

AMBER VALLEY BOROUGH COUNCIL
STATEMENT OF COMMUNITY INVOLVEMENT

<u>CONTENTS</u>	<u>PAGE NO.</u>
1 INTRODUCTION	2
Background	2
2 DEVELOPMENT PLANS	3
Amber Valley Borough Local Plan	3
• Duty To Co-operate	3
• Statement Of Common Ground	4
• Who Will We Consult And Engage With In Preparing The Local Plan?	4
• How Will We Undertake Consultation And Engagement In Preparing The Local Plan?	5
• What Methods Of Consultation And Engagement Will We Use In Preparing The Local Plan?	8
Neighbourhood Planning	10
• Neighbourhood Development Plans	10
Supplementary Planning Documents	10
3 DEVELOPMENT MANAGEMENT	11
4 MONITORING AND REVIEW	12

1 INTRODUCTION

Background

- 1.1 The key purpose of a Statement of Community Involvement (SCI) is to set out how local planning authorities will involve local communities, businesses and other organisations in the planning process.
- 1.2 The requirement for local planning authorities to produce a SCI was one of the changes to the development planning system introduced by the Government through the Planning & Compulsory Purchase Act 2004. This reflected a greater emphasis on consultation and involvement with local communities in the planning process, in relation to both the preparation of development plan documents and the determination of planning applications. It recognised that effective community involvement in the planning process will help to ensure that planning policies and decisions on planning applications will better reflect the needs and concerns of local communities.
- 1.3 In 2006, Amber Valley Borough Council adopted a Statement of Community Involvement (SCI). This set out the procedures and methods that the Borough Council will follow in preparing plan documents and in determining planning applications, as well as specifying the range of groups and organisations that it will consult and involve.
- 1.4 An updated SCI was adopted by the Borough Council in June 2020. This reflects changes in planning legislation and national planning policy since 2006, as well as current practice and expectations in relation to community involvement in the planning process and the updated Government guidance at that time in response to the spread of Coronavirus (COVID-19).
- 1.5 However, following the Borough Council's approval of a refreshed programme and timetable for the new Local Plan in June 2021, there is now a need for a further update of the SCI, to reflect the changes to the programme and timetable.
- 1.7 The further updated SCI will be reviewed within 5 years from the date of adoption, in accordance with the duty on local planning authorities introduced by the Town and County Planning (Local Planning) (England) (Amendment) Regulations 2017.

2 DEVELOPMENT PLANS

Amber Valley Borough Local Plan

- 2.1 The Borough Council is required, under section 15 of the Planning & Compulsory Purchase Act 2004 (as amended by the Localism Act 2011), to produce and maintain an up to date Local Development Scheme (LDS), setting out how it will progress the preparation of plan documents over a 3 year period.
- 2.2 Following its decision to withdraw the Submission Local Plan in May 2019, the Borough Council resolved in September 2019 to prepare a new Local Plan, having regard to paragraph 17 of the National Planning Policy Framework (NPPF), which states that ‘the development plan must include strategic policies to address each local planning authority’s priorities for the development and use of land in its area’.
- 2.3 A programme and timescale for the preparation of the new Local Plan was agreed by the Borough Council in January 2020 and this was included in a revised LDS. The Borough Council’s subsequent approval of a refreshed programme and timescale for the new Local Plan in June 2021 has been reflected in a further revised LDS (LDS9), which covers the three year period from 30 June 2021 to 30 June 2024. LDS9 sets out the key milestones in the plan preparation process, including when consultation and engagement will be undertaken.

Duty To Co-operate

- 2.4 In accordance with section 110 of the Localism Act 2011, the Borough Council has a ‘Duty to Co-operate’ with other organisations, through constructive and active engagement, to maximise effective working in the preparation of local planning documents.
- 2.5 The Borough Council has worked in partnership for a number of years with other local planning authorities and other bodies, in the preparation of local planning documents, most notably with Derby City Council, South Derbyshire District Council and Derbyshire County Council in the context of the Derby Housing Market Area (HMA). This partnership working will continue in relation to the preparation of individual local plans for each authority’s area, including by jointly undertaking or commissioning evidence to underpin plan policies and proposals.
- 2.6 The prescribed bodies under the ‘Duty to Co-operate’ are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Statement Of Common Ground

- 2.7 The Borough Council and the other Derby HMA authorities are committed to the preparation of a Statement of Common Ground (SCG). A SCG is a written agreement that sets out issues identified under the 'Duty to Co-operate' and how the parties to that agreement intend to address them.
- 2.8 Paragraph 27 of the National Planning Policy Framework (NPPF) states that '*In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance and be made publicly available throughout the plan-making process to provide transparency.*'
- 2.9 The preparation of a SCG by the Derby HMA authorities will be an important part of the process of identifying and addressing the key cross-boundary issues to inform the next round of plan-making within the HMA. It will demonstrate that the authorities have cooperated on these issues and will be a key piece of evidence when plans are subject to examination.

Who Will We Consult And Engage With In Preparing The Local Plan?

- 2.10 The Borough Council is required by law to consult a number of 'specific consultation bodies' and 'general consultation bodies' in preparing plan documents, as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (see link below). The 'specific consultation bodies' are listed in the Regulations, whilst the Regulations indicate the type of organisations that should be consulted as 'general consultation bodies'.

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

- 2.11 In preparing plan documents, the Borough Council has previously consulted more widely than the minimum required by the Regulations and will continue to consult and engage with a range of other individuals, groups and organisations at the appropriate stages in the plan preparation process. In particular, the Borough Council will engage with parish/town councils and any associated neighbourhood planning groups to ensure that the Local Plan can take into account issues identified through the neighbourhood planning process.
- 2.12 The Borough Council has also recognised that it is more difficult to engage with some sectors of the community in the plan process. It will therefore continue to explore what methods of consultation and involvement may be more effective in engaging these sectors. The Borough Council will also work with the voluntary and community sector to help to facilitate more effective consultation and involvement in the local plan process.

How Will We Undertake Consultation And Engagement In Preparing the Local Plan?

2.13 The Borough Council is aware from its own recent practice and from that elsewhere, of the wide range of possible methods to consult and engage with local communities in the local plan preparation process. It will seek to apply the appropriate methods at each stage in the process to maximise community involvement, subject to available resources.

Regulation 18 – Preparation Of A Local Plan

2.14 In relation to consultation and engagement, the council has to meet the requirements of Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This requires local planning authorities to notify relevant bodies or persons that a local plan is being prepared and to take into account any representations made. The scope of and approach to Regulation 18 consultation can therefore be determined within relatively wide parameters.

2.15 Given that the council has recently prepared a Core Strategy and Local Plan to an advanced stage of preparation, many of the issues for consideration in a new Local Plan are already well established. In these circumstances, rather than producing a comprehensive 'Issues & Options' document as part of the Regulation 18 consultation, the Borough Council has initially focused on targeted and meaningful engagement with key stakeholders.

2.16 However, in March 2021, the Borough Council concluded that the identification of sufficient land for new housing and economic growth to meet identified needs over the new Local Plan period will present significant challenges, given the extent of land within the Borough currently within the Green Belt and the range of environmental constraints to development across the Borough. The Borough Council also recognised that in the event that any of the local planning authorities within the Derby Housing Market Area (HMA) concludes that that they are unable to meet all of their own housing need within their administrative boundary, they would then seek the co-operation of neighbouring HMA authorities (and potentially other neighbouring authorities) to make a contribution towards any unmet need. Under the 'duty to co-operate', each authority would need to give full and proper consideration to such a request but would not be required to agree to any contribution.

2.17 In this context, the Borough Council concluded that there is a need to consider alternative spatial strategy options for both the scale and distribution of housing and economic growth, which would reflect the requirements of paragraph 141 of the National Planning Policy Framework (NPPF) and which would also a) reflect the presumption in favour of sustainable development (paragraph 20 of the NPPF) and b) the need to maximise the re-use or redevelopment of previously developed or brownfield land to meet housing and other needs (paragraph 119 of the NPPF).

2.18 In June 2021, the Borough Council agreed alternative spatial strategy options for housing and economic growth, for the purposes of consultation and engagement, as well as agreeing a refreshed programme and timetable for the new Local Plan. The alternative spatial strategy options were published on 8 July 2021, with representations invited within a 12 week period up to 30 September 2021. Alongside the alternative spatial strategy options, the Borough Council has also published the conclusions of a Sustainability Appraisal of those options. Sustainability Appraisal is a mechanism for considering and communicating the likely effects of a plan and alternatives, in terms of sustainability issues, with a view to avoiding and mitigating adverse effects and maximising the positives. A Sustainability Appraisal of a local plan is a legal requirement.

Regulation 19 – Publication of a Local Plan (Pre-Submission Local Plan)

2.19 The publication of a Pre-Submission Local Plan, in accordance with Regulation 19 of the 2012 Regulations, will be the version of the plan that the Borough Council intends to submit to the Secretary of State, for formal Examination. The Pre-Submission Local Plan will be published for a 6 week period, within which formal representations can be made. In addition to the requirements of the 2012 Regulations, the Borough Council will, at this stage, notify all those who have made representations in response to the consultations on the alternative spatial strategy options for housing and economic growth and will advise them how, where and by when they can make representations on the Pre-Submission Local Plan. Although the representations received on the Pre-Submission Local Plan will need to be sent to the Borough Council, these will be forwarded directly to the Secretary of State for consideration when the Local Plan is submitted for Examination.

2.20 The Borough Council will also publish, alongside the Pre-Submission Local Plan, a Pre-Submission Sustainability Appraisal Report and a Statement of Publicity & Consultation, setting out a summary of the representations received in relation to the Regulation 18 consultation and the Borough Council's responses to those representations.

2.21 In advance of the submission of the Local Plan, the Borough Council will appoint a Programme Officer, whose role will be to support the Inspector appointed by the Secretary of State to undertake the examination of the Local Plan.

Submission Local Plan

- 2.22 As soon as practicable after the end of the 6 week period following publication of the Pre-Submission Local Plan, the Borough Council will formally submit the Local Plan to the Secretary of State, in accordance with Regulation 22 of the 2012 Regulations, together with the representations received following publication of the Pre-Submission Local Plan, the Sustainability Report and the Statement of Publicity & Consultation. The Borough Council will notify all those who have made representations in response to the Regulation 18 consultation and/or Pre-Submission Local Plan, of the submission of the Local Plan and supporting documents.

Examination

- 2.23 Following submission, the Secretary of State will then appoint, via the Planning Inspectorate, an Inspector to undertake the Local Plan Examination. The Inspector will liaise with the Programme Officer regarding the arrangements and all correspondence relating to the Examination will be via the Programme Officer, including invitations to those who have expressed an interest in taking part in the Examination hearing sessions, where the Inspector considers that those individuals or organisations would make an effective contribution to those hearing sessions.

Inspector's Report

- 2.24 The Borough Council will notify all those who have made representations on receipt of the report of the Inspector, following the Local Plan Examination.

Main Modifications

- 2.25 The Inspector's Report may recommend, following the Examination, that a number of modifications are made to the Submission Local Plan to make it 'sound'. The Borough Council will publish these 'Main Modifications' in accordance with Regulation 25 of the 2012 Regulations and will also notify all those who have made representations in response to the earlier Local Plan consultations, as well as advising them how, where and by when they can make representations on the Main Modifications.

Adoption

- 2.26 The Borough Council will carefully consider all representations received following publication of the Main Modifications. Subject to the Borough Council proposing no further changes to the Local Plan at this stage, it will then resolve to formally adopt the Local Plan and will notify accordingly all those who have made representations at earlier stages in the process.

What Methods Of Consultation And Engagement Will We Use In Preparing The Local Plan?

- 2.27 The following table sets out the range of methods which the Borough Council will use at the various stages of consultation and engagement in the preparation of the Local Plan.
- 2.28 Following the publication of updated guidance on planning matters by the Government on 13 May 2020, in response to the spread of Coronavirus (COVID-19), the Borough Council recognised that it might not be able to use all of the methods of consultation and engagement set out in the following table for a temporary period, depending on how long and to what extent the restrictions introduced by the Government in March 2020 remained in place. The restrictions have however not impacted on the initial process of targeted consultation and engagement, or on the consultation on the alternative spatial strategy options for housing and economic growth.

	Targeted Consultation & Engagement (Regulation 18)	Alternative Spatial Strategy Options For Housing & Economic Growth (Regulation 18)	Pre-Submission Local Plan (Regulation 19)	Submission Local Plan (Regulation 22)	Examination	Inspector's Report	Main Modifications	Adoption
Making documents available for inspection at Borough Council offices & public libraries		✓	✓	✓	✓	✓	✓	✓
Notifying statutory bodies & other consultees and others who have made representations at previous stages of the process, by email/letter		✓	✓	✓	✓	✓	✓	✓
Publishing documents on AVBC website	✓	✓	✓	✓	✓	✓	✓	✓
Preparing press releases for local media	✓	✓	✓	✓	✓	✓	✓	✓
Using social media (Facebook, Twitter) to publicise proposals	✓	✓	✓	✓	✓	✓	✓	✓
Providing contact email address and telephone/text number	✓	✓	✓	✓	✓	✓	✓	✓
Holding one to one meetings with key stakeholders as required	✓	✓	✓	✓	✓	✓	✓	✓

Neighbourhood Planning

- 2.29 Neighbourhood planning is a key part of the Localism Act 2011 and is designed to help communities play a greater role in shaping the future of the places where they live and work.
- 2.30 Neighbourhood planning tools include:
- Neighbourhood Development Plans
 - Neighbourhood Development Orders
 - Community Right to Build Orders

Neighbourhood Development Plans

- 2.31 The Borough Council has a statutory duty under Schedule 4B of the Town and Country Planning Act 1990, which states 'local planning authorities have a statutory duty to give such advice or assistance to parish councils and designated Neighbourhood Forums as in all the circumstances, they consider appropriate for the purpose of, or in connection with facilitating the preparation of Neighbourhood Development Plans'.
- 2.32 The Borough Council will advise those parish/town councils in Amber Valley who wish to produce a neighbourhood development plan as to the range of statutory consultees and other organisations with whom they should consult and involve in the process.
- 2.33 Further information in relation to neighbourhood planning is available on the Borough Council's website, via the following link:-

<https://www.ambervalley.gov.uk/planning/planning-policy/neighbourhood-planning/>

Supplementary Planning Documents

- 2.34 Supplementary Planning Documents (SPDs) are non-statutory documents, which are intended to expand upon policies and proposals in local plans. Whilst not subject to any formal examination process, SPDs are subject to public consultation at the draft stage and any representations received following consultation will be taken into account before a final document is adopted by the Borough Council.
- 2.35 The Borough Council will consider the need to prepare any SPDs during the preparation of a new Local Plan, to be brought forward, following the adoption of the Local Plan, to provide additional detailed guidance alongside relevant Local Plan policies.

3 DEVELOPMENT MANAGEMENT

- 3.1 The Borough Council has a statutory duty to notify local communities on the majority of planning applications submitted and is also required to consult specific groups and organisations likely to be affected by particular applications.
- 3.2 However, the Borough Council has a long-standing commitment to consultation and involvement beyond the minimum statutory requirements, to ensure that both applicants and those with an interest in planning applications can play a full part in the process of considering and determining applications.
- 3.3 The statutory consultation requirements are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. These require local planning authorities to publicise applications by a site notice and by neighbour notification and for some applications, also by advertisement in the local press.
- 3.4 In addition to these statutory requirements, the Borough Council undertakes the following actions:-
- notifying the relevant parish/town council of all applications within their area
 - publishing a list of applications received on the Borough Council's website
 - publishing significant amendments to applications prior to a decision being made
- 3.5 The Borough Council also encourages prospective applicants to consult and involve local communities in advance of the submission of planning applications, particularly for major development proposals. This could include holding a public exhibition or similar event.
- 3.6 After an application has been made, the Borough Council will:-
- consult with a range of agencies
 - send a list of all applications to councillors on a daily/weekly basis
 - arrange to lend a copy of the plans to those who have difficulty in visiting the Borough Council's offices to view applications (including the elderly and people with disabilities) or visit the person at home, where requested
 - publish the agenda for Planning Board meetings on the Borough Council's website
 - enable the community to address the Planning Board in respect of those applications referred to the Board for their determination.
- 3.7 After a decision has been made on an application, the Borough Council will:-
- notify the applicant/agent of the decision, as well as notify all those in the community who have made comments on the application
 - retain details of all those in the community who have expressed interest in proposals, to enable appropriate re-consultation in relation to any amendment, subsequent applications or appeals.

- 3.8 In addition, at all stages in the application process, the Borough Council will provide general advice and guidance to the public on planning matters, as requested.

4 MONITORING AND REVIEW

- 4.1 The Borough Council will use the annual Authority Monitoring Report to monitor the effectiveness or otherwise of the various methods of consultation and engagement in the planning process, in order to identify any necessary changes to the SCI. The SCI will in any event be formally reviewed within 5 years of the date of adoption, as required by the 2017 Regulations.