

# Appendix A

## Consultation Draft Statement of Community Involvement

Bolsover District Council



## Statement of Community Involvement



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## INTRODUCTION

### 1.0 What is a Statement of Community Involvement?

- 1.1. This document is the Council's Statement of Community Involvement (SCI) and it sets out how we will engage with the public in the development of our local plan, during our stage of the neighbourhood plan preparation process and on development management cases / planning applications.
- 1.2. We aim to empower the local community to engage with the planning system and to work positively and pro-actively to make sure you are: - fully informed; involved in the decision-making process, and that you have meaningful opportunities to have your say.
- 1.3. Preparing a Statement of Community Involvement is a legal requirement<sup>1</sup> and it must be reviewed every 5 years<sup>2</sup>, and this latest review started in February 2022.
- 1.4. Since publishing our last Statement of Community Involvement in 2017, the Council published its 'Vision Bolsover' prospectus in 2021, which establishes Customers as one of its three overarching strands of modern governance and states our commitment to:-
- Increasing customer satisfaction with our services;
  - Improving customer contact and removing barriers to accessing information;
  - Actively engaging with partners to benefit our customers;
  - Promoting equality and diversity and supporting vulnerable and disadvantaged people.
- 1.5. We want communities to make a genuine and positive difference to their areas, and we value their involvement in both the planning application and plan making processes. And we aim to make this easier for people through the following actions:-
- Use plain English in our documents and consultation;
  - Reduce the use of planning jargon;
  - Improve the style and accessibility of our documents;
  - Reach out to all sectors including those that are 'seldom heard';
  - Improve how we use online technology and social media platforms
  - Live-stream and record meetings where possible;
  - Be transparent and clear about what is being proposed and how you can influence the outcome.
- 1.6. We will comply with all current legislation and all data that we store will be compliant with our Data Protection policy. We comply with our obligations under the Equality Act 2010 and have a Corporate Equalities Policy<sup>3</sup> that sets out our commitment to equality together with setting equality objectives.

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<sup>1</sup> Planning and Compulsory Purchase Act (2004) Section 18 As amended by the Neighbourhood Planning Act 2017, The Planning Act 2008 and the Localism Act 2011.

<sup>2</sup> The last Statement of Community Involvement the Council published was in 2017.

<sup>3</sup> Single equality scheme 2019-2023

### Why should I get involved?

- 1.7. The planning process seeks to promote sustainable development through the building of new homes, economic growth and investment, leisure, retail and the provision of new infrastructure. It seeks to ensure that new development meets the social and economic needs of our communities whilst at the same time protecting the natural and built environment.
- 1.8. Planning has a direct impact on the daily lives of residents and the business community. And we consider that decisions we make are enriched through community involvement where:
  - we can take account of local knowledge;
  - we can better understand and focus on local needs and priorities;
  - the removal of barriers can increase opportunity to comment;
  - an enhanced sense of community ownership over local plan documents can be achieved.

### Digital innovation

- 1.9. We recognise that advancements in technology have changed the way in which we interact with our communities, e.g. though greater access to the internet, online meetings and correspondence by email and social media. And these changes have become all the more important during the Covid 19 pandemic. However, there remains a significant number of people who do not use electronic forms of communication and therefore we will continue to consult in a variety of ways, subject to current government guidelines.
- 1.10. We are keen to investigate the delivery of a digital planning service and are working with the Department for Levelling Up, Homes and Communities to explore and trial the use of digital innovations and technology to improve our service. By using digital tools, such as mobile phones, social media, QR codes, gamification and virtual reality, alongside more traditional methods we will aim to reach more people and make planning more accessible, inclusive and transparent. In relation to this, we are currently piloting the Government's Digital Planning projects in the Planning Policy and Development Control functions.

### Planning Reforms

- 1.11. The Government published a Planning White Paper on reforms to the planning system in August 2020. We expect further legislation and guidance to follow during 2022 or later. This could significantly change the way that we engage. This Statement of Community Involvement is based on the current approach but we may need to update this following any new legislation.

## PLAN MAKING

2.1 This section covers how you can get involved in plan making and discusses:

- Development Plans and Plan Making
- Who we consult?
- How we consult?
- How you can respond to consultations?
- How we will consider your comments?
- How we will try to exceed the minimum requirements?

### Development Plans and Plan Making

2.2 Development Plans set out strategies of where new development can happen, such as identifying allocations for new residential development, and where it needs to be carefully controlled, such as in the Green Belt or countryside. They also include policies that explain how decisions on whether planning applications will be approved or refused will be made.

2.3 The Development Plan is by law the prime consideration when determining planning applications and planning decisions should be made in accordance with it unless [other material considerations](#) indicate otherwise.

2.4 The Development Plan<sup>4</sup> for the area is principally the [Local Plan for Bolsover District \(2020\)](#) but also includes [The Derby and Derbyshire Minerals Local Plan](#) and the [Derby and Derbyshire Minerals Local Plan](#) and any neighbourhood plans that have been produced.

2.5 We are the responsible body for producing Local Plans, a process called 'Plan Making', and we recently produced the [Local Plan for Bolsover District \(2020\)](#). We also produce a number of other planning policy documents, such as Supplementary Planning Documents. We also publish our work programme for preparing planning policy documents in a document called the [Local Development Scheme](#) and it is regularly updated so that people are aware of upcoming opportunities to participate.

2.6 The [Local Plan for Bolsover District \(2020\)](#) was adopted in March 2020. We will need to have carried out a review of whether this Local Plan remains up-to-date by March 2025.

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<sup>4</sup> Statutory stages set out in [The Town and Country Planning \(local planning\) \(England\) Regulations 2012](#)

2.7 In terms of Government policy, the National Planning Policy Framework <sup>5</sup> states that plans should:

*“c) be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees...”*

2.8 We will set out below how we intend to engage with communities in effective but proportionate ways that exceed the minimum requirements.

2.9 Finally, the Key Stages in preparing a Local Plan, along with how we will consult you, are shown in Appendix B.

#### Local Plan Stages of Preparation

2.10 There are two main opportunities for you to be involved during the Plan Making process and both include a public consultation for a minimum of 6 weeks on the proposed strategy, allocations and policies that will be in the Local Plan. These stages are formally known as Plan Preparation (Regulation 18) and Plan Publication (Regulation 19) within the Town and Country Planning (Local Planning) (England) Regulations 2012<sup>6</sup>.

2.11 There is also an Examination of the Local Plan that is led by an Independent Planning Inspector (Regulation 24) where people can attend and are invited to participate in the hearings if they have made comments during the Plan Publication (Regulation 19) stage.

#### Supplementary Planning Documents

2.12 Supplementary Planning Documents (SPDs) add further detail to the operation of the policies in the Local Plan, so they can be produced once a plan is adopted. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions.

2.13 SPDs can be produced in a shorter time period. There is a formal time period but no examination by a planning Inspector at the end of the process. The stages of the production of an SPD are set out in legislation and summarised in Appendix C

#### Non-Statutory Growth Plans

2.14 The Local Development Scheme approved by the Council in February 2022 included a timetable for the production of Non-Statutory Growth Plans. These Growth Plans would not technically be able to ‘allocate’ land for

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<sup>5</sup> [NPPF Para 16](#)

<sup>6</sup> [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

development, but would be able to influence decisions on planning applications by adopting the Growth Plans as material considerations in the planning process. The consultation methods for these Growth Plans are intended to mirror closely the methods used for statutory planning documents. The stages of the production of a Growth Plan are summarised in Appendix D.

### Who we consult

- 2.15 We are legally required<sup>7</sup> to consult the Specific Consultation Bodies, General Consultation Bodies and residents and businesses during the Local Plan process.
- 2.16 Specific Consultation Bodies (sometimes referred to as statutory consultees) include public organisations such as The Environment Agency, Highways England and Natural England, neighbouring Planning Authorities and Derbyshire County Council. A full list of SCBs is shown in Appendix A.
- 2.17 For us, General Consultation Bodies are defined in the regulations as being:
- voluntary bodies whose activities (some or all) benefit any part of Bolsover District;
  - bodies representing the interests of different racial, ethnic or national groups in Bolsover District;
  - bodies which represent the interests of different religious groups in Bolsover District;
  - bodies representing the interests of disabled people in Bolsover District; and,
  - bodies representing the interests of people carrying on business in Bolsover District.
- 2.18 In addition to these types of organisations, we encourage all interested parties to sign up to our [online local plan database](#) to stay up to date with new policy consultations or stages of the local plan process. You can also email [planning.policy@bolsover.gov.uk](mailto:planning.policy@bolsover.gov.uk) if you would like to be added. If you wish to be consulted by letter, you can also write to Planning Policy, Bolsover District Council, The Arc, High Street, Clowne, Derbyshire S43 4JY. Or telephone us on 01246 242203.

### How we will consult

- 2.19 We have traditionally used the following methods of consultation on Planning Policy documents:

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<sup>7</sup> [Part 6 of Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

- Emails – we will send email communications to those who are registered on our [online local plan database](#).
- Letters – write to everyone who has registered on our [online local plan database](#) but does not have an email address.
- Document deposit locations – consultation versions of documents, including associated representation forms for feedback, will be made available at publically accessible venues such as Libraries, Customer Contact Centres including our offices, and others where appropriate.
- Website – documents including associated representation forms will be made available on our website, including links to the [online local plan database](#).
- Local Press – we will promote consultations in the local press by issuing press releases and paid notices where appropriate.
- Formal Notices – these state when and where the plan and associated documents can be viewed. Also the Statement of Representation procedure and availability of documents<sup>8</sup>.
- Public Events – we will stage events such as Exhibitions or Drop –in sessions depending on the relevant stage in the process.

2.20 We are considering using the following additional consultation methods more and following consultation on this Statement of Community Involvement we may include them going forward:

- Social Media and Video Platforms – we may use our Twitter, Instagram and You Tube accounts and the Vimeo Video platform to host Bolsover TV to communicate planning policy news.
- Posters – we may put up posters in public buildings such as our Contact Centres and Community centres and Doctor’s Surgeries.
- Special Events – where appropriate we may hold additional events such as school visits and specific events aimed at hard to reach groups.
- Site Notices – we may put site notices around sites for proposed Local Plan allocations.

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<sup>8</sup> The Town and Country Planning (local planning) (England) regulations 2012 – Regulation 19



- We may use Council newsletters / magazines such as In Touch where timely.

2.21 We also make information available in other formats on request, such as in large print.

#### How you can respond to consultations

2.22 During a consultation period on a new Planning Policy document, we want to take account of what people have to say. However, as we need to be transparent and publish what people say so that others can also see the comments made, we can only take account of responses where they are written down. This can be done either online, by email or by letter.

2.23 To guide people on how to provide feedback, we publish Representation Forms that can be filled out online or in paper format. It is possible to make comments in an email or a letter but we may need to contact you to clarify which part of the planning document you are commenting on. We will also accept petitions, although please note a high number of signatories does not necessarily carry extra weight in the decision making process if the petition is only making one point. Please contact us if you need support in submitting comments.

2.24 We do not currently take account of comments received over social media or non-word based actions such as post likes, shares or retweets.

2.25 Beyond formal consultation periods we will still listen and discuss with you any points you wish to raise but sometimes will direct you to the next formal consultation stage where you can formally submit your comments.

#### How we will consider your comments

2.26 We will record all representations made and we will consider the points made carefully by everyone in the consultation and take them into account in the further preparation of the relevant planning document.

2.27 Your comments along with our response will appear online on the Council's website, through either the Local Plan Consultation database (currently Opus Consult) or through the Statement of Consultation we produce after each consultation, where summaries of your representations will be shown. As mentioned, you will also be able to see other comments and responses although any personal details such as signatures, email addresses or phone numbers will not be made public.

2.28 We also publish an Annual Monitoring Report (AMR) that shows how effective our planning policies are. Whilst these are not consulted on, the

information may be of interest and shows how we are being transparent by reporting the successes or failures of planning policies.

### Hard to Reach Groups

- 2.29 Defining exactly which groups are 'hard to reach' groups is quite difficult because to date we have very little data about who our 'respondents' are and which groups we are 'not reaching'. However, we get a sense of who gets involved through our drop in consultation events and anecdotally we see that the younger generation tend to not get involved and could be considered a 'hard to reach' group.
- 2.30 In March 2022 we were able to benefit from Government grants to use some new consultation methods to consult on the first stages of a Shirebrook Growth Plan. The methods took a 'phone- first' approach and utilised social media ads, phone friendly surveys, and QR codes to link to websites. We will review the success of these methods including any demographic information about who responded.
- 2.31 There are other groups that we historically have had very little or no involvement with through the local plan process, and as stated earlier in the report, we accord with our statutory obligations to undertake Equalities Impact Assessments to make sure that no protected groups are unfairly impacted.
- 2.32 Other groups that are perceived to be 'hard to reach' could include the following. The very small Gypsy and Traveller population tend not to engage in the local plan process but they are represented by the Derbyshire Gypsy Liaison Group, who do engage with us. The small travelling Show-people community that resides mostly in Pinxton are also represented by the Showman's Guild. There are people who identify as 'disabled' spread throughout the district and can be represented by Access Bolsover. There are pockets of eastern European economic migrants who reside in the district where 'language' may be a barrier. We look to ensure that bodies representing these potentially hard to reach groups are identified as General Consultation Bodies and so specifically consulted on planning documents.
- 2.33 In addition to just sending an email or letter to these groups or their representatives, the Planning policy team could offer to have meetings where more meaningful engagement could take place as suggested below.

## How we can exceed the minimum requirements?

- 2.34 As stated above and in Vision Bolsover, the Council is seeking to improve customer contact and removing barriers to accessing information and so we want to consider during the consultation on this draft Statement of Community Involvement as to how we can exceed the minimum requirements.
- 2.35 Some of the options we have seen other Councils do or that we have seen people ask for are listed below.
- Publish a Consultation Response Information sheet or a guidance note that would set out the type of comments that are acceptable e.g. material considerations and explaining how we use evidence to help inform and change our policies.
  - Station a Planning Policy member of staff for at least 3 days within each of the District Offices at Shirebrook, Bolsover and South Normanton (or other suitable alternative venues) for each local plan consultation period. This is to be more accessible to other areas who may find it inconvenient to travel to Clowne to speak to a planning policy officer.
  - Have at least 1 Saturday morning drop in session in the district to have at least some availability to those people who cannot make a weekday or evening drop in session.
  - Offer to hold a meeting(s) with key representatives of a community group/organisation with elected members in attendance, where we will explain the process and the background to any policy, and listen to their concerns.
  - Offer to establish Local Plan Resident Forums where residents can be invited to meetings to discuss the current position within the local plan timetable and where we can explain in much greater detail what we are doing. Elected members would also be invited in an observational capacity. The number of, frequency of, and geographical coverage of such forums would depend upon levels of interest.
  - Consult directly by letter all properties affected by a draft site allocation in the same way as we would an outline planning application, unless it already has planning permission. Engagement cannot be effective if people do not know about something to start with. But engagement must be proportionate. We cannot consult about every site allocation included within a plan, but we can consult on each of the following

types of allocation:- residential, employment, gypsy and traveller, travelling show-people and retail, town centre and tourism uses.

- Offer to hold a meeting(s) with the Showmen's Guild, Access Bolsover and any Eastern European groups in the district.
- Continue to meet with the County wide Gypsy and Traveller Liaison working group that meets twice yearly and also one to one with the Derbyshire Gypsy Liaison Group itself.
- More regular meetings with Parish Councils.
- After evaluating the Shirebrook Growth Plan consultation, consider using 'mobile phone' outreach methods to achieve higher engagement.

2.36 Whilst these options will increase the demand on the Council's officers, we think that some or all of these may help increase and improve public engagement in the planning processes. You may also have other options that you want to suggest and if so please let us know what they are.

## NEIGHBOURHOOD PLANNING

- 3.1 Neighbourhood planning allows local communities to plan for their local area by producing their own Neighbourhood Plans or Neighbourhood Development Orders. These type of planning documents can be produced by a Town or Parish Council or by a designated neighbourhood forum.

### Neighbourhood Plans

- 3.2 A Neighbourhood Plan becomes part of the Development Plan described earlier if it is approved at a referendum. The [Local Development Scheme](#) outlines progress on Neighbourhood Plans within the district.
- 3.3 The District Council is expected to provide assistance to Town and Parish Councils in the preparation of their Neighbourhood Plans and Orders. This includes working with Town and Parish Councils, and in particular sharing evidence to help ensure that a draft Plan or Order has the greatest chance of success at independent examination.
- 3.4 Parish / Town Council or designated neighbourhood forums must undertake their own consultation. To aid local groups wishing to develop neighbourhood planning initiatives, we have developed a [Neighbourhood Planning Protocol](#) This is intended to:
- Provide a general overview
  - Explain how and when we will support the neighbourhood planning process including advice on consultation methods.
  - Ensure there is clarity and transparency for local communities in terms of our support;
  - Provide a coordinated approach in relation to neighbourhood planning.
- 3.5 We strongly advise that groups considering making a Neighbourhood Plan or Order read the protocol, and contact the planning policy team early in the process to help ensure the smooth running of the project.
- 3.6 There are 5 key stages in preparing a Neighbourhood Plan are set out in Appendix E The ways in which you can get involved in this process are:-
- 3 stages of public consultation
  - Participating at a Public Examination if you have made comments.
  - Voting in a referendum

### Neighbourhood Development Orders

- 3.7 A Neighbourhood Development Order (NDO) is another tool that communities can use, this time to permit different types of development without the need for planning permission. When preparing a NDO it must still be in line with national and local policy and other legal requirements. The Town or Parish Council or neighbourhood forum is the only body that can prepare an NDO.
- 3.8 Some community organisations can develop a Community Right to Build Order in an area. A Community Right to Build Order is a form of NDO that can be

created by a local community organisation, and so not restricted to a Town or Parish Council or neighbourhood forum and can be used to grant planning permission for small scale development for community benefit on a specific site or sites in a neighbourhood area.

- 3.9 The process of developing a NDO is set out in Appendix F and the ways in which you can get involved in the process are:-
- 2 stages of public consultation
  - Participating at a Public Examination if you have made comments.
  - Voting in a referendum
- 3.10 You can also contact your Town or Parish Council and ask them about their views on preparing a Neighbourhood Plan or a Neighbourhood Development Order for your area.
- 3.11 You may also have other ideas that you want to suggest about how we can better engage with you about neighbourhood planning and if so please let us know what they are.

## PLANNING APPLICATIONS

### Introduction

4.1 This section covers how you can get involved in development management cases and outlines -

- The Development Management process
- How we consult?
- Who we consult?
- How to comment?
- Decisions on Planning Applications
- Planning appeals
- S.106 Planning Obligations
- Pre – application advice
- Planning Enforcement
- Complaints

### The Development Management Process

4.2 We pro-actively manage development in the local area including:

- Dealing with planning applications, (including changes to your home; new houses and businesses or changing the use of land and buildings);
- Planning enforcement (dealing with alleged breaches of planning legislation); and
- Planning Appeals.

4.3 We are not responsible for schools, roads, paths and infrastructure, nor are we responsible for [National Significant Infrastructure Projects](#) such as HS2 or changes to the motorway.

4.4 The Development Management team is responsible for assessing planning applications in accordance with the [Adopted Local Plan for Bolsover District \(2020\)](#), the [National Planning Policy Framework \(NPPF\)](#), [Planning Practice Guidance](#) (PPG) and [other material considerations](#) that include consultation responses. The team also defends decisions at appeal and investigates and enforces against breaches of planning control. If you are unsure about whether you need planning permission please email [Dev.control@bolsover.gov.uk](mailto:Dev.control@bolsover.gov.uk)

4.5 We receive several categories of planning application. The most common are:

- Major Application (10 or more homes or 1,000 m<sup>2</sup> non-residential floorspace);
- Minor Applications (up to 9 homes) or up to 999 m<sup>2</sup> non-residential floorspace);
- Other Applications (includes household extensions, advertisements, and Listed Building Consent).

The Planning Application process is shown in Appendix G

### **How we consult**

4.6 We will carry out consultation on the application in the following ways.

#### **Email Alerts**

4.7 If you are interested in planning applications in your area you can sign up for email alerts. Once registered, you will receive an automatic email notification informing you of any new planning application or planning decision made in your area of search with a link to the relevant documents on our website. We encourage residents and businesses to subscribe [here](#).

#### **Neighbour Notification Letter**

4.8 We will send a notification by letter to properties adjacent to the boundary of the application site where we consider they may be affected. Application plans and documents will be available to see on our website and we will also make plans available to view at home on request for infirm or disabled neighbours without internet access.

#### **Site Notice**

4.9 Depending on the type of application we will display a notice at the application site in a place that is visible to members of the public. For all major applications we will display at least 1 site notice for a minimum of 21 days (a copy a typical notice is attached at Appendix H). We have a system for checking the notices and replacing any that are taken down during the 21 day period.

#### **Press Notice**

4.10 We will publicise all major planning applications in accordance with national requirements which currently includes the notices section of a local newspaper (see Appendix J for a list of local papers and their coverage). We will publicise a press notice for some other types of application including applications that are in conservation areas or that affect the character or appearance of a listed building.



## Website

- 4.11 Once an application has been registered the whole application is published on [Online applications](#). All applications validated by week / month can be viewed, and can be filtered by district wards. It is also used by certain consultees to select which applications they wish to comment on.

## Applications Weekly List

- 4.12 We send a copy of the weekly list to all councillors. The list gives details of the application site, the name of the applicant(s), what is proposed, the name of the planning officer dealing with the application, and determination by Committee or delegated powers. The weekly list is also available to view via [Online applications](#).

## **Who we consult on Planning Applications**

### Statutory Bodies

- 4.13 [The Planning Practice Guidance on Consultation and pre-decision matters](#) sets out the process for efficient and inclusive consultation of planning applications. [Statutory bodies](#) will be consulted on planning applications for certain types of development in accordance with relevant regulations. Consultation with these bodies will vary depending on the type of development proposed / and or location.
- 4.14 We also consult neighbours and town or parish councils. Councillors will be sent a copy of the weekly list. Members of the public can find out about applications through the methods in the 'How we consult' section.

### **How to comment**

- 4.15 We can only accept comments in writing. We ask that all comments are made via our website in the first instance but we also accept emails and letters.
- 4.16 When commenting on an application, it is important to provide:
- Planning application reference number
  - Address of the site
  - Your name and address
- 4.17 Your comments will appear publicly on the planning application's webpage. All personal information such as telephone numbers, emails and signatures will be redacted, however addresses and names will be shown for transparency purposes.

- 4.18 Comments made on a planning application are not transferred to a subsequent consultation or to a new planning application (although if an amendment is made to a current application, comments originally submitted are taken into account and do not need to be made again). However, if a new planning application is submitted on the same application site as a previous application, you will need to resubmit your comments for consideration. Please note that we don't acknowledge or respond to comments directly, due to the high numbers we receive.
- 4.19 When commenting on planning applications, it is important to comment on issues which are [material planning considerations](#) as we can only take those into account. These are more likely to help shape the outcome of the application. Examples of material considerations are shown in Appendix I.
- 4.20 In accordance with our Customer Service Standards and equality policy, we will not tolerate comments that contain abusive, offensive or derogatory language, or those related to a personal circumstance not directly related to the application. Any comments submitted to us in this manner will not be published nor considered.
- 4.21 Once a planning application is registered and allocated to a planning officer, the application will be publicised online and appropriate parties will be notified. Parties have a minimum of 21 days to comment<sup>9</sup>. All comments must be made in writing, preferably through our website, or by email, or if this is not possible then by letter, within:
- 21 days from the date of our notification letter, or
  - 21 days from the date of a press notice or site notice appearing.
- 4.22 Due to the volume of correspondence we receive, it is not possible to respond to or discuss individual comments that we receive on planning applications, however a summary of these and the officers' responses are provided in the officer report, published on the relevant planning application page.

### **Decisions on planning applications**

- 4.23 Decisions on planning applications will be determined in accordance with the decision-making processes set out in our constitution, in the [Council's Planning Protocol](#)

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<sup>9</sup> This period is set out in Article 15 of the Town and County Planning (Development Management Procedure) Order.

- 4.24 The constitution sets out how we operate, how decisions are made and the procedures that are followed to ensure that we are efficient, transparent and accountable.
- 4.25 Time periods for determination are set out in [law](#) but the time limit is usually:
- 8 weeks for most planning applications
  - 13 weeks for ‘major’ (larger) developments
  - 16 weeks for applications that need an Environmental Impact Assessment.
- 4.26 If more time is needed to determine an application, an ‘extension of time’ can be agreed between the planning officer and the applicant.

### Planning Committees

- 4.27 All planning applications are allocated to a case officer who will assess the application and make a recommendation on whether the application should be approved or refused. Most applications are determined under delegated powers, which means the applications do not need to go to a planning committee for a decision. However, some larger and / or complicated planning applications will need to be determined by a planning committee. The planning committee, which comprises elected councillors, has a duty to decide planning and other development-related applications. Elected members can also call in applications to be decided at planning committee in accordance with our [Planning Protocol](#).

### Speaking at Planning Committee

- 4.28 If an application that you have commented on is due to go to a planning committee for a decision, we will write to you and invite you to speak or submit a statement for the meeting in line with our [Speaking at Planning Committee Guidelines](#). Each speaker, or group of speakers, can speak for up to five minutes on each application site.
- 4.29 Agenda papers are published on our website five working days before the committee meeting. If you wish to speak or submit a statement at the meeting, please contact the Democratic Services Officer using the contact details provided or alternatively you can complete the online [self serve form](#).

### Planning Appeals

- 4.30 If a planning application is refused, the applicant can either re-apply for planning permission with an alternative scheme, or they can appeal against the decision. Applicants also have the right to appeal against non-

determination, if we have not determined the application within the statutory time limits. It is also possible to appeal against any planning condition imposed on a planning permission. Appeals are made to the Government's Planning Inspectorate (PINS).

- 4.31 Only the person who applied for planning permission, or was served with an enforcement notice, has a legal right to appeal (known as the appellant). There is no right of appeal for interested people or organisations (known as third parties).
- 4.32 There is planning practice guidance on [appeals](#) available online that provides useful information about the appeals process.
- 4.33 If an appeal is made, we will notify the interested parties of the appeal and provide information on how and when to respond to the Planning Inspectorate. You can view current appeals on the Planning Inspectorate's Appeals Casework Portal.

#### **Section 106 (Planning Obligations)**

- 4.34 A Section 106 is a legal agreement between us and developer(s) and / or landowner(s) to raise money to provide affordable housing or to fund infrastructure if it is needed to support development.
- 4.35 We draw up a Section 106 agreement before we grant planning permission, so the developer is legally bound to deliver the affordable housing or other infrastructure we have agreed. Money is collected from the developer or works are provided on site once the planning permission is implemented and when certain points in the agreement have been met.
- 4.36 We do not consult on Section 106 agreements. However, we work with Town and Parish Councils and local district councillors as well as other technical consultees, to find out which community facilities may be impacted by new development or that require investment as a result of the development. We also publish an Annual Infrastructure Funding Statement.

#### **Pre-application advice**

- 4.37 We encourage developers to carry out pre-application consultation with us when they are preparing an application. We will discuss the need for community involvement with applicants and agents at the pre-application stage for significant proposals. Early engagement can help to identify and resolve issues before the application is submitted.
- 4.38 On significant proposals developers are asked to:

- i. Submit a consultation programme at pre-application discussions with us. The programme will show who will be consulted, and how they will be consulted, together with full details of the meetings/events proposed;
- ii. Notify neighbours of the site of the proposal;
- iii. Carry out the agreed consultation programme prior to submitting the planning application;
- iv. Submit a Public Consultation Statement at the same time as the planning application. The statement will set out the results of the agreed consultation;
- v. Notify all of those engaged in the pre-submission process of the submission of the application;
- vi. Certify that they have notified people; and
- vii. Advise people involved in pre-submission process of any significant changes made between proposals put forward at the pre-application stage and the submitted application.

4.39 For the purposes of this statement a significant proposal is defined as:

- Industrial, office, retail, and community development in excess of 10,000 m<sup>2</sup>;
- Warehouse development **in excess of 20,000 m<sup>2</sup>**;
- Applications requiring the submission of an Environmental Impact Assessment;
- All housing of more than **100 houses**;
- All major applications which are also departures to the development Plan.

### **Planning Enforcement**

4.40 When a person carries out development without planning permission we consider what action to take. Although we investigate allegations, the decision on whether to take formal action is discretionary.

4.41 If we find a breach of planning control has occurred, we can consider enforcement action. However, before such action is taken, we will give the person an opportunity to put things right. This could involve us asking for a new retrospective planning application at which point public consultation will happen.

4.42 If no application is made and the breach is deemed to be harmful in planning terms, then formal action will be considered. We have several tools we can use including enforcement notices and high court

injunctions. However, our action needs to be proportionate to the breach that has taken place and formal action is a last resort. Further details on our approach to addressing planning enforcement matters can be found on our [website](#) where you can report a suspected unauthorised development or breach of planning permission.

### **Complaints**

- 4.43 Should customers wish to make a complaint, in the first instance they are encouraged to talk to the officer concerned, or failing this, the Planning Manager (Development Management). If you are still unhappy, then we have a corporate complaints procedure which can be used. Information is available on our website, and you should visit [Compliments, comments and complaints](#)
- 4.44 The [Local Government Ombudsman](#) investigates complaints of injustice arising from maladministration. They can investigate complaints about how we have done something, but cannot question what we have done simply because someone does not agree with it. You must give us an opportunity to deal with a complaint against it first (see above). If you are unhappy with the action we take then you can write to the Ombudsman.
- 4.45 You may also have other ideas that you want to suggest about how we can better engage with you in respect of planning applications and if so please let us know what they are.

## Appendices

- A) Full list of SCBs
- B) Key Stages of the Development Plan process
- C) Key stages of the Supplementary Planning Document process
- D) Key stages of the Growth Plan process
- E) 5 Key stages of Neighbourhood Plan Preparation
- F) Key stages of a Neighbourhood Development Order
- G) The Planning Application process
- H) Site notice
- I) Material considerations as found on the Planning Portal
- J) Newspaper coverage of the district

## Appendix A - Full list of SCBs

- Any relevant authority any part of whose area is in or adjoins the local planning authority's area\*
- The Coal Authority;
- Electricity Companies;
- The Environment Agency;
- Gas Companies;
- National Highways;
- The Historic Buildings and Monuments Commission for England (known as Historic England);
- The Homes and Communities Agency;
- The Marine Management Organisation;
- Natural England;
- Network Rail Infrastructure Limited;
- The Primary Care Trust;
- Sewerage Companies;
- Telecommunications Companies;
- Water Companies; and
- A neighbourhood forum, any part of whose area is in or adjoins Bolsover district.

\*Relevant authorities include:

- Amber Valley Borough Council;
- Ashfield District Council;
- Bassetlaw District Council;
- Chesterfield Borough Council
- Derbyshire County Council;
- Mansfield District Council;
- North East Derbyshire District Council;
- Nottinghamshire County Council;
- Rotherham Metropolitan Borough Council;
- any Parish Council whose area is in or adjoins Bolsover district
- the local policing body

Although not a Specific Consultation Body, government departments or agencies are also often consulted or notified as appropriate.



## Appendix B

### Stages of plan development and community involvement in respect of local plans

<b>DETAILED STAGES OF PLAN DEVELOPMENT AND COMMUNITY INVOLVEMENT IN RESPECT OF LOCAL PLANS</b>
<b>Stage 1 – Early Community Engagement and Evidence Gathering</b>
<p><b>We will:</b></p> <ul style="list-style-type: none"><li>• Issue a press release to appropriate local newspapers, and place an article on our website on the subject of the plan.</li><li>• Contact people on the Local Plan consultation database<sup>10</sup> either by letter or email seeking views on the new plan, and what topics / issues you think the plan should address.</li><li>• Make copies of any documents, including key background papers available for you to view on the website, and at contact centres and libraries in the district.</li><li>• Hold open participation meetings / exhibitions to meet planners and discuss issues (the number and locations will depend on the subject of the plan).</li></ul> <p><b>You can:</b></p> <ul style="list-style-type: none"><li>• Contact us to discuss any issues before responding.</li><li>• Let us know your views.</li></ul> <p>Ask to be added to our Local Plan consultation database to be notified of future consultation by contacting the Planning Policy team.</p>
<b>Stage 2 – Building on Engagement</b>
<p><b>We will:</b></p> <ul style="list-style-type: none"><li>• Record all representations made. Consider them carefully, and take them into account in the further preparation of the Local Plan</li><li>• Publish summaries of the representations and responses on our website.</li></ul> <p><b>You can:</b></p> <ul style="list-style-type: none"><li>• See our response to representations.</li><li>• See what other representations have been made, and our initial response(s).</li></ul>
<b>Stage 3 – Preparation of Local Plan Documents</b>
<p><b>We will:</b></p> <ul style="list-style-type: none"><li>• Prepare the next version of the plan, including: a submission policies map if a new one is needed; a Sustainability Appraisal; and a statement setting out full details of consultation undertaken so far, and our response(s).</li></ul> <p>There is no formal consultation at this stage. The details above have been set out to show the process of plan development.</p>

<sup>10</sup> This will include Specific Consultation Bodies; General Consultation Bodies; other stakeholders; and the Local Strategic Partnership – see section 9 below for further details.

#### **Stage 4 - Publication**

##### **We will:**

- Publish the plan, in what we think should be the final version, together with any associated documents, for example the Sustainability Appraisal and policies map, together with details of the consultation undertaken so far and our response to the key points made to date.
- Write to or email the people on the Local Plan consultation database and let them know where they can see a copy of the document(s).
- Hold a formal public consultation of not less than 6 weeks.
- Issue a press release setting out details of when and where the plan and associated documents can be viewed.
- Publish details of when and where the plan and associated documents can be viewed on our website.
- Make copies of the plan and associated documents available to look at and comment on: on our website; at the main council offices; customer contact centres; and at local libraries.
- Prepare a form for replies so that people can respond easily, and we can contact them if required.
- Listen to what people have to say.

##### **You can:**

- Contact us to discuss any issues before responding.
- Let us know your views in writing or by electronic communication
- Let us know if you would like to be notified of:
  1. When the plan is submitted for examination.
  2. When the recommendations of the inspector are published.
  3. When the plan is adopted.

#### **Stage 5 – Consideration of the points made in representations**

##### **We will**

- Consider the points made by everyone who responded to the consultation.
- Prepare our response to the key points made in representations.
- Prepare a Statement of Consultation giving a summary of the main issues raised by the representations.
- Make any amendments to the draft plan.
- Exceptionally, if the representations raise significant major issues, we may withdraw the plan and return to Stage 3.

There is no formal consultation at this stage. The details above have been set out to show the process of plan development.

## **Stage 6 – Submission to the Secretary of State**

### **We will**

- Send the plan, together with any associated documents, for example the Sustainability Appraisal and Policies Map, to the Secretary of State.
- Also send a statement of: who has been consulted; how they were consulted; the main points made; and how representations made have been taken into account; and how the requirements of this Statement of Community Involvement have been met.
- Make copies of the above information available on our website, our main Council offices, at contact centres and libraries in the district.
- Write to or email the people on the Local Plan consultation database and let them know that the documents have been submitted, and where they can access copies of them.
- Inform people who asked to be notified of the submission of the plan to the Secretary of State that the Plan has been submitted.

## **Stage 7 – Independent Examination and Public Hearing**

An Inspector appointed by the Government will carry out an independent examination into the soundness of the plan. Before this takes place

### **We will:**

- Publish on our website, and make available at our main offices; customer contact centres; and libraries; details of the date, time, and place of the Hearing, together with the name of the Inspector.
- Notify anyone who made representations under Stage 4 and has not withdrawn them of details of the examination.

### **You can:**

- If you made written comments about the plan at Stage 4, you can appear at the Hearing to speak in support of or against issues in the plan.

## **Stage 8 – Following the Hearing**

Once the Hearing has taken place, the Inspector will prepare a report setting out his views on the plan, and recommendations.

### **We will:**

- Publish the Inspector's recommendations on our website and make copies available at our main offices; customer contact centres; and libraries.
- Notify anyone who asked at Stage 4 of the publication of the recommendations.

### **You can:**

- View the Inspector's recommendations.

## **Stage 9 - Adoption**

We will consider the Inspector's recommendations and make any appropriate

changes.

**We will:**

- Adopt the plan.
- Publish the adopted plan and associated documents on our website and make copies available at our main offices; customer contact centres; and libraries.
- Notify anyone who asked at stage 4 that the plan has been adopted.

**You can:**

- View the adopted plan and associated documents.

**Stage 10 - Review**

**We will:**

- Set targets and monitor the performance of the plan to ensure it is effective, and meeting its objectives.

**You can:**

- View the monitoring reports to see what the plan is achieving for your community, and how the policies are performing.

## Appendix C

### Key stages of SPD preparation

<b>STAGES OF DOCUMENT DEVELOPMENT AND COMMUNITY INVOLVEMENT IN SUPPLEMENTARY PLANNING DOCUMENTS (SPD)</b>
<b>Stage 1 – Early Community Engagement and Evidence Gathering</b>
<p><b>We will:</b></p> <ul style="list-style-type: none"><li>• Issue a press release to the Local Press, and place an article on the Council’s website on the subject of the SPD.</li><li>• Collect information, including recent studies to create an up to date evidence base on the topic.</li><li>• Collate information from people / groups / organisations on the subject of the SPD. This will involve using the most appropriate methods of community involvement set out in section 11 below proportionate to the geographic area and topic of the SPD as appropriate.</li></ul> <p><b>You can:</b></p> <ul style="list-style-type: none"><li>• Let us know your views.</li></ul> <p>Ask to be notified of future consultations on this topic by contacting the planning policy team.</p>
<b>Stage 2 – Preparation of a draft Supplementary Planning Document</b>
<p><b>We will:</b></p> <ul style="list-style-type: none"><li>• Prepare a draft version of the SPD using the information collected at stage 1, and a statement setting out who we have consulted, the main issues they raised, and how these issues have been addressed in the SPD.</li></ul> <p>There is no formal consultation at this stage. The details above have been set out to show the process of how documents are prepared.</p>
<b>Stage 3 – Consultation on the draft Supplementary Planning Document</b>
<p><b>We will:</b></p> <ul style="list-style-type: none"><li>• Hold a formal public consultation of a minimum of 4 weeks.</li><li>• Make the draft SPD and associated documents available to view and comment on via the Council’s website, and at the Council’s main office; customer contact centres; and, libraries.</li><li>• Write to or email people with an interest in the topic(s) in the SPD.</li><li>• Listen to the comments you make.</li></ul> <p><b>You can:</b></p> <ul style="list-style-type: none"><li>• Write or e-mail, and let us know your views.</li></ul>
<b>Stage 4 – Consideration of the points made in representations</b>
<p><b>We will:</b></p> <ul style="list-style-type: none"><li>• Consider the points made by everyone who responded to the</li></ul>

consultation.

- Make any appropriate amendments to the draft document.

There is no formal consultation at this stage. The details above have been set out to show the process of how documents are prepared.

### **Stage 5 - Adoption**

#### **We will:**

- Adopt the Supplementary Planning Document.
- Make the adopted Supplementary Planning Document and associated documents available to view on the Council's website, at the main council offices; customer contact centres; and, libraries.
- Notify anyone who asked to be notified of the adoption of the Supplementary Planning Document.

## Appendix D

### Key stages of Growth Plan preparation

<b>STAGES OF DOCUMENT DEVELOPMENT AND COMMUNITY INVOLVEMENT IN GROWTH PLANS</b>
<b>Stage 1 – Early Community Engagement and Evidence Gathering</b>
<p><b>We will:</b></p> <ul style="list-style-type: none"><li>• Issue a press release to the Local Press, and place an article on the Council’s website on the subject of the Growth Plan. .</li><li>• Collect information, including recent studies to create an up to date evidence base on the topic.</li><li>• Collate information from people / groups / organisations on the subject of the Growth Plan. This will involve using the most appropriate methods of community involvement set out in section 11 below proportionate to the geographic area of the Growth Plan as appropriate.</li></ul> <p><b>You can:</b></p> <ul style="list-style-type: none"><li>• Let us know your views.</li></ul> <p>Ask to be notified of future consultations on this topic by contacting the Planning Policy team.</p>
<b>Stage 2 – Preparation of a draft Growth Plan</b>
<p><b>We will:</b></p> <ul style="list-style-type: none"><li>• Prepare a draft version of the Growth Plan using the information collected at stage 1, and a statement setting out who we have consulted, the main issues they raised, and how these issues have been addressed in the preparation of the draft Growth Plan.</li></ul> <p>There is no formal consultation at this stage. The details above have been set out to show the process of how documents are prepared.</p>
<b>Stage 3 – Consultation on the draft Growth Plan</b>
<p><b>We will:</b></p> <ul style="list-style-type: none"><li>• Hold a formal public consultation of a minimum of 4 weeks.</li><li>• Make the draft Growth Plan and any associated documents available to view and comment on via the Council’s website, and at the Council’s main office; customer contact centres; and, libraries.</li><li>• Write to or email people with an interest in the preparation of the Growth Plan.</li><li>• Listen to the comments you make.</li></ul> <p><b>You can:</b></p> <ul style="list-style-type: none"><li>• Write or email, and let us know your views.</li></ul>

**Stage 4 – Consideration of the points made in representations****We will:**

- Consider the points made by everyone who responded to the consultation.
- Make any appropriate amendments to the draft document.

There is no formal consultation at this stage. The details above have been set out to show the process of how documents are prepared.

**Stage 5 - Adoption****We will:**

- Adopt the Growth Plan.
- Make the adopted Growth Plan and associated documents available to view on the Council's website, at the main council offices; customer contact centres; and, libraries.
- Notify anyone who asked to be notified of the adoption of the Growth Plan.



## Appendix - E

### Key stages in preparing a Neighbourhood Plan

#### 1. We approve a Neighbourhood Area Application (Regulation 6).

This stage includes public consultation for at least four weeks (unless application relates to more than one Parish / Town area, then the period for representations must be at least six weeks). Once the Neighbourhood Area is approved by the council work can start on preparing a neighbourhood plan.

#### 2. Pre - submission Consultation (Regulation 14)

This stage consists of a public consultation for a minimum of six weeks on the draft neighbourhood plan. The plan may then be amended as a result of comments received during consultation before submission to us.

#### Publication of Neighbourhood Plan (Regulation 16)

This stage consists of a public consultation for a minimum of six weeks on the neighbourhood plan. The plan is then sent to an independent examiner.

#### 3. Examination of the Neighbourhood Plan

The plan is examined by an independent examiner. During the examination process the examiner will review the comments submitted during the Regulation 16 consultation.

#### 4. Referendum on the Neighbourhood Plan

A local referendum is held where voters can decide whether they wish to support the Neighbourhood Plan. At least half of the voters must vote 'yes' for the plan to be 'made' i.e. adopted by the Council.

## Appendix F

### Key Stages in preparing a Neighbourhood Development Order

1. Pre-submission consultation on draft Order (Regulation 21)

Minimum 6 week consultation on the Draft Order

2. Publication of Order (Regulation 23)

Minimum 6 week consultation on the Order. The Order is then sent to an independent examiner.

3. Examination of the Order

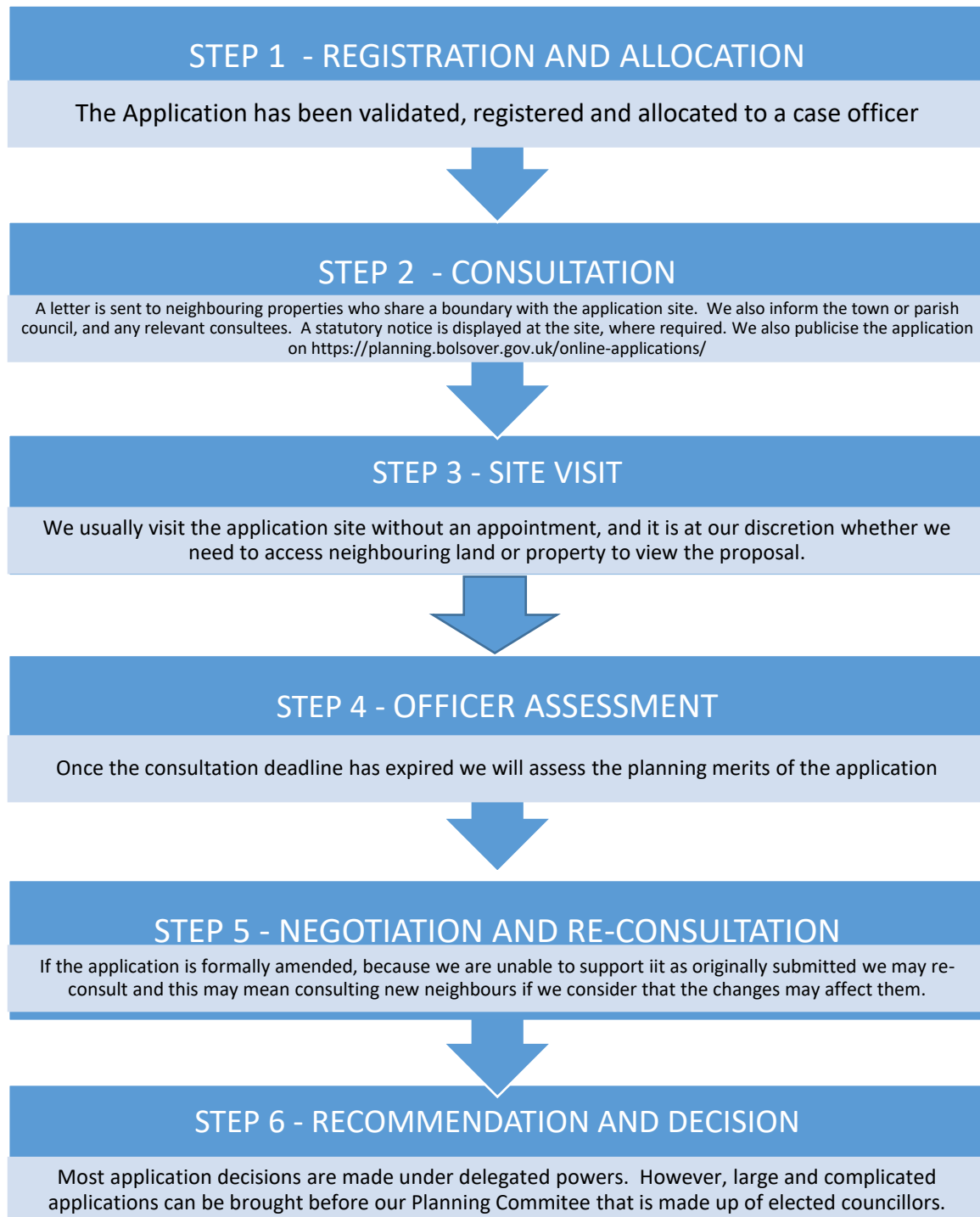
During the Examination process the examiner will review the comments submitted during the Regulation 23 consultation.

4. Referendum on the Order

A local referendum is held where voters are asked if they will support the Order. At least half of the voters must vote 'yes' for the Order to be 'made' i.e. adopted by the Council.

## Appendix G

### The Planning Application Process





## Appendix I

### Material Considerations

A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. Material considerations can include (but are not limited to):

- Overlooking/loss of privacy
- Loss of light or overshadowing
- Parking
- Highway safety
- Traffic
- Noise
- Effect on listed building and conservation area
- Layout and density of building
- Design, appearance and materials
- Government policy
- Disabled persons' access
- Proposals in the Development Plan
- Previous planning decisions (including appeal decisions)
- Nature conservation

However, issues such as loss of view, or negative effect on the value of properties are not material considerations. And neither are :- Breach of private covenant; Loss of trade to a competitor; Level of profit a developer might make; Personal circumstances of the applicant (other than in exceptional cases); Character of the applicant; Nuisance caused by building works; Moral objections (e.g. to uses such as amusement arcades and betting offices); Boundary or neighbour disputes; Conflict with private access.

## Appendix J

### Newspaper coverage of the district

#### Mansfield Chad – (Wednesday)

Covering: - Whaley Thorns, Nether Langwith, Upper Langwith, Langwith Junction, Langwith, Shirebrook, New Houghton, Stony Houghton, Pleasley and Whaley.

#### Worksop Guardian - (Friday)

Covering:- Elmton with Creswell, Whitwell, Belp, Bakestone Moor, Hodthorpe and Steetly.

#### Derbyshire Times - (Thursday)

Covering:- Ault Hucknall, Hardstoft, Astwith, Stainsby, Glapwell, Rowthorne, Bramley Vale, Palterton, Pinxton, Scarcliffe, Hillstown, Bolsover, Shuttlewood, Stanfree, Clowne, Barlborough, Doe Lea, Spinkhill, Tibshelf, Newton, Blackwell, Hilcote and South Normanton.