a unitary authority, Derby City Council is responsible for minerals and waste development in its own area. In the past, the County and City Councils have worked together successfully to produce joint plans for minerals and waste development. The two Councils have undertaken to continue to do so. Although this SCI only applies to Derbyshire County Council, it does take account of the relevant sections of Derby City Council's SCI, i.e. where it relates to plans prepared jointly. In preparing its SCI, Derby City Council<sup>5</sup> will similarly take account of the Derbyshire SCI. The Peak District National Park Authority is responsible for all planning matters in its area and is, therefore, preparing its own SCI.

### **Joint Working**

1.18 Derbyshire County Council and Derby City Council will prepare minerals and waste development documents jointly, and the Development Plans Joint Advisory Committee of council members will continue to provide a coordinating role in the process. The two Authorities will ensure that consultation techniques are coordinated in the production of their joint Local Plans. Approval to engage and consult on key stages of the Plans' preparation, including final adoption, will be sought separately by the County and City Councils.

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<sup>5</sup> Derby City Council Statement of Community Involvement, October 2016  
[https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/reports/localdevelopmentframework/Revised\\_SCI\\_Adopted\\_July\\_%202017.pdf](https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/reports/localdevelopmentframework/Revised_SCI_Adopted_July_%202017.pdf)

## 2. The Principles of Community Involvement

### Government Principles

2.1 The Town and Country Planning (Local Planning) (England) Regulations 2012<sup>6</sup> ('the Regulations'), consolidated the then existing Town and Country Planning (Local development) (England) Regulations 2004 and amendments to those regulations and made provision for new legislative changes made by the Local Act 2011.

2.2 The Localism Act 2011 includes legislation which enables and encourages the local community to be more involved in the planning process. A key thread running through the Act allows communities to have a greater influence on how their area evolves, either through engaging in the planning process or by embracing neighbourhood planning.

### Derbyshire County Council Strategies

#### 2.3 Have Your Say

The Council has produced a Consultation Tool Kit (March 2017)<sup>7</sup>, which contains advice on how to plan, design and undertake consultation projects.

It sets out that consultation must never be a tick box exercise and must always be carried out in a genuine and honest way. It must also demonstrate to people who have taken part how their views have made a difference.

It concludes that effective planning is essential when conducting any type of consultation. The toolkit provides an easy to understand guide, covering the key points that should be considered when carrying out consultation on behalf of the County Council.

All consultations that the Council undertakes must comply with the General Data Protection Regulation 2018<sup>8</sup>.

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<sup>6</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012

<http://www.legislation.gov.uk/uksi/2012/767/contents/made>

<sup>7</sup> <https://www.derbyshire.gov.uk/council/have-your-say/consultation-toolkit/consultation-toolkit.aspx>

<sup>8</sup> <https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation>

- **Derbyshire Citizens' Panel**

The County Council administers the Derbyshire Citizens' Panel. The panel is a group of Derbyshire residents who represent a broad cross section of the community and who have agreed to be consulted on a range of topics including Council proposals and local services. They help to co-ordinate links between development plan preparation and community strategy issues<sup>9</sup>.

- **Facilitators**

The County Council will also use its own facilitator network<sup>10</sup> to assist with workshops/public meetings. We can draw on seventy facilitators from different areas of expertise who are skilled at drawing out the relevant information from people involved in these sessions.

- **Local Strategic Partnerships**

Councils have the lead role in establishing Local Strategic Partnerships, which are multi-agency partnerships of organisations including public services, local businesses, community and voluntary groups and individuals.

- **Other Consultation Initiatives in Derbyshire**

Many other partnerships and groups exist within Derbyshire at county, district, town and parish level. The County Council will seek to work with these partnerships, wherever opportunities to do so exist, and will ensure that community participation exercises for the Development Plans are carried out in the most resource and time-effective manner.

## **Principles of community involvement**

2.4 The following principles embrace the objectives set out above, which will underlie the consultations on each development plan document and on planning applications. They seek to promote the social, economic and environmental well-being of the county

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<sup>9</sup> <https://www.derbyshire.gov.uk/council/have-your-say/sign-up/join-the-derbyshire-citizens-panel.aspx>

<sup>10</sup> <https://www.derbyshire.gov.uk/council/have-your-say/facilitators-network/derbyshire-facilitators-network.aspx>

whilst allowing communities early and continuous involvement in helping to shape future minerals and waste development in the county.

1. **Front loading** - providing the opportunity for community involvement in planning proposals from the earliest stage to enable issues to be resolved earlier in the process.
2. **Continuous involvement of all sections of the community** - ensuring communities are continually involved throughout the planning process, leading to a greater understanding, ownership of and consensus on planning decisions.
3. **Transparency and accessibility** – ensuring that the decisions and reasons why they have been made, including why certain options have been rejected, are clear and open to public scrutiny.
4. **Involvement that is relevant and practical** - ensuring that the correct involvement methods are used for the different types of planning document and stages in their preparation.
5. **Feedback** - listening to the community about their views and letting them know why decisions have been made and how their views have been taken into account.

### 3. **Community Involvement in the Preparation of Minerals and Waste Development Plan Documents**

3.1 This section sets out which documents will be the subject of community involvement, the stages at which community involvement is needed, who can get involved and the methods by which the Council will involve the community and other interested persons in producing the documents for the Minerals and Waste Development Plans.

#### **Documents which will be the Subject of Community Involvement**

- Local Plans - these contain planning policies and proposals and are tested through independent examination.
- Supplementary Planning Documents (SPDs) - these elaborate on policies and proposals in Local Plans, but are not tested through examination.

## Local Plans

3.2 Consultation will be undertaken with the community and other stakeholders across the area covered by the particular document. It is considered, however, that resources should be focused on the communities that are likely to be most affected by minerals development and waste management proposals (which can include residents and groups outside Derbyshire who may be affected by proposals taking place within the County.) This will help to ensure that that these communities are informed about the issues and options available and, as a consequence, will be involved in the Plan making process from an early stage.

3.3 Although community involvement will be a continuous process throughout the preparation of the Plans, there are several formal stages of consultation, as set out in the Regulations, when documents will be issued for public consultation. In all cases, each consultation will last for a minimum of six weeks. The key stages in the preparation of the Plans are shown below and include opportunity for public involvement:

### **Pre-publication: Evidence Gathering and Preparation of the Plan (Regulation 18)**

3.4 In the early stages in Plan preparation, the Council will undertake research and information gathering to begin to develop an evidence base to determine current issues that are relevant to the document that is being produced. This is to ensure that policies and proposals are based on a thorough understanding of the needs, opportunities and constraints in the county. At this early stage, consultation will be fairly informal, but the Council will ensure that it consults statutory and other appropriate consultees from the list in Appendix 1 who are affected by the subject matter of, or are relevant to, the particular document in preparation. In respect of the allocation of sites, the Council will also write to landowners and minerals and waste operators inviting them to suggest sites for minerals or waste developments. The Council will also hold informal meetings with landowners, operators and developers who suggest sites, to help all these parties understand and resolve any issues at an early stage.

3.5 Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, requires Local Planning Authorities (LPAs) to notify statutory and other appropriate consultees (see Appendix 1) of any plan they propose to prepare and invite comments about those proposed plans, but does not specify a particular method for undertaking such notification. However most LPAs follow a pattern which broadly includes the following stages: issues and options; emerging/preferred approach and a first draft of a plan. There may be a series of consultations at this stage.

### **Publication of Pre-Submission Draft (Regulations 19 - 20)**

3.6 Under Regulation 19, LPAs are required to make available for comment a copy of the proposed Draft Plan (the 'pre-submission' plan) that will be submitted to the Secretary of State for examination. This formal stage is subject to a statutory six week period of consultation and public participation. Dependent on the document being produced, all, or a combination of some of, the community involvement techniques, listed below, will be used to consult or engage the statutory and general consultees, listed in Appendix 1. Specific techniques used for public engagement in the various plans will depend on feedback from the public during the preparation of the SCI. Although the Council is required to make a copy of the plan available for inspection at County Hall and on the Council website. Statutory and general consultees will be notified of the consultation exercise. Copies of representations received will be published on the Council's website.

### **Submission (Regulation 22)**

3.7 This stage will see the submission of the proposed plan to the Secretary of State, along with a sustainability appraisal report (SA), and a Statement of Consultation, which sets out the findings from all previous stages of consultation leading up to this point. This illustrates how representations have shaped the development of the plan. This revised document will contain the Council's final preferred approach, which has emerged through the consultation process and tested against sustainability objectives. Once submitted to the Secretary of State, the plan will be the subject of a formal six week period of full public consultation, involving all specific and general consultees and other stakeholders who have previously expressed an interest in a particular

document (see Appendix 1). Relevant documents will be published online on the Council's website.

### **The Independent Examination (Regulation 24)**

3.8 All comments received at the Submission stage will be considered by an independent Inspector from the Planning Inspectorate, who will also consider the soundness of the Plan, at an Examination in Public, alongside all other Submission documents (including the SA). At this stage, it is the Inspector who invites those consultees or interested parties who made representations at the previous stage to appear in person at the examination. However, the Council is required to notify any person who has made a representation during the pre-submission stage, and has not withdrawn that representation, of the examination arrangements and the name of the person appointed to carry out the examination. Details will also be published on the Council's website.

### **Post examination (publication of Inspectors Recommendations) (Regulation 25)**

3.9 After the examination, the Inspector will write a report that will identify what changes ('the main modifications'), if any, need to be made to the Plan to make it sound or legally compliant. The Council is not obliged to implement proposed changes. However, the Council will need to respond to the report in a way that will not undermine the strength of the Plan. As soon as reasonably practicable after receipt of the Inspectors report, the Council will give notice to those who have requested notification; publish a copy of the Inspectors report and recommendations on the Council's website and make a copy available for inspection at County Hall.

### **Adoption (Regulation 26)**

3.10 Ultimately, when all changes (if any) have been made in line with the Inspector's recommendations, the Council will formally adopt the Plan. As soon as reasonably practicable after adoption, the Council will send an adoption statement to those persons/organisations who asked to be notified; publish the adopted plan, and accompanying documents, on the Council website; and make available copies of the plan and adoption statement at County Hall for six weeks after the adoption date.



### **Who will be Involved?**

3.11 In order to achieve its aim of wider community involvement, the Council intends to work with its existing partners in the community and to develop new contacts and partnerships, where possible.

3.12 In accordance with the minimum requirements set out in the Town and Country Planning (Local Development) (England) Regulations 2012, Regulation 4, a number of bodies must, by law, be consulted on all elements of the Development Plan. A list of these specific consultation bodies is included at the beginning of Appendix 1.

3.13 The County Council is committed to going further than the minimum requirements and involving as many people and groups as possible in its Local Plan process. Other consultees will therefore be consulted on the preparation of planning documents. These include local interest groups, businesses and developers. A list of these groups is included at Appendix 1. This list is by no means exhaustive, and can be added to at any time. If you or your organisation wishes to be included in our consultee database so that they are kept informed automatically of the progress in the preparation of the Plan, please let us know by contacting the Minerals and Waste Development Plans Team at County Hall, Matlock, Derbyshire, DE4 3AG, or email [ete.wastemin@derbyshire.gov.uk](mailto:ete.wastemin@derbyshire.gov.uk). All personal data will be held and used in accordance with the General Data Protection Regulations 2018.

3.14 There are particular sections of the community that the Council is endeavouring to ensure are more involved in the preparation of the Plans, having regard to their particular characteristics or needs and/or because they have been traditionally underrepresented in the process. The Council seeks to identify and contact as many of these groups as possible to ensure that they have the opportunity to be fully and actively involved in the process from the outset. Community Forums and Focus Groups provide an opportunity to target and access these groups.

### **Methods of Engagement**

3.15 The Town and Country Planning (Local Development) (England) Regulations 2012 set out the minimum requirements for consultation on development plan documents. In summary, for Derbyshire this means that at the preparation and publication stages for Local Plans:

- each specific consultation body and general consultation body will be notified about the consultation if they have given their permission for the Council to do so.
- information and documents will be made available for inspection at the Council Offices, Matlock and other publicly accessible locations where necessary.
- documents will be placed on the Council's website, together with any supporting information which is needed to enable people to understand what they are being asked to comment on. The website must state where and when documents can be inspected;

3.16 The County Council will go beyond these minimum requirements for consultation and will encourage greater community involvement.

3.17 The type of consultation will depend on the target audience and it must be relevant and practical to the document being consulted upon. Consultation will focus on members of the community who are most likely to be affected by the document being prepared. Consultation and involvement methods used will also be dependent on the nature of the document and on feedback from the public on preferred methods.

**Use of particular consultation methods may also be dependent on the Council being able to operate under normal conditions<sup>11</sup>.** Here is a list of the methods and techniques that the Council proposes to use for consultation and community involvement, as appropriate, for various stages of the preparation and appraisal of documents. :

- **Circular letters/email:** Letters and/or emails will be sent to all who have expressed an inclination to be involved in the preparation of the Plans who have given express consent for the Council to hold their details keep them informed of the preparation of the Plans. The Authority maintains a confidential database for this purpose. Groups, organisations and individuals can be added to or removed from this database at their own requests at any stage during the plan preparation process. The use of communication by email rather than by letter

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<sup>11</sup> Normal conditions are considered to be those where there are no restrictions on day-to-day Council operations. Where restrictions on non-essential travel and social distancing are imposed by the Government, it may not always be possible or appropriate to allow access to council or other public buildings or arrange public meetings.

will be encouraged. However, the Council recognises that not all people will have access to a computer. At key milestones in the preparation of documents i.e. when they are published for consultation, the Council will ensure that consultees are kept informed by the preferred methods indicated in this survey. All data will be held in accordance with the Data Protection Act and General Data Protection Regulations.

- **Internet:** The Council's website address is [www.derbyshire.gov.uk](http://www.derbyshire.gov.uk) . The minerals and waste web pages include a link to the Council's consultation system. Relevant documentation will be available to download from this website and will be used to keep people informed about the progress in the preparation of documents. It will also be used to enable comment forms to be downloaded and returned as a hard copy or to be completed on-line. The website will be the central location for information about the Development Plans, including consultation arrangements, background documents, and links to other relevant websites and documents.
- **Media:** At key consultation stages, the County Council may issue press releases.
- **Social Media:** Facebook and Twitter and/or other platforms may be used where considered appropriate.
- **Newsletters:** To ensure that the whole community is informed at key stages of Plan preparation (referred to as Milestones in the MWDS), the Council will, where appropriate and practicable, distribute in paper form, leaflets and/or pamphlets that will set out the key information at the time. In order to meet the needs of the whole community, the information will also be available on request in large print or Braille or in alternative languages to English.
- **Posters:** These will be distributed and displayed at deposit venues where necessary.

- **Documents Available for Inspection and Comment:** Consultation documents and supporting documents will be available for inspection and comment at County Hall, Matlock and on the Council's website To ensure that access to hard copies of documents is maximised, they will also be available at all the eight district and borough council offices and Derby City Council's offices, which are open during weekday working hours. **Copies of the documents will be available, on request, in large print or Braille and in alternative languages to English if required.**
- **Liaison Groups:** These can include groups of operators, local councillors and council officers, which meet on a regular basis to discuss topics and issues/concerns at a particular mineral or waste site. Given that these sites may still be active, these groups may be used to ensure that operators and residents who have interest in a specific site will be involved at all stages of the Plan preparation and be actively engaged in its preparation including, where relevant, groups operating outside Derbyshire who are affected by operations within the county. Such groups provide a direct opportunity to remedy problems that may be encountered, at an early stage. The groups may also provide a forum in which the local community can be kept abreast of site operations - including restoration - by the site operator, and enable them to raise their issues and concerns with the operator. Given that members of these groups have first-hand experience of living with an operational site they are important contributors to Plan preparation. Also, because current sites are often extended, group members are important sources to contact.
- **Existing Community Forums:** These will be used to inform the public and community representatives. They allow for regular ongoing involvement at a fairly informal level.
- **Workshop events:** These will be used, where appropriate, in dealing with complex issues and where a large number of people are involved. The Council's facilitators will be utilised to assist with the preparation and running of these events. It has a team of around seventy facilitators who offer a wide range of expertise in running such events.

- **Meetings:** On request, and subject to time and resource constraints, officers will meet individuals or groups to discuss particular issues, or will address meetings of groups or organisations.
- **Drop-in Sessions:** These informal discussions will be held in communities to discuss specific topics, especially proposals for new sites within a particular area. Council staff will be available at these sessions to discuss issues with members of the public. Comments will be used to help develop the proposals within the Plans.
- **Exhibitions/displays:** These will be used selectively, particularly when the Council has identified specific sites. Exhibitions/displays may not be staffed continually.

### **Feedback on Community Involvement**

3.18 A vital part of the new planning process is for people to be kept fully aware of how their contribution is informing the decision making process, and shaping the formulation of the relevant documents.

3.19 At each identified milestone in the preparation of planning policy documents, the County Council will analyse the representations and prepare a summary report outlining the steps that is being taken in response to them. The representations and responses will be available for inspection at County Hall, Matlock and will also be published on the Council's website.

### **Supplementary Planning Documents (SPDs)**

3.20 Where considered necessary and appropriate, the Council may propose the preparation of SPDs to complement policies in the above documents. They relate specifically to the policies of an adopted DPD and provide further guidance to supplement and assist in implementing those policies. The process for preparing SPDs is similar to that for DPDs, but simplified. These documents will not be subject

to independent examination, but it will still be important for them to be subject to rigorous procedures of community involvement, similar to those for DPDs, and involving a selection of the methods referred to under 3.17 above.

## **The Stages of Community Involvement for SPDs**

### **Evidence Gathering**

3.21 As the first stage in the preparation of a draft SPD, the Council will gather information of relevance to the subject issue. In this respect, community involvement will be targeted towards specific groups and stakeholders, depending on the subject matter of the document in preparation.

### **Public Consultation and Participation on a Draft Supplementary Planning Document**

3.22 The Council will publish a draft SPD and will invite representations on the document for a period of six weeks. All statutory consultees will be consulted, as well as any other groups and individuals who have expressed an interest in the subject matter of the SPD. SPDs must directly relate to a policy contained in an adopted local plan. The document will also be made available to the wider public for comment. Dependent on the nature of the SPD being produced, under normal circumstances a combination of the community involvement techniques listed above will be used to engage the community<sup>12</sup>.

### **Adoption of SPD**

3.23 On completion of this period of consultation, the Council will analyse all comments received, publish a report summarising the representations and show how they will be taken on board in revising the document. The document will then be formally adopted, in line with the requirements of Regulation 14 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

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<sup>12</sup> Normal circumstances are considered to be those where there are no restrictions on day-to-day Council operations. Where restrictions on non-essential travel and social distancing are imposed by the Government, it may not always be possible or appropriate to allow access to council or other public buildings or arrange public meetings.

## **4. Development management and planning applications**

4.1 Derbyshire County Council is responsible for determining applications for planning permission, and other types of application, relating to minerals development; waste development; and applications for permission which come under Regulation 3 of the Town and Country Planning General Regulations 1992<sup>13</sup> (Regulation 3 applications). Regulation 3 applications concern proposals for development to be carried out by or on behalf of Derbyshire County Council for its own purpose (such as new school buildings, libraries and new roads), on land which it owns or has a significant interest in.

4.2 All Planning Authorities are expected to deal with applications as efficiently as possible. The basic statutory time limits from the submission of the applications are 16 weeks if an application is subject to an Environmental Impact Assessment, 13 weeks for applications for major development, and 8 weeks for all other types of development. It is possible for these periods to be extended if the Council and the applicant agree on the need for this. The County Council is committed to involving all interested parties in the decision making process, but must balance this with the need for efficient and timely decision-making and the demands on staff and other resources. Expected appropriate levels of public involvement, depending on the nature of the planning applications, are outlined below.

4.3 When determining a planning application, the County Council undertakes consultations/seeks community engagement using a number of methods which vary depending on the scale and nature of the proposal as well as its location.

### **Pre-application advice and engagement**

4.4 Derbyshire County Council actively encourages all potential applicants to discuss their proposals with us and to engage with local communities prior to the submission of a planning application.

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<sup>13</sup> <http://www.legislation.gov.uk/uksi/1992/1492/contents/made>

4.5 Pre-application discussions can be a valuable exercise, both for the applicant and the planning authority, enabling problems to be identified and addressed prior to the submission of an application; potentially speeding up the determination process; and reducing the need for proposals to be amended at a later stage. Pre-application discussions also play an important role in helping development within Derbyshire to better reflect community aspirations, County Council priorities and national and local planning objectives.

4.6 Derbyshire County Council provides pre-application enquiry advice for potential applicants including guidance on whether planning permission would be required; what the relevant considerations are likely to be and the information requirements for each application. Such pre-application advice is given by Officers without prejudice to the subsequent consideration of an application by the Council as the Mineral/Waste/County Planning Authority.

4.7 Whilst there is no obligation to seek pre-application advice, the County Council would strongly recommend that proposals are discussed with its Planning Service at pre-application stage, particularly those that are large scale and likely to be of interest to the wider community. Full details of the pre-application enquiry service can be found on the County Council website at:

<https://www.derbyshire.gov.uk/environment/planning/planning-applications/making-a-planning-application/planappforms/pre-planning-planning-application-forms-index.aspx>

4.8 Where an applicant has undertaken pre-application engagement with the local community and other stakeholders, the County Council expects that this process will be reported on fully and fairly in a specific statement of community involvement which is submitted as part of a planning application.

### **Consultations and publicity during determination of planning applications**

4.9 Up to date information about all planning applications under consideration by the County Council, including application documents, consultee responses, letters of



representation from local residents/interested persons and the decision notice are available to view on the County Council website at the link below:

<https://www.derbyshire.gov.uk/environment/planning/planning-applications/current-applications/current-planning-applications.aspx>

Reports to the Council's Regulatory Planning Committee are available to view on the County Council website at the link below. They are published at least five working days before the date of any committee meeting.

<https://democracy.derbyshire.gov.uk/ieListMeetings.aspx?CId=143&Year=0>

4.10 However, not all members of the community may have access to, or feel comfortable using, a computer. Copies of planning applications are also available to view at County Hall, Matlock, Derbyshire, DE4 3AG or at the offices of the relevant district/borough council. Press and site notices will always provide details of where and when these documents can be viewed.

### **Types of application**

4.11 Planning applications received by the County Council fall into one of three different categories which are:

- **Environmental Impact Assessment development** – large scale proposals/ proposals in sensitive areas where the impacts have the potential to result in significant environmental effects. These applications are always accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017<sup>14</sup> and is commonly referred to as EIA development.
- **Major applications** – As defined by Article 2 (1) of the Town and Country Planning (Development Management Procedure) Order 2015<sup>15</sup> (DMPO). In the

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<sup>14</sup> <http://www.legislation.gov.uk/uksi/2017/571/contents/made>

<sup>15</sup> <http://www.legislation.gov.uk/uksi/2015/595/contents/made>

context of the Council's role as Mineral, Waste and County Planning Authority, these applications could involve the following:

- (i) The winning and working of minerals or the use of land for mineral-working deposits;
  - (ii) Waste development;
  - (iii) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; and
  - (iv) Development carried out on a site having an area of one hectare or more.
- **Minor applications** – any small scale planning application that does not fall into the categories of EIA development or major application as set out above.

4.12 Planning legislation (see paragraph 4.13 below) sets out different requirements for consultation and publicity processes and timescales in respect of each type of application. Broadly speaking, however, consultations on major and minor applications run for 21 days. Consultations on applications for EIA development are required to run for 30 days, or slightly longer where the notice period coincides with bank or other public holidays to allow for those days.

### **Engagement and consultation methods for Planning Applications**

4.13 The DMPO and the EIA Regulations both set out statutory requirements for public notification and making of representations. The extent and nature of the consultation/publicity undertaken in any particular case relates directly to the type and scale of the development proposed. However, the main methods used by the County Council for effective consultation and engagement are summarised below:

- **Consultations:** 'Schedule 4 to the DMPO (*Consultations before the Grant of Permission*) specifies the official consultees who must be consulted in respect of planning applications. We will directly notify these consultees (see Appendix 2 for a full list) as well as any other appropriate consultees, such as parish and town councils and other relevant organisations and bodies. There are no statutory requirements to publicise or consult for some types of applications, the details of which are set out at paragraph 4.22 below.

- **Press notice:** The minimum statutory requirements for publicity for planning applications are variously set out in Article 15 of the DMPO, in Regulation 19 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) for planning applications accompanied by environmental statements, in Regulation 5a of the Planning (Listed Buildings and Conservation Area) Regulations 1990 (as amended) for applications that affect the setting of a listed building, and in Section 67 and 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for applications affecting the setting of a listed building or the character and appearance of a conservation area. Press notices for those development proposals which are EIA/major development or where they would affect the setting of a listed building, the character and appearance of a conservation area or a public right way will be published in a newspaper circulating in the area of the proposed development.
- **Site notice:** Article 15 of the DMPO only requires site notices to be posted in the following circumstances: EIA development; development affecting a right of way; development that would not accord with the development plan; and technical consent details where that is not major development. Under normal circumstances<sup>16</sup>, the County Council aims to undertake publicity over and above the requirements of the DMPO by publicising all planning applications via Site notice, whether EIA, major or minor development, with a yellow site notice placed on or near the site.
- **Website:** The EIA Regulations require planning authorities to publicise Environmental Statements and further information submitted in support of EIA development on a website made available for that purpose. The County Council publishes details of all planning applications and applications for Mineral Review on its website as well as copies of consultation responses and representations received; committee reports and the decision notices.

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<sup>16</sup> Normal circumstances are considered to be those where there are no restrictions on day-to-day Council operations. Where restrictions on non-essential travel and social distancing are imposed by the Government, it may not always be possible or appropriate to post site notices at the application site.

Interested persons can also make comments regarding a planning application via the County Council website (see paragraph 4.16 below for further information).

- **Neighbour notification.** The County Council will undertake direct neighbour notification where appropriate. The number and distribution of such notifications will be decided at the discretion of the Case Officer on a case by case basis following consideration of the scale, nature and location of the proposed development.

4.14 In addition to the above, a number of the active mineral and waste sites in the County have active **Liaison Committees**. Such groups, which are normally made up of relevant stakeholders as well as nominated representatives from the local community, can be very effective, providing a direct opportunity to remedy operational problems at an early stage. The groups can also provide a forum in which the nominated members can be kept abreast of existing and proposed site operations as well as any planning applications.

4.15 When further information or amendments to planning application details are received some time after the application is first submitted, this may require a re-consultation. In general, minor amendments to a proposal which would not materially change the character of development would not normally result in re-consultation. Where there is additional supporting information on which the public and statutory consultees need the opportunity to comment, or the introduction of significant amendments to a development proposal could generate a further consultation period. The period of consultation may be shorter than 21 days to help ensure that the application can continue to be determined in a timely manner. Where the additional information is environmental information relating to an EIA application, the period of re-consultation will be for 30 days.

### **Commenting on a Planning Application**

4.16 Anyone can comment on a current planning application, whether they are directly affected by it or not. We will accept comments in writing by post, email or via the County Council website or by hand delivery to County Hall except where they are

anonymous. Comments should be restricted to 'material planning considerations' such as landscape impact, impact to ecology and highways impacts. We will not acknowledge receipt of representations but will normally ensure that copies of representations are available to view on the County Council's planning application website pages as soon as practicable once the Council is sure that individual names and any other information that would reveal anyone's personal identity, telephone numbers, signatures, any other personal data have been deleted from the copy for the website (except when someone who is the subject of the data has specified that he/she wishes the data in the representation to be included in what is published and available to view online). This kind of deletion is known as redaction. All such representations received are, except for redaction as required for data protection as summarised above, treated as public documents and will therefore be available to view subject to this redaction by the applicant as well as other members of the public.

### **Delegation of Decision Making to Officers**

4.17 Most planning applications received by the County Council are determined by the Head of Planning Services, following consultation with the Chair and Vice-Chair of the Committee. The basis of this delegation arrangement is that it covers proposals which accord with the policies of the development plan, raise no political issues for which no fundamental planning grounds have been raised. More information on delegated powers is set out in the 'Constitution of the Council' which is available to view on the County Council website at the link below.

<https://www.derbyshire.gov.uk/council/council-works/constitution/constitution.aspx>

### **Public Speaking At Committee**

4.18 As mentioned in paragraph 4.17 above, the majority of the planning applications received by the Council can be expected to be decided via officer delegation. In practice this means that it is those more controversial or complicated development proposals, such as those that raise political issues, represent a departure from the local plan and/or for which the officer would wish to refuse that are decided on by the Council's Regulatory Planning Committee.

4.19 The meetings of the Council's Regulatory Planning Committee are open to the public. There is also an established procedure for its meetings, which the Council intends to continue to support, by which members of the public who have previously made representations to the Council on an application can speak before the Committee at the meeting at which the application is being decided, for up to three minutes each. When the application appears on an agenda for a meeting of the committee, the people who made representations on it are sent details of how they can speak to the committee under this procedure.

4.20 The procedure requires the people wishing to speak to give notice of this by noon on the Friday before the meeting by letter, telephone, voicemail, email, or in person at the County Hall.

4.21 Under exceptional circumstances, where non-essential travel and social distancing measures are imposed by the Government and where legislation allows, it may be necessary for the Council to run the meetings of the Regulatory Planning Committee as virtual/remote meetings. At the time of writing (April 2020) such arrangements are allowed for under Regulation 13 of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020<sup>17</sup>.

### **Other types of submissions and applications**

4.22 Derbyshire County Council also processes certain other types of submissions and applications. Whilst there are no statutory requirements to publicise on these, limited consultation may be carried out as for these as follows:

- **Submission of details to discharge a requirement of a condition to which a planning permission is subject.** Statutory consultees, the relevant district/borough and local members are consulted on these where they requested the particular condition during the determination of a planning application or are considered likely to have relevant comments for officers to

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<sup>17</sup> <http://www.legislation.gov.uk/uksi/2020/392/contents>

take into consideration. Decision sent to the relevant district/borough council. Public consultation not undertaken.

- **Non-material amendments:** These are applications that request minimal changes to a development proposal after planning permission has been granted but the construction is ongoing and where the proposed change will not raise any material considerations/changes to the overall development. Statutory consultees and other relevant bodies and organisations are consulted if the case officer considers it to be relevant. Decision notice sent to the relevant district council, parish/town council and local members if the case officer deems it to be appropriate. Public consultation not undertaken.
- **Applications for Hazardous substances consent:** These are applications that relate to the storage and use of hazardous substances. The County Council is the Hazardous substances authority where the predominant site use is for minerals or waste development. Consultations are undertaken with the relevant Control of Major Accident Hazards Authority (COMAH) which are jointly the Health and Safety Executive and the Environment Agency. Public consultation will be undertaken via press notice and site notice. Local members, district/borough councils and other relevant organisations will be consulted.
- **Screening opinions:** These are objective opinions issued in respect of Environment Impact Assessment (EIA). They usually dictate whether or not an EIA is required in respect of a particular development proposal. No public consultation is undertaken. Statutory consultees and other relevant bodies and organisations are consulted where the case officer finds that it is appropriate. Once adopted, the Screening Opinion will be sent to the relevant district council and the applicant.
- **Scoping Opinions:** These are objective opinions issued in respect of Environment Impact Assessment (EIA) development. Their purpose is to determine what information needs to be contained in the Environmental Statement. No public consultation is undertaken. Statutory consultees and other relevant bodies and organisations are consulted where the case officers

find that it is appropriate. Once adopted, the Scoping Opinion will be sent to the relevant district council and the applicant.

- **Certificate of Lawfulness of Existing Use or development:** These applications are to establish whether a use or development which is already being carried out is lawful. Statutory consultees and other bodies and organisations are consulted if the case officer decides it is relevant. Where appropriate direct notification of neighbouring properties/business will be undertaken. No public consultation is undertaken. A copy of the decision will be sent to the relevant district/borough council and the applicant.
- **Certificate of Lawfulness of Proposed Use of Development:** These applications are to establish formally whether a proposed use or development (which has not yet occurred) would require planning permission. Statutory consultees, Local Members and other bodies and organisations are consulted if the case officer decides it is relevant. No public consultation will be undertaken. A copy of the decision will be sent to the relevant district/borough council and the applicant.
- **Applications for the review of Mineral Permissions (RoMP):** These are applications for the update of conditions on existing mineral planning permissions. The purpose is to ensure that mineral operators are working to an up-to-date schedule of conditions. Consultations are undertaken with statutory consultees, non-statutory consultees, local members etc. Public consultation, via site notice and press notice, will also be undertaken.
- In addition to the above, some specific types of 'permitted development' must be notified formally to the Authority in advance (i.e. prior to commencing) via the prior notification procedure, and the Authority then has 28 days in which to call for a formal application. This '**prior notification**' procedure only applies to certain mineral development such as the removal of material from a mineral working deposit and certain forms of mineral exploration.



**Notification of decision**

4.23 A copy of the decision shall be made available for inspection on the Planning Register at the relevant District/Borough Council offices, and on the County Council's website.

4.24 Once a final decision has been made in respect of an application which is EIA development, the EIA Regulations (under Regulation 30) also place a duty on Local Planning Authorities to inform the Secretary of State and consultation bodies of the decision in writing and the public by local advertisement; and make available a statement containing the reasons for approval/refusal, the main considerations on which the decision was based and a summary of the consultations undertaken and how they have been incorporated/addressed.

**Planning Appeals**

4.25 Appeals can only be made by applicants to the Planning Inspectorate on behalf of the Secretary of State for Housing, Communities and Local Government. There are three types of appeals: written representations; informal hearings; and public inquiries. The Planning Inspectorate determines, after asking for the views of the Local Planning Authority and appellant, which type of appeal is appropriate for the case, and instructs the Council to notify all those who made representations at the application stage that an appeal has been lodged; the appeal process being followed; and how they can make representations on the appeal. We will also forward all previous consultation responses to the Planning Inspectorate. Beyond this stage, all further correspondence is via the Planning Inspectorate.

**Monitoring and Enforcement**

4.26 The Council's Monitoring and Enforcement officers regularly undertake visits to minerals and waste sites to check for compliance with planning conditions and subsequently identify action or measures that might need to be taken in order to ensure they are followed. On occasions where we receive reports of a suspected unauthorised development or a breach of condition, the Monitoring and Enforcement officers will investigate the complaint. After this, an officer will get in touch with the complainant to update them on the progression of the investigation. When conducting an investigation, Monitoring and Enforcement Officers are expected to follow up

complaints promptly in appropriate timescales whilst maintaining confidentiality of the complainant.

4.27 The County Council is currently in the process of producing a Local Enforcement Plan (LEP) which will set out our approach to monitoring and enforcement in more detail. It is anticipated that the LEP will be approved by the end of 2019. The decision to undertake enforcement action is taken on a case-by-case basis where the County Council considers it expedient to do so.

## 5. Strategic planning

5.1 Derbyshire County Council also has responsibility as a statutory consultee for strategic planning matters under the Localism Act 2011 and the Planning and Compulsory Purchase Act 2004<sup>18</sup>.

5.2 We are a statutory consultee in respect of the production of District and Borough Local Plans and also Neighbourhood plans, responding to consultations from each of the relevant districts both within and adjoining the administrative boundaries of Derbyshire. We are also consulted on district and borough councils' proposals to introduce a Community Infrastructure Levy (CIL) (including draft charging schedules and regulation 123 lists as required by the Community Infrastructure Levy Regulations 2010<sup>19</sup>). Where we are consulted on these issues, our formal response will include comments from officers as well as the Local member/s. Consultations on Local Plans, draft CIL charging schedules and Regulation 123 lists are always reported to the County Council's Cabinet member meeting for Highways Transport and Infrastructure for agreement prior to the response being formally issued. We also attend local plan and CIL Examinations in Public to provide written and verbal evidence on behalf of the Council.

5.3 The County Council is consulted on, and provides comments to, district/borough planning applications on larger-scale housing, employment, retail and leisure developments which have wider strategic significance and impact on essential

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<sup>18</sup> <http://www.legislation.gov.uk/ukpga/2004/5/contents>

<sup>19</sup> <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

infrastructure such as education provision. We will request developer contributions in respect of those development proposals where we consider that those proposals would result in additional pressure on our services. Where necessary we will attend public inquiries or hearings to support the Council's position in this respect.

5.4 The County Council is also a statutory consultee in respect of Nationally Significant Infrastructure projects (NSIP). Introduced by The Planning Act 2008<sup>20</sup>, NSIPs are usually large scale developments (relating to energy, transport, water, or waste) which require a type of consent known as 'development consent'. A Development Consent Order (DCO) automatically removes the need to obtain several separate consents, including planning permission and is designed to be a much quicker process than applying for these separately. The DCO process starts when an application is formally accepted by the National Infrastructure Planning Unit and lasts approximately 12-15 months. The final decision on granting a DCO rests with the Secretary of State for that field, based on advice from planning inspectors – known as the 'examining authority'. Further information can be found at:

<http://infrastructure.planningportal.gov.uk/application-process/participating-in-the-process/>

5.5. The County Council is also a consultee on national planning policy considerations by Government, particularly the introduction of new or amended planning legislation, policy or guidance. We submit both member and officer technical comments in respect of these consultations, which are subsequently reported to and agreed at the Council's Cabinet member meeting for Highways, Transport and Infrastructure.

5.6. As part of the duty to co-operate requirements of the Localism Act 2011 and the NPPF, we work collaboratively with district and borough councils within Derbyshire and adjoining areas to address cross boundary strategic planning and infrastructure matters and, where necessary, is a signatory to Statements of Common Ground (along with district and borough councils) which set out how strategic cross boundary planning and infrastructure matters will be addressed. We also chair a number of Derbyshire-wide planning officer groups including the Derbyshire Planning Policy

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<sup>20</sup> <http://www.legislation.gov.uk/ukpga/2008/29/contents>

Officer Group and the Derbyshire Planning Information Monitoring Officer Group which are made up of officers from all the district and borough councils in Derbyshire, the Peak District National Park Authority and Derby City Council to consider planning policy, infrastructure provision and monitoring matters across the County. Derbyshire County Council is also represented on various joint planning advisory groups including the Derby Housing Market Area Joint Advisory Board, Greater Nottingham Joint Planning Advisory Planning Board and the Northern Housing Market Area Local Plans Liaison Group.

5.7 Derbyshire County Council also co-ordinates the approach to Gypsy and Traveller issues throughout Derbyshire, acting as lead authority in commissioning reviews of the Derby, Derbyshire, Peak District National Park and East Staffordshire Gypsy and Traveller Accommodation Assessment. We also chair the Derbyshire Traveller Issues Working Group made up of representatives from the district and borough councils, the Peak District National Park Authority, Derbyshire Gypsy Liaison Group, Derbyshire Police and Fire and Rescue Services and the National Health Service.

5.8 Derbyshire County Council is responsible for producing the Derbyshire Infrastructure Investment Plan, which sets out priorities for key infrastructure provision across the County to support housing and economic growth in collaboration with all the district and borough councils in Derbyshire. The County Council also produces the Derbyshire Developer Contributions Protocol, which sets out the process by which the County Council will engage with private sector developers and district and borough councils in Derbyshire to secure developer contributions towards the provision of strategic infrastructure to support new development.

## **6. Review**

6.1 To ensure the continued effectiveness of this SCI, the Council must monitor its value both in informing and shaping the Local Plans and in providing people in Derbyshire with the opportunity to be more effectively involved in the planning process. It is essential, therefore, that the content of the SCI is monitored and reviewed on an ongoing basis.

In accordance with s23 of the Town and Country Planning Act and Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017<sup>21</sup>, a review of all Local Development Documents, including the SCI, should be completed every five years from adoption.

In evaluating the consultation methods and initiatives, both the outcomes and process will be reviewed. Key considerations in this review will include:

- Was consultation carried out according to the procedures set out in the statement?
- Were people given the opportunity to comment where necessary?
- Were there groups who made no responses to the consultations, and if so, why?
- Were consultees and the wider public informed of the results of the consultations?
- Did community involvement directly shape the preparation of the Local Plans and inform decisions on planning applications?

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<sup>21</sup> <http://www.legislation.gov.uk/uksi/2017/1244/contents/made>

# APPENDIX 1

## Consultees for the Minerals and Waste Development Plan Documents

The Town and Country Planning (Local Planning) (England) Regulations 2012, require Derbyshire County Council, as the Mineral and waste Planning Authority, to consult:

- Such of the specific bodies as we consider may have an interest in the subject of the proposed Local Plan;
- Such of the general consultation bodies as we consider appropriate;
- Such residents or other persons carrying on business in Derbyshire from which we consider it appropriate to invite representations

## Specific Consultation Bodies

- Coal Authority
  - Environment Agency
  - Highways England (formerly Highways Agency)
  - Historic England
  - Homes and Communities Agency
  - Natural England
  - Network Rail
  - Any person to whom the electronic communications code applies (under section 106(3)(a) of the Communications Act 2003)
  - Any person who owns or controls electronic communications apparatus situated in any part of Derbyshire
  - A relevant authority any part of whose area is in or adjoins Derbyshire, (e.g. namely parish /town, district/borough/city councils and neighbouring county/unitary authorities as well as the relevant police authorities)
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- Any of the following exercising functions in Derbyshire:
    - i) A Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section (PCTs abolished in 2012 – now Clinical Commissioning Groups)

- ii) A person to whom a license has been granted under section 6(1)(b) or (c) of the Electricity Act 1989
- iii) A person to whom a license has been granted under section 7(2) of the Gas Act 1986
- iv) A sewerage undertaker
- v) A water undertaker

The following body, although also included in the list of 'Specific Bodies', is not relevant to Derbyshire:

- Marine Management Organisation

### **General Consultation Bodies**

- Voluntary bodies some or all of whose activities benefit any part of Derbyshire,
- Bodies which represent the interests of different racial, ethnic or national groups in Derbyshire,
- Bodies which represent the interests of different religious groups in Derbyshire,
- Bodies which represent the interests of disabled persons in Derbyshire,
- Bodies which represent the interests of persons carrying on business in Derbyshire;

### **Duty to Co-operate prescribed Bodies**

The Town and Country Planning (Local Planning) (England) Regulations 2012, under regulation 4, also require Derbyshire County Council, as the Mineral and Waste Planning Authority, to consult the following prescribed bodies under the Duty to co-operate set out under section 33(A) of the Planning and Compulsory Purchase Act 2004:

- Civil Aviation Authority
- Environment Agency (EA)
- Historic Buildings and Monuments Commission for England (known as Historic England)
- Homes and Communities Agency (HCA)

- Integrated transport authority
- Local Enterprise Partnership
- Local Nature Partnership
- Natural England
- The Office of Rail Regulation
- Each highway authority within the meaning of Section 1 of the Highways Act 1980 (including the Secretary of State, where the Secretary of State is the highways authority)
- Each Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section
- Designated Neighbourhood Forums

The following bodies, although also included in the list of prescribed bodies, are not relevant to Derbyshire:

- Marine Management Organisation
- The Mayor of London
- Transport for London

### **Other Consultees**

The County Council is committed to going further than the minimum requirements and involving as many people and groups as possible in the planning process. It will be important, therefore, that other more general consultees are consulted on the preparation of planning documents, as listed below:

Age Concern

Airport Operators

Ancient Monuments Society

British Geological Survey

Canal & Rivers Trust

Chambers of Commerce



Civic Societies

Commission for Architecture and the Built Environment

Country Landowners Association

Derbyshire Fire and Rescue Service

Derbyshire Constabulary

Educational establishments

Environmental Services Association

Equal Opportunities Commission

Health & Safety Executive

Housing Corporations/Associations

National Playing Fields Association

National Farmers Union

Political parties

Rural Community Council

Sport England

Transport providers

Minerals industry and operators

Mineral Products Association

Waste industry and operators

Landowners and developers

Chatsworth Estate

Crown Estates (including Duchy of Lancaster)

Defence Estates

Forestry Commission

The National Trust

The Housebuilders Federation

Environmental interest groups/ Environmental action groups

Campaign to Protect Rural England (CPRE)

Farming and Wildlife Advisory Group

Friends of the Earth

Ramblers Association

Royal Society for the Protection of Birds (RSPB)

Wildlife Trusts

The National Forest Company

Community and residents groups/associations

Voluntary groups

Older persons' groups

Young persons' groups

Gypsy Liaison Group

Local businesses

Members of Derbyshire County Council

Members of Parliament

Local Strategic Partnerships

## APPENDIX 2

### Statutory Consultees for Planning Applications

Based on the Town and Country Planning (Development Management Procedure) (England) Order 2015 and other legislation, the statutory bodies that we have to consult in respect of relevant planning applications are:

- Canal and River Trust
- Coal Authority
- Civil Aviation Authority (CAA)
- Department for Transport
- Derwent Valley Mills World Heritage Site Partnership
- Environment Agency
- Historic England
- Gardens Trust
- Health and Safety Executive
- Highways England
- Lead Local Flood Authority
- District/Borough and adjacent County Planning Authorities and Local Highway Authorities/neighbourhood forums where a Neighbourhood Plan is in place and where they have requested that they are consulted.
- Natural England
- National Amenity Societies (including Ancient Monuments Society, Council for British Archaeology, Georgian Group, Society for the Protection of Ancient Buildings, Victorian Society, Garden History Society and Twentieth Century Society)
- NATS Holdings (National Air Traffic Services) and operators of Officially Safeguarded Civil Aerodromes, Ministry of Defence air traffic safeguarding
- Peak District National Park Authority
- Rail Network Operators
- Sport England
- Theatres Trust

- Water and sewerage undertakers

### **Non-statutory consultees for planning applications**

Where relevant, we will also consult a number of other organisations in respect of planning applications. Whilst this list is not considered exhaustive, and varies dependent on the type and nature of the proposal, such organisations include the following:

- Parish/town councils
- Buxton Mineral Water
- Council for the Protection of Rural England (CPRE)
- Creswell Heritage Trust
- Department of Environment, Food and Rural Affairs (DEFRA)
- Derbyshire Constabulary (designing out crime officer and in respect of explosives stores at quarries)
- Derbyshire Wildlife Trust (DWT)
- Derbyshire Public Health
- Derbyshire Fire and Rescue Service
- Forestry Commission
- Ministry of Defence
- National Forest
- National Planning Casework Unit (for EIA development and development where the proposal may be a departure from the Development Plan)
- Oil and Gas Authority
- Public Health England (PHE)
- Ramblers Association
- Royal Society for the Protection of Birds (RSPB)
- Utilities Companies (telecoms, water, gas and electricity)