

**Appendix 1: Consultation Statement and  
summary of representations**

# **Draft Statement of Community Involvement for Planning Policy and Planning Applications 2018**

## **Consultation Statement**

### **Introduction**

1. The draft Rushcliffe Statement of Community Involvement (SCI) for Planning Policy and Planning Applications was published for consultation on the 17 May 2018 alongside the Land and Planning Policies Development Plan (LAPP DP) Publication Version, and its supporting Sustainability Appraisal Report.
2. The 6 week consultation period ended on the 28 June 2018.

### **Consultation Methods**

3. In order to assist those who wished to comment, the following questions were asked within a response form (a copy of the response form can be found in Appendix A):
  1. **Consulting on Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs)**  
Do you agree or disagree with the consultation methods identified in the Draft Statement of Community Involvement? If you disagree, please explain why and how the Draft Statement of Community Involvement should be changed.
  2. **Consulting on Planning Applications**  
Do you agree or disagree with the consultation methods identified in the Draft Statement of Community Involvement? If you disagree, please explain why and how the Draft Statement of Community Involvement should be changed.
  3. **Further comments**  
Please provide any others comments you wish to make.
4. Paper copies of the draft SCI and response form were available to view at the Rushcliffe Community Contact Centre and local libraries. It was also available to download from the Council's website alongside a response form.

### **Consultation Representations**

5. The Council received representation on the draft SCI from the following 7 consultees: Historic England, Barton in Fabis Parish Council, Saxondale Parish Meeting, two residents and the Borough Council's Data Protection Officer.

6. Historic England supports the early consultation with specific consultation bodies throughout the process. Historic England welcomes involvement at an early stage for both planning policy and planning applications.
7. Responses from the parish councils raised concerns on:
  - the accessibility of consultation events;
  - the need to consult businesses and voluntary groups;
  - the increased weight that should be given to significant numbers of public objections;
  - the need for pre-application engagement; and
  - the reasons for delegating of decision making.
8. They also highlight the need for a Local Enforcement Plan and training for elected members.
9. Two of the three local residents supported the SCI. The third requested that all residents within the post code of an application should be notified that it has been submitted and that a decision has been made. The use of social media should be used as a method of informing the public.

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

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

Organisation/ Individual	Agree/ Disagree/ Comment	Comment Details	Draft Response/Recommended Change
Barton in Fabis Parish Council 382145	Disagree	<p><b>Paragraph 2.11</b></p> <p>Too often the Borough Council holds events which cannot be accessed by public transport. There must be a commitment to holding more events in all communities affected by a given proposal.</p> <p>Amend paragraph 2.11 to <b><u>“We will organise events such as stakeholder meetings...”</u></b> and add commitment to ensure that venues for such meetings take account of need for access by the elderly and disadvantaged groups lacking transport access.</p>	<p>Disagree with proposed amendment to the fifth bullet under “How we will consult”.</p> <p>The authority has organised events at all the settlements where development is proposed. All events have taken place at village halls or community buildings, which are accessible to the elderly and disadvantaged groups. This will continue. However in some circumstances stakeholder meetings may not be appropriate or necessary, for example at the publication stage where, in the Council’s opinion, the plan is sound.</p>
Hall D 1006116	Agree	Agree	Noted and welcomed
Historic England 372928		<p>Support the reference to the need to consult with specific consultation bodies throughout the process. Historic England (HE) welcomes involvement at an early stage for both planning policy and planning applications.</p> <p>HE is keen to advise on the development of planning documents, evidence base etc. in order to ensure that the historic environment is fully considered</p>	Support noted and welcomed

Organisation/ Individual	Agree/ Disagree/ Comment	Comment Details	Draft Response/Recommended Change
		<p>throughout the Local Plan process. HE also supports the need for early engagement with stakeholders during the Sustainability Appraisal process.</p> <p>There are regulatory requirements for consulting us on planning applications too.</p>	
Ken Thompson (Data Protection Officer, Rushcliffe Borough Council)	Comment	<p>SCI should have regard to the GDPR.</p> <p>Paragraph 2.7 should contain an additional bullet point which states:</p> <p><u>“We will ensure that any personal and, in particular, any sensitive personal data is subject to appropriate technical and organisational security measures so that we meet our obligations under data protection law.”</u></p>	Agreed. Suggested amendment is incorporated into the SCI.
Ken Thompson (Data Protection Officer, Rushcliffe Borough Council)	Comment	<p>Paragraph 2.11 “How we will consult” final bullet should read:</p> <p>We will publish comments received and/or provide a summary as soon as possible <u>via our Planning Portal</u>. We will explain how these comments have been considered when decisions are taken. <u>Comments will be available to view on the council’s website, but email address, signature and contact details will not be included. If we determine that specific reference to personal and, in particular, sensitive personal data within the comments needs to be removed or redacted then we will do so on a</u></p>	<p>Agree in part.</p> <p>Comments are not published on the Planning Portal.</p> <p>Removal or redaction of personal or sensitive information within comments is accepted. However all representations must be published in accordance with the local plan regulations.</p> <p>Paragraph will read:</p> <p>“We will publish comments received and/or</p>

Organisation/ Individual	Agree/ Disagree/ Comment	Comment Details	Draft Response/Recommended Change
		<u>case-by-case basis in consultation with the Borough Council's Data Protection Officer. We recognise that we have a responsibility to protect personal data which, if disclosed, could affect the fundamental privacy rights and freedoms of the individuals concerned. If removing or redacting this data is not possible then we reserve the right not to publish the comments on to the Planning Portal; however, we will take these comments into consideration as part of the planning consultation process.</u>	provide a summary as soon as possible. We will explain how these comments have been considered when decisions are taken. <u>Comments will be available to view on the council's website, but email address, signature and contact details will not be included. If we determine that specific reference to personal and, in particular, sensitive personal data within the comments needs to be removed or redacted then we will do so on a case-by-case basis in consultation with the Borough Council's Data Protection Officer. Any comments will be publicised in a manner having regard to the General Data Protection Regulations (see <a href="http://www.rushcliffe.gov.uk/privacy/">http://www.rushcliffe.gov.uk/privacy/</a>).</u> "
Ken Thompson (Data Protection Officer, Rushcliffe Borough Council)	Comment	Broxtowe should be added to the list of local authorities within paragraph 2.13.	Agreed. Broxtowe is added.
Ken Thompson (Data Protection Officer, Rushcliffe Borough Council)	Comment	Amend paragraph 3.1 bullet point seven should be amended as follows:  "Upon request of the qualifying body, and subject to <del>General Data Protection Regulations</del> <u>data protection considerations</u> , we will share contact details for statutory consultees or other bodies that may wish to provide feedback on a particular neighbourhood plan where we hold such knowledge or information.	Agreed. Paragraph amended.

Organisation/ Individual	Agree/ Disagree/ Comment	Comment Details	Draft Response/Recommended Change
Saxondale Parish Meeting 1168124	Disagree	There has been little consultation across business parameters sufficient to be reflective of the needs of local businesses which are a paramount consideration across Rushcliffe. I have not seen any consultation with respect to the rural agricultural economy which is becoming increasingly blighted by Rushcliffe's proposals. It appears that the Council has failed in part in respect of the consultation methods which will serve to distort the final results of the consultation.	Disagree  Local businesses are made aware of local plan consultations through the same methods as those used to inform residents. Representatives of the local business community are consulted and information is disseminated through them.
Shelton R 1071588	Agree	Agree	Noted

## 2. Consulting on Planning Applications

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

Organisation/ Individual	Agree/ Disagree	Comment Details	Draft Response/Recommended Change
Barton in Fabis Parish Council 382145	Disagree	<p>Paragraph 4.1</p> <p>It cannot be right for the planning system to take no account of the strength of views expressed by council tax payers in a given community. This should be taken account of at least in terms of the level of scrutiny required as is acknowledged elsewhere in 4.15 in reference to “significant community interest”</p> <p>Add <u>“The number of objections will however be a determining factor in whether an application will be determined by the Planning committee rather than individual officers and will be an indicator of the strength of feeling for and against a planning application”</u></p>	<p>The Council's Constitution includes the scheme of delegation for planning applications. Whether an application is decided by Planning Committee or Officers is determined by applying the provisions of the constitution, this does not include reference to the number of representations received. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst relevant comments contained within letters of representation will be a material planning consideration to be weighed in the balance, the volume of opposition or support is not itself a material consideration.</p>
Barton in Fabis Parish Council 382145	Disagree	<p>Paragraph 4.3</p> <p>Borough Council should take a more active role in requiring consultation with the community from developers. The term “more significant” is not defined and should relate to criteria in 4.15.</p>	<p>The Borough Council encourages applicants to undertake consultation on all development proposals prior to the submission of an application. The extent of any such pre-application consultation will depend on the nature and scale of the development involved, Pre-</p>



Organisation/ Individual	Agree/ Disagree	Comment Details	Draft Response/Recommended Change
		Amend to <u>“Require the applicants of more significant applications to engage with the community...”</u>	application consultation with the community is not an obligatory requirement, with the exception of proposals for development involving an installation for the harnessing of wind power for energy production, where the development involves two or more turbines or the hub height of any turbine exceeds 15 metres (see Part 2, Article 3 of the Town and Country Planning (Development Management Procedure) Order 2015). Therefore, with the exception of wind turbine development, the Borough Council could not refuse to validate a planning application where pre-application consultation had not been undertaken.
Barton in Fabis Parish Council 382145	Disagree	<p>Paragraph 4.8</p> <p>Parish Councils are the duly elected representatives of local communities and should have the right for their views to be heard at Planning Committee whether or not their Ward member concurs with their objection.</p> <p>Amend to include <u>“Where a Parish Council or Ward Member disagrees with the officer’s recommendation”</u></p>	<p>Disagree – no change</p> <p>Such a requirement would involve a change to the Constitution. This can be reviewed separately through any update to the constitution.</p>
		<p>Paragraph 4.15</p> <p>The threshold for the criteria set out are far too high and fail to take account of the fact that such</p>	The thresholds are not intended to be prescriptive, i.e. they do not preclude pre-application consultation on smaller development proposals but larger proposals at or over the

Organisation/ Individual	Agree/ Disagree	Comment Details	Draft Response/Recommended Change
		<p>developments will have the same or greater impact proportionately in smaller communities</p> <p>Paragraph 4.15 proposes “early involvement with community” for larger developments. <u>The same should apply for ‘smaller’ (5-100 dwellings) developments in villages under 500 dwellings.</u></p>	thresholds are more likely to prompt ‘significant’ community interest.
Burton, P 1166984	Disagree	For all types of application, notification of receipt of the application should be sent by letter or email to every address within the postcode area of the site.	<p>The Town and Country Planning (Development Management Procedure) Order 2015 sets out the publicity requirements for planning applications. In the majority of cases, the Order requires that notice is served on an adjoining owner or occupier (i.e. those properties which share a boundary with the application site) or by display of a notice where it will be visible from public land. For larger or certain types of development, it may also be a requirement to publicise the application in a local newspaper. Rushcliffe Borough Council generally exceeds the statutory minimum and the extent of publicity will depend on the nature of the development or extent of the likely impacts.</p> <p>It is considered that to send notification to all addresses within the postcode area of the site for all types of applications would be excessive.</p>
Burton, P	Disagree	Paragraph 4.13 (After the decision is made).	Applications for non-material amendments

Organisation/ Individual	Agree/ Disagree	Comment Details	Draft Response/Recommended Change
1166984		<p>It is inadequate for there to be "no statutory requirement to publicise or undertake consultation on these Applications"</p> <p>It is not adequate public consultation for "any publicity or consultation will be undertaken at the discretion of the officers".</p>	<p>generally relate to small scale changes, when assessed against the overall scale of the development, which are unlikely to have any greater impact over and above the approved development. If an approach has been made by a neighbour raising concerns that the development is not being carried out in accordance with the approved plans and this results in the submission of an application for a non-material amendment, that neighbour would normally be notified of the submission.</p> <p>With regard to the discharge of conditions, these will, for the most part, relate to technical matters and the views of the relevant technical body, e.g. Highway Authority, will be sought.</p>
Burton, P 1166984	Disagree	A notification of each decision should be sent by letter or email to every address within the postcode area of the site.	Article 33 of the Town and Country planning (Development Management Procedure) Order 2015 requires that; <i>"A local planning authority must give notice of their decision to every person who has made representations which they were required to take into account in accordance with paragraph (1)(b)(i), and such notice is the notice prescribed for the purposes of section 71(2)(b) of the 1990 Act."</i>
Hall D 1006116	Agree	Agree	Noted
Ken Thompson (Data Protection)	Comment	Paragraph 4.5 additional bullet point:	This is largely covered in the fourth bullet point, suggest rewording to read as follows:

Organisation/ Individual	Agree/ Disagree	Comment Details	Draft Response/Recommended Change
Officer, Rushcliffe Borough Council)		<u>"Comments will be made available to view on the council's website as soon as possible, but address, signature and contact details will not be included. However, as copies of representations have to be made available for public inspection, comments cannot be treated as confidential and will be available for inspection in full."</u>	<u>"Comments will be made available to view on the council's website as soon as possible, but address, signature and contact details will not be included. Any comments will be publicised in a manner having regard to the General Data Protection Regulations (see <a href="http://www.rushcliffe.gov.uk/privacy/">http://www.rushcliffe.gov.uk/privacy/</a>). However, as copies of representations have to be made available for public inspection, comments cannot be treated as confidential and will be available for inspection in full."</u>
Ken Thompson (Data Protection Officer, Rushcliffe Borough Council)	Comment	Additional final paragraph after 4.16 which reads:  <u>"If such an exercise is carried out, the developer is legally responsible for ensuring they comply with data protection law when processing personal and sensitive personal data."</u>	Agreed
Ruddington Parish Council (1134198)	Disagree	The Parish Council disagrees that Town/Parish Councils should be subject to the public speaking protocol referred to in paragraph 4.10.  The public speaking protocol should be changed to accommodate a 5 minute 'slot' for 1 Parish or Town Councillor to represent the viewpoint of their Council, if they wish and request it.	The current protocol for public speaking at Planning Committee makes provision for the applicant, an objector and a Ward Councillor to address the Committee. Where the Town/Parish Council are objecting, they may speak as the objector. For larger developments the adopted procedures may be varied to include additional speakers or increase the time allowed to address the committee.
Ruddington	Disagree	The Parish Council disagrees with Paragraph 4.7	The paragraph (4.7) does not say that Town and

Organisation/ Individual	Agree/ Disagree	Comment Details	Draft Response/Recommended Change
Parish Council (1134198)		<p>(Developer Contributions)</p> <p>Town/Parish Councils are responsible for some of the local infrastructure (such as cemetery, allotment and/or play area provision or litter bins and benches for example).</p> <p>Paragraph 4.7 states that consultations and negotiations will be undertaken with infrastructure providers but then states that Town &amp; Parish Councils will be excluded from this process and further states that once the contributions have been received by the Borough Council they may consult with Town/Parish Councils, this ignores the valuable contributions that are made within the communities by the Councils. We believe that the Borough Council should ask Town/Parish Councils for a list of priorities and/or projects which should be considered as part of the decision making process in regard to developer contributions and the document should be changed to include this.</p>	<p>Parish councils will be excluded from the process, it states that section 106 'negotiations' will not normally involve consultation with or the involvement of the general public or town/parish councils. The negotiations to determine the final content of a Section 106 will be undertaken between officers and the applicant/developers. Town/Parish Councils are consulted on planning applications and can, as part of their response, request contributions to certain infrastructure/facilities. It will be necessary to determine if any such requests are justified and compliant with the relevant legislation. Inclusion of obligations for financial contributions may also be influenced by viability issues.</p> <p>The Borough Council does not ask other statutory/technical consultees for a list of priorities or projects, requests may be made for contributions to infrastructure/projects and officers will consider if these requests are justified.</p>
Saxondale Parish Meeting 1168124	Disagree	<p>Whilst the application methods themselves are broadly acceptable, there does appear to be a large element of discretion and this may result in a lack of balanced consultation between statutory bodies - who appear to be quite well consulted – and businesses, charities and voluntary organisations (as well as harder to reach groups) who appear to be less well informed.</p>	<p>The Town and Country Planning (Development Management Procedure) Order 2015 sets out the statutory consultees to be consulted on planning applications. The Borough Council will undertake additional consultation/publicity of an application as considered necessary and commensurate to the scale and potential impact of the development proposed. Where the Borough Council is aware</p>

Organisation/ Individual	Agree/ Disagree	Comment Details	Draft Response/Recommended Change
			of the existence of a voluntary group, they will, where appropriate, be consulted on applications affecting their area of interest, e.g. Friends of Bridgford Park and friends of Sharphill Wood.
Saxondale Parish Meeting 1168124	Disagree	Saxondale Parish often receive applications within Upper Saxondale (at St James Park) or do not receive applications that are in the parish. Rarely receive notifications of decisions.	Consultations will be undertaken with all Town/parish Councils and Parish Meetings on planning applications in their area. Similarly, they will be notified of decisions on planning applications in their area. There have been isolated occasions when this process was not followed due to an administrative error and an apology was offered to the Parish Meeting
Smith D (1143783)	Disagree	<p>Paragraph 4.6 on page 11 is too vague and would allow applicants to make significant changes to an application without appropriate consultation.</p> <p>This section should specify the process for determining whether consultation on an amendment is required. The council should publish its intention not to require further consultation and allow interested parties to make representation if they feel this decision isn't appropriate. Also, in satisfying an objection by one individual/organisation, the amendment may give rise to an objection from another individual.</p> <p>The section sets out that <i>"where amendments are made before the decision is taken which significantly affect individuals then re consultation may be</i></p>	<p>Disagree, decision will be taken on the merits of each case, it is not possible to be so prescriptive as the circumstances and nature of changes in each case will vary.</p> <p>There is no statutory requirement to undertake further consultations after the initial period of consultation. The Borough Council is entitled to determine the appropriate length of time for response to any subsequent consultation exercise.</p> <p>The Borough Council has a duty to determine all planning applications submitted to the authority and whilst officers may suggest that an</p>

Organisation/ Individual	Agree/ Disagree	Comment Details	Draft Response/Recommended Change
		<p><i>undertaken</i>" The word 'may' is too vague - it should be 'must' accompanied by an outline of possible exceptions. Paragraph 4.6 will encourage applicants to introduce controversial elements as an amendment as opposed to in the original plan.</p> <p>The time period for consultations on amendments is too short, particularly if it falls in a holiday period. I would argue that 14 days is the absolute minimum and should be extended to 21 days if the period includes a school holiday.</p> <p>Paragraph 4.6 also states "<i>where there are significant changes needed the application should ideally be withdrawn and resubmitted as a fresh application.</i>" The word ideally is too vague. This should be changed to "<u>must</u>" with some exceptions as examples.</p>	<p>application is withdrawn, the applicant is entirely within their rights to request that the application is determined as submitted.</p>
Shelton R 1071588	Agree	Agree	Noted

### 3. Further comments

Organisation/Individual	Comment Details	Draft Response/Recommended Change
Barton in Fabis Parish Council 382145	<p><b>Training for Councillors</b></p> <p>The Parish Council's experience has been that the average Parish councillor has considerably more knowledge of planning legislation and that Borough Councillors are therefore extremely reluctant to challenge the opinions of officers and simply defer to their opinion.</p> <p>There should be an explicit commitment to ensure that members of the Planning Committee have the correct training and knowledge of planning law particularly the requirements of the NPPF.</p>	<p>Disagree</p> <p>Borough Councillors who sit on the Planning Committee receive training on planning procedures and policy. Rather than defer, members agree with the recommendations, which are based on sound judgements. Members can disagree, provided decisions are based on legitimate planning and land use issues.</p>
Barton in Fabis Parish Council 382145	<p><b>Local Enforcement Plan</b></p> <p>NPPF para 207 states "local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area." It is essential for the planning system to have credibility that the council has a clear set of actions to ensure that planning decisions it makes are properly enforced and unauthorised development is discouraged.</p> <p>There should be a specific statement included regarding how the council will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so. This should include specific targets in terms of timescales and escalation protocols.</p>	<p>This is a matter more appropriately addressed in an Enforcement Policy rather than the SCI.</p>



Organisation/Individual	Comment Details	Draft Response/Recommended Change
Burton, P 1166984	As this statement is expected to be in use until the year 2028, I recommend that social media be considered as an additional means of communicating with the public.	<p>Agreed.</p> <p>Paragraph 2.11 "How we will consult" first bullet reads:</p> <p>"We will publicise consultations by methods such as leaflets, websites, posters, press releases, <u>social media platforms</u>, displays, working with existing community groups, attending community events and joint consultations;"</p>
Hall D 1006116	Have lived adjacent to RUD01 for 30 years and have been that the site could be developed.	Noted
	<p>There is a fundamental flaw with regard to the whole process and this affects the consultation process.</p> <p>The constant designation of land for building purposes is primarily due to allocated land not being selected by developers and this appears to be an ineffective and inappropriate process which has led, and will continue to lead, to great swathes of land being blighted by the threat of future development. Surely it would be better to concentrate on policies which encourage development on land already allocated and urban redesign around and within existing town areas.</p>	<p>Disagree – Local Plan Part 2 is required to provide complete policy coverage and identify allocations which will deliver the development targets within Local Plan Part 1. The need for Local Plan Part 2 is not linked to the shortfall, although it is an issue which Part 2 must address. It has not been a constant process.</p> <p>Issues regarding the shortfall in housing delivery are addressed within Local Plan Part 2.</p>
Shelton R 1071588	Request that site EBR9 is included for development	This request is addressed through the emerging Local Plan Part 2.

**Appendix A:**

**Draft Statement of Community Involvement**

**Response Form**

# Draft Rushcliffe Statement of Community Involvement for Planning Policy and Planning Applications

## Response Form

Your Details		Agent details (where applicable)
	Name	
	Address	
	E-mail	

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

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

(please continue on a separate sheet if necessary)

### 2. Consulting on Planning Applications

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

(please continue on a separate sheet if necessary)

**3. Please provide any others comments you wish to make**

(please continue on a separate sheet if necessary)

**Date:**

Please return by **5pm on Thursday 28 June 2018**

to: Planning Policy

Rushcliffe Borough Council

Rushcliffe Arena, Rugby Road

West Bridgford

Nottingham. NG2 7YG

Or to: [localdevelopment@rushcliffe.gov.uk](mailto:localdevelopment@rushcliffe.gov.uk)

Please note that your comments can be directly entered through the Borough Council's online consultation system: <http://rushcliffe-consult.objective.co.uk/portal>

**Data Protection Notice**

The personal information you provide will only be used by Rushcliffe Borough Council, the Data Controller, in accordance with General Data Protection Regulation 2016/Data Protection Act 2018 to undertake a statutory function (also known as a 'public task')

Your personal information will be shared with the Planning Inspectorate in connection with the above purpose.

Your personal data will be kept in accordance with the Council's retention policy and schedule. Details of which can be found on the Council's website at [http://www.rushcliffe.gov.uk/retention\\_schedule/](http://www.rushcliffe.gov.uk/retention_schedule/)

Your data protection rights are not absolute and in most cases are subject to the Council demonstrating compliance with other statutory legislation, for further information see <http://www.rushcliffe.gov.uk/privacy/>

Representations will be available to view on the Borough Council's website, but any signatures, addresses, email addresses or telephone numbers will not be included. However, as copies of representations must be made available for public inspection, comments cannot be treated as confidential and will be available for inspection in full.