

Public Document Pack



**North East
Derbyshire**
District Council

Contact: Alan Maher
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Date: Wednesday, 21 June 2023

To: **Members of the Cabinet**

Please attend a meeting of the Cabinet to be held on **Thursday, 29 June 2023, at 4.00 pm in the District Council Offices, Mill Lane, Wingerworth, Chesterfield, S42 6NG.**

The meeting will also be live streamed from the Council's website on its You Tube Channel. Click on the following link if you want to view the meeting:

[North East Derbyshire District Council - YouTube](#)

Yours sincerely

Assistant Director of Governance and Monitoring Officer

<u>Cabinet Members</u>	
Councillor N Barker (Chair) Councillor J Birkin Councillor S Pickering	Councillor J Barry Councillor P Kerry (Vice-Chair) Councillor K Rouse

For further information about this meeting please contact Alan Maher 01246 217391

Notice of Meeting to be held in Private

It is intended that part of this meeting will be held in private under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The matters to be considered in private are listed under the heading Private Session. The categories of exempt information that are likely to be disclosed during the discussion of these items, as defined in Part 1 of Schedule 12A to the Local Government Act 1972, are listed below each item.

No representations have been received requesting that these items be open to the public.

A G E N D A

1 Apologies for Absence

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

3 Minutes of the Last Meetings (Pages 6 - 12)

To approve as a correct record and the Leader to sign the attached Minutes of the meeting of Cabinet held on 2 March 2023.

To approve as a correct record and the Leader to sign the attached Minutes of the special meeting of Cabinet held on 25 May 2023.

4 Planning / Environmental Enforcement Scrutiny Review (Pages 13 - 28)

Report of the previous Administration's Organisation Scrutiny Committee

5 Engagement with Business Scrutiny Review (Pages 29 - 42)

Report of the Previous Administration's Growth Scrutiny Committee

6 Leisure Provision for Older Residents Scrutiny Review (Pages 43 - 57)

Report of the Previous Administration's Communities Scrutiny Committee

7 Adoption of the Revised Statement of Community Involvement (SCI) (Pages 58 - 109)

Report of Councillor S Pickering, Portfolio Holder for Environment and Place.

8 Urgent Items (Public)

To consider any other matter which the Leader is of the opinion should be considered as a matter of urgency, in accordance with the provisions of Statutory Instrument 2012 No 2089, Regulation 11.

9 Exclusion of Public

The Leader to move:-

That the public be excluded from the meeting during the discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006). [The category of exempt information is stated after each item].

Private Session

10 Purchase of Property in North Wingfield (Pages 110 - 117)

Report of Councillor N Barker, Leader of the Council and Portfolio Holder for Strategic Leadership and Finance

Key Decision

Paragraphs 3 and 5

11 Housing at North Wingfield (Whiteleas) Development (Pages 118 - 123)

Report of Councillor N Barker, Leader of the Council and Portfolio Holder for Strategic Leadership and Finance.

Exempt Decision

Paragraph 3

12 Urgent Items (Private)

To consider any other matter which the Leader is of the opinion should be considered as a matter of urgency, in accordance with the provisions of Statutory Instrument 2012 No 2089, Regulations 5 and 11.

Access for All statement

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CABINET

MINUTES OF THE MEETING HELD ON THURSDAY, 2 MARCH 2023

Present:

Councillor Alex Dale (Chair) (in the Chair)
Councillor Charlotte Cupit (Vice-Chair)

Councillor Jeremy Kenyon

Councillor Alan Powell

Also Present:

M Broughton	Director of Growth and Assets
J Dethick	Director of Finance and Resources & (Section 151 Officer)
K Drury	Information Engagement & Performance Manager
L Ingram	Legal Team Manager & Deputy Monitoring Officer
L Pepper	Housing Strategy and Homelessness Manager
A Maher	Interim Governance Manager
T Scott	Governance and Scrutiny Officer

CAB/ Apologies for Absence

59/2

2-23 An apology for absence was received from Councillor C Renwick.

With the agreement of the Chair, Councillor M Foster contributed to the meeting virtually through the electronic Conference Call system. He did not participate in the decisions taken by Cabinet.

CAB/ Declarations of Interest

60/2

2-23 There were no Declarations of Interest.

CAB/ Minutes of Last Meeting

61/2

2-23 RESOLVED - That the Minutes of the meeting held on 26 January 2023 were approved as a true record.

CAB/ Medium Term Financial Plan Budget Monitoring Report April - December 2022

62/2

2-23

Members were informed that the purpose of the monitoring report was to update Cabinet on the financial position of the Council at Quarter 3.

Appendices 1 and 2 summarised the General Fund position

The General Fund was £117,000 under spent at Quarter 3. The main variances were detailed in the report at 2.4 – 2.6. Variances at Quarter 3 were generally not material in nature as they were measured against the recently revised budget. Pay budget savings made up a large proportion of the under spend. Income was lower than forecast at the newly opened Killamarsh Active, but this was covered by savings in pay costs.

It was noted at 2.3 in the report that the shortfall in the revised budget of £343,000 would be reduced by the Quarter 3 underspend to £226,000, reducing the resilience on reserves.

There were very few variances of note on the HRA so Members were pointed to Appendix 3 which provided the Quarter 3 position.

Appendix 4 detailed the capital expenditure incurred on a scheme by scheme basis. Details of variances were included at 2.15 in the Appendix.

Appendix 5 provided a report on the Treasury Management activity for Quarter 3.

Members discussed the report. They welcomed the effective financial management and the savings which had been achieved. They emphasised the important contribution that achieving these savings would make towards helping the Council to maintain its services to the District and its communities.

RESOLVED - That Cabinet noted the quarter three budget monitoring position outlined in the report.

REASONS FOR DECISION - To inform Cabinet of the financial position of the Council following the third quarter's Budget Monitoring exercise for the General Fund, the Housing Revenue Account, Capital Programme and Treasury Management activity.

OTHER OPTIONS CONSIDERED AND REJECTED - None. The report provided information about the financial position against the Council's previously approved budget.

CAB/ Council Plan Targets Performance Update - October to December 2022

63/2

2-23

The report to Cabinet updated Members on the outturns against the Council Plan 2019-2023 performance targets.

Cabinet heard progress updates on all performance targets with a focus on any underperforming. Cabinet discussed the general status and were pleased with the progress.

RESOLVED - That Cabinet noted outturns against the Council Plan 2019-2023 targets.

REASONS FOR DECISION - This was an information report to keep Members informed of progress against the Council Plan targets.

OTHER OPTIONS CONSIDERED AND REJECTED - Not applicable to this report as it was providing an overview of performance against agreed targets.

CAB/ North East Derbyshire Local Development Scheme 2023

64/2

2-23

Cabinet considered a proposal to adopt an interim Local Development Scheme (Appendix A to the report) to be brought in to effect on 6 March 2023 and to make

the scheme publicly available on the Council's website.

Cabinet heard how the Council last updated its Local Development Scheme in September 2018 to reflect a revised timetable for the later stages of the preparation of the then emerging Local Plan. The North East Derbyshire Local Plan was adopted in November 2021, so the information in the current published Local Development Scheme was out of date, and Councils had a statutory requirement to maintain an up-to-date Local Development Scheme.

Members supported the proposal because it would keep the Council in line with other Councils who had an up-to-date Local Development Scheme.

RESOLVED - That the interim Local Development Scheme be brought into effect on 6 March 2023 and published on the Council's website.

REASONS FOR DECISION - This was a need to publish an up to date LDS to meet statutory requirements.

OTHER OPTIONS CONSIDERED AND REJECTED - The preparation of a LDS is a statutory requirement and there are no reasonable alternative options.

CAB/ Urgent Items (Public)

65/2

2-23 None.

CAB/ Exclusion of Public

66/2

2-23 RESOLVED – That the public be excluded from the meeting during the discussion of the following item(s) of business to avoid the disclosure to them of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006).

CAB/ Management of Corporate Debt - Write Off of Outstanding Amounts

67/2

2-23 Cabinet considered a proposal to the write off of debts in respect of rents, council tax and business rates as detailed in Appendix 1 to the report.

Members supported the proposal because they felt it struck the balance between collecting as much debt as possible, but not committing resources to debt that was unobtainable.

RESOLVED - That Cabinet agreed to the proposed write off of debts in respect of rents, council tax and business rates as detailed in Appendix 1 to the report.

REASONS FOR DECISION – All available options to recover this debt had been explored with write off being the final option in the debt management process.

OTHER OPTIONS CONSIDERED AND REJECTED – These were outlined in the main body of the report.

CAB/ 68/2 **Compulsory Purchase Order - Empty Property**

2-23 Cabinet considered a proposal to make a Compulsory Purchase for 72 Hilltop Road, Dronfield, which was a long-term empty property.

Members discussed the reasons for the proposed Compulsory Purchase Order and the benefits that this would have for the local community.

RESOLVED - That Cabinet agreed:

- (1) To make the North East Derbyshire District Council (72 Hilltop Road, Dronfield) Compulsory Purchase Order 2023 (the "CPO") under section 17 of the Housing Act 1985 of land and rights within the area edged red on the Order Map (the Order Land) at Appendix 2 for the purposes of enabling the refurbishment of the Property for one of the purposes set out in section 17(1) of the Housing Act 1985 and
- (2) That the Director of Finance and Resources (S151 Officer) in consultation with the Assistant Director of Governance and Monitoring Officer be authorised to effect the making, confirmation, and implementation of the CPO and to take all necessary steps to give effect to the CPO in respect of the Order Land included, but not limited to, the following procedural steps:
 - a) finalising the Statement of Reasons (at Appendix 1) setting out the Council's reasons for making the CPO;
 - b) making the CPO, the publication and service of any press, site and individual notices and other correspondence for such making;
 - c) acquiring all interests and new rights within the Order Land as may be necessary to facilitate the redevelopment of the Property either by agreement or compulsorily, including entering into negotiations with any third parties for the acquisition of their land interests; the payment of compensation and dealing with any blight notices served in connection with the CPO;
 - d) approving agreements with landowners or statutory undertakers as applicable, setting out the terms for withdrawal of any objections to the CPO, including where appropriate seeking exclusion of land from the CPO;
 - e) making any necessary additions, deletions, or amendments to the Order Land and to seek any requisite modifications to the CPO Order and any CPO Order Map.
 - f) the preparation and presentation of the Council's case at any Public Inquiry which may be necessary.
 - g) seeking confirmation of the CPO by the Secretary of State (or, if permitted, by the Council pursuant to Section 14A of the Acquisition of Land Act 1981) (the 1981 Act);

- h) publication and service of notices of confirmation of the CPO and thereafter to execute and serve any general vesting declarations and/or notices to treat and notices of entry, and any other notices or correspondence to acquire those interests within the area, including, if required, High Court Enforcement Officer notices; and
 - i) referral and conduct of disputes, relating to compulsory purchase compensation, to the Upper Tribunal (Lands Chamber).
- (3) That the Director of Finance & Resources (S151 Officer) in conjunction with the Portfolio Holder for Housing and Communities be authorised to further appraise and consider potential options for the use or disposal of the specified long-term empty property and associated land following its purchase and to determine and implement the most appropriate option.

REASONS FOR DECISION – To achieve both a quantitative and qualitative housing gain to an area of the District, providing an additional unit or units of residential accommodation that could be occupied and significantly increasing the amenity of the Property and the residential area surrounding it.

Failure to secure the CPO would result in further dilapidation to the Property and further complaints from local residents, and the CPO would enable the Property to be brought back into use, either as one or two dwellings.

OTHER OPTIONS CONSIDERED AND REJECTED – Other options were considered but rejected for the reasons specified in the report. One of the alternative options considered was to not proceed with the CPO and to continue to work with the executor.

CAB/ Urgent Items (Private)

69/2

2-23 None.

CABINET

MINUTES OF THE SPECIAL MEETING HELD ON THURSDAY, 25 MAY 2023

Present:

Councillor Nigel Barker (Chair)
Councillor Pat Kerry (Vice-Chair)

Councillor Joseph Birkin
Councillor Kathy Rouse

Councillor Stephen Pickering

Also Present:

J Dethick	Director of Finance and Resources & (Section 151 Officer)
L Hickin	Managing Director - Head of Paid Service
S Sternberg	Assistant Director of Governance and Monitoring Officer
A Maher	Governance Manager

CAB/ Apologies for Absence

1/23-

24 Apologies were received from Councillor J Barry.

CAB/ Declarations of Interest

2/23-

24 None.

CAB/ Urgent Items (Public)

3/23-

24 None.

CAB/ Exclusion of the Public

4/23-

24 RESOLVED –

That the public be excluded from the meeting during the discussion of the following item(s) of business to avoid the disclosure to them of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006.

CAB/ Development Company Update

5/23-

24 The report to Cabinet explained the measures taken in relation to the Council's Development Company, Northwood, since September 2022. The report also set out specific recommendations on future actions, which Members were asked to endorse. It was explained that an appraisal of options had now taken place. Following on from this appraisal it had become apparent that immediate action would be required to avoid delay and so ensure that the preferred option could be delivered.

Cabinet discussed the measures which had been taken since September 2022, the specific recommendations for future action which had been proposed and the reasons why they should be progressed. At the conclusion of the discussion Members indicated their support for the proposed approach.

RESOLVED –

That Cabinet delegated power to the Managing Director, in consultation with the Leader, to enter and amend any agreements associated with Northwood, to facilitate:

1. The sale of the Council's Northwood shares as set out in the report.
2. Agree the shareholder financial settlement with Woodhead Regeneration, as set out in the report.
3. Agree changes to existing loan arrangements and associated documents to align repayments as set out in the report and secure outstanding or deferred payments appropriately.
4. Agree changes to the land sale agreement, as required.

REASONS FOR DECISION – To deliver the original outcomes and outputs as set out in the report.

OTHER OPTIONS CONSIDERED AND REJECTED – These were outlined in the main body of the report.

(Paragraphs 3 and 5)

CAB/ **Urgent Items (Private)**
6/23-
24 None.

North East Derbyshire District Council

Cabinet

29 June 2023

Planning and Environmental Enforcement Scrutiny Review

Report of the previous Administration's Organisation Scrutiny Committee

Classification: This report is public

Report By: Damon Stanton – Senior Scrutiny Officer

Contact Officer: Damon Stanton – damon.stanton@ne-derbyshire.gov.uk / 01246 217011

PURPOSE / SUMMARY

To ask Cabinet to approve the recommendations of the Organisation Scrutiny Committee's review into Planning/Environmental Enforcement.

RECOMMENDATIONS

That the Council:

1. Provides training to Councillors and Parish Councils on Planning Enforcement, and distributes the Planning Enforcement service progress reports that Planning Committee receives to all Members following training;
2. Monitors year on year increases in cases to assess whether an additional post in the Planning Enforcement Team is required
3. Explores ways of reducing cases being received via email and instead channels complaints through the online 'report it' function with a view to closing down public complaints to the email channel if possible. This was to ensure that there was one point of contact, that complaints were not missed, and that expectations of the service were clearly explained and communicated; and
4. Reviews the Local Enforcement Plan to remove impracticalities and make it consistent.

IMPLICATIONS

Finance and Risk: Yes ☐ No ☐

Details:

This will be determined if Cabinet decide to accept the Scrutiny Review recommendations as part of the Lead Officer response.

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes ☐

No ☐

Details:

This will be determined if Cabinet decide to accept the Scrutiny Review recommendations as part of the Lead Officer response.

On Behalf of the Solicitor to the Council

Staffing: **Yes** ☐

No ☐

Details:

This will be determined if Cabinet decide to accept the Scrutiny Review recommendations as part of the Lead Officer response.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet <input checked="" type="checkbox"/> SMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details:

Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 The Organisation Scrutiny Committee agreed to undertake a review into Planning/Environmental Enforcement, as part of its work programme for 2022/23.
- 1.2 The review aimed to:-
- Understand how the Planning Enforcement Team worked with Environmental Enforcement and other teams;
 - Understand how the Planning Enforcement Team functioned and carried out multi-agency working;
 - Establish best practice; and
 - Identify any further improvements that could be made.
- 1.3 The Review Panel met on five occasions and considered a variety of information to gain an understanding of the subject area, including an initial report from the Head of Planning outlining the process for investigating reports of Planning breaches and how multi-agency responses were instigated. They also considered key documents such as the Planning Enforcement Plan and Planning Enforcement service reports. Interviews were held with a number of officers in the Planning and Planning Enforcement Teams, as well externally with Derbyshire County Council Officers. The full report attached at Appendix 1 sets out in more detail the evidence gathered and a synopsis of the views expressed.

2. **Details of Proposal or Information**

2.1 The recommendations are

That the Council:

- Provides training to Councillors and Parish Councils on Planning Enforcement, and distributes the Planning Enforcement service progress reports that Planning Committee receives to all Members following training;
- Monitors year on year increases in cases to assess whether an additional post in the Planning Enforcement Team is required;
- Explores ways of reducing cases being received via email and instead channels complaints through the online 'report it' function with a view to closing down public complaints to the email channel if possible; and
- Reviews the Local Enforcement Plan to remove impracticalities and make it consistent.

3 Reasons for Recommendation

- 3.1 The Review Panel heard views from a wide range of stakeholders during the review process. The review identified a number of strengths including staff resilience and experience, internal officer communication, digitalisation, the approval of a Local Enforcement Plan, recent ombudsman decisions, and the enforcement of large scale planning breaches in the public interest.
- 3.2 There was, however, some areas for improvement which involved communicating with the public, Councillors and Parish Councils particularly around caseloads and priorities, ensuring one point of contact for customers when reporting alleged breaches, introduction of KPI's and minor changes to the Local Enforcement Plan.

4 Alternative Options and Reasons for Rejection

- 4.1 NA

DOCUMENT INFORMATION

Appendix No	Title
1	Planning/Environmental Enforcement Scrutiny Review Report
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	

NORTH EAST DERBYSHIRE DISTRICT COUNCIL



**North East
Derbyshire**
District Council

OVERVIEW AND SCRUTINY

PLANNING/ENVIRONMENTAL ENFORCEMENT

APRIL 2023

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Chair's Foreword

I am pleased to present this report on behalf of the Organisation Scrutiny Committee. These are the findings, conclusions and recommendations from its review into planning/environmental enforcement.

The Committee felt that the review was timely given the investment that the service had received, and that the service was a priority to residents. Members were impressed with how much of a better position the Council was in to take action against those who breached planning control, and how staff worked hard to resolve cases in the public interest.

I would like to take this opportunity to thank the Committee for their input and also the stakeholders who helped inform the review. I would also like to thank the Senior Scrutiny Officer for his support of the Committee's work and democratic services for the help they have provided.

Councillor Stephen Clough
Chair of Organisation Scrutiny Committee

Review Panel

The review panel comprised the following members:

Councillor S Clough	-	(Conservative) – Review Panel Chair
Councillor M Emmens	-	(Conservative)
Councillor J Birkin	-	(Labour)
Councillor M Jones	-	(Labour)
Councillor D Ruff	-	(Conservative)
Councillor D Hancock	-	(Liberal Democrat)
Councillor P Wright	-	(Conservative)
Councillor J Funnell	-	(Independent)
Councillor P Kerry	-	(Labour)

1. Recommendations

That the Council:

- 1.1 Provides training to Councillors and Parish Councils on Planning Enforcement, and distributes the Planning Enforcement service progress reports that Planning Committee receives to all Members following training;
- 1.2 Monitors year on year increases in cases to assess whether an additional post in the Planning Enforcement Team is required;
- 1.3 Explores ways of reducing cases being received via email and instead channels complaints through the online 'report it' function with a view to closing down public complaints to the email channel if possible. This was to ensure that there was one point of contact, that complaints were not missed, and that expectations of the service were clearly explained and communicated; and
- 1.4 Reviews the Local Enforcement Plan to remove impracticalities and make it consistent.

2. Introduction

- 2.1 At its meeting on 06 September 2022, the Organisation Scrutiny Committee agreed to undertake a review into Environmental Enforcement in respect of Planning.
- 2.2 The Committee agreed that the Review was timely given that the service was a priority for residents and had recently been given significant investment.

3. Scope of Review

- 3.1 The review aimed:
 - To understand how the Planning Enforcement Team worked with Environmental Enforcement and other teams;
 - To understand how the Planning Enforcement Team functioned and carried out multi-agency working;
 - To establish best practice; and
 - To identify any improvements that could be made.
- 3.2 The Committee noted that whilst enforcement action took place within a number of Council departments, for the purpose of this review, its focus was on cases channelled through Planning Enforcement, and subsequently how work was carried out to resolve those cases.

4. Method of Review

- 4.1 The review panel met on five occasions to consider the scope of the review, key issues they wanted to discuss and key people they wished to interview.
- 4.2 Evidence was gathered in a variety of ways including written sources and interviews with a range of stakeholders.

5. Evidence and Research

- 5.1 A number of documents and evidence were provided to the review panel for consideration. Details are provided below:
- Planning Enforcement Plan
 - Environmental Health Service Enforcement Policy
 - Report of the Assistant Director of Planning on Environmental Enforcement Procedures at NEDDC
 - Stakeholder interviews from NEDDC internal officers in Planning and Environmental Enforcement, and external interviews from officers at Derbyshire County Council
 - Planning Enforcement Service Progress Reports

6. Key Findings

6.1 Observations

- 6.1.1 The Assistant Director of Planning presented a report to the Committee at its meeting on 15 November 2022 which outlined the current situation regarding how the Council carries out multi-agency working on environmental enforcement cases.
- 6.1.2 Members heard that the Planning and Environmental Health Services are the two main areas in the Council where environmental enforcement issues are received and investigated, and where necessary, other Council services and external agencies were brought in to assist. It was stated that sometimes, those agencies had their own environmental or legal issues with the same site and thus multi-agency responses to cases were instigated.
- 6.1.3 The Review Panel noted that Planning took into account a wide and varied range of material considerations which were matters that could lawfully be taken into account when deciding planning applications. As part of that process, the Council sought advice and guidance from a range of internal and external organisations and statutory consultees who help inform the Council whether a development is acceptable or what action was required to make the development acceptable in planning terms.
- 6.1.4 The Committee was informed that when a development was carried out without planning permission, any decision to take, or not to take enforcement

action, was effectively a planning decision. Any party or organisation, therefore, consulted or involved in the determination of a planning application may also be involved in the planning enforcement process. It was stated that the Planning Enforcement Team regularly consults and seeks advice from those agencies to decide whether or not to take enforcement action.

- 6.1.5 The Assistant Director of Planning advised Members that those agencies operated under their own regulations and legislation and had their own enforcement powers. Therefore if the Planning Enforcement Team received a report of a breach of planning relating to a car breakers yard, for instance, it might be that the Environment Agency, Police and County Council would be interested and that there were breaches of their powers also.
- 6.1.6 The Review Panel heard that all planning applications must be made in accordance with the Development Plan unless material considerations indicated otherwise. The Development Plan in North East Derbyshire comprised of the adopted Local Plan 2014-2034. The protection of the environment and of residential and local amenity was part of that Development Plan. The Council had to prioritise the breaches that caused the most harm. In some cases this could mean that the Council prioritised spatial objectives above localised harm to residential amenities for example.
- 6.1.7 The Committee was informed that when a complaint was received, officers carried out a brief investigation which tended to be a desktop exercise to make a judgement as to whether some or all of the matters fell within the control of Planning or outside of it. Members noted that, for example, a noise complaint could have been made about a lawful industrial premises. Planning Officers may be satisfied that a development was lawful (had planning permission) and no conditions or limitations were being breached, but Environmental Health Officers might investigate and find that enforcement action was needed based on their own remit and functions.
- 6.1.8 If a breach of planning had been identified (either through a report or monitoring) it is researched and the Planning Enforcement Team will decide whether to seek help and guidance from other agencies. It was stated that the agency depended on the circumstances and nature of the breach and differed in every case.
- 6.1.9 It was stated that how the Council worked and consulted with those agencies depended on the process and procedures that each agency had settled on. It generally took place via email for speed and evidence trail purposes. Each agency tended to have their own reporting mechanism.
- 6.1.10 The Committee received an overview of the agencies that had their own powers of enforcement and investigation that the Council worked with. These included internal partners such as Environmental Health and Revenues & Benefits, as well as external partners such as DCC Highways and DCC Lead Local Flood Authority.

Strengths/Observations

- 6.2.1 Members noted that the Planning Enforcement Team was working hard to resolve a high caseload, and that since 2021/22 there had been an 80% increase in the number of reported cases. The pandemic had also caused a backlog in unresolved cases due to officers being unable to conduct investigative work. There were currently 380 open cases (as of 14 March 2023) and these were being managed by staff at 2.6 FTE. The 0.6 FTE staff member was a Support Officer responsible for administrative assistance but also had their own caseload. Members agreed that staff were working exceptionally hard given the high number of cases and small team to resolve them, and that the Council was in a much better position to deliver for the public and take enforcement action against planning breaches following significant investment in the service.
- 6.2.2 The Review Panel discussed best practice amongst other Local Authorities. Members agreed that difficulties to recruit and low staff levels were a common theme amongst partner agencies and other comparable Councils. The Principal Planning Enforcement Officer stated that the staff at NEDDC had been accustomed to making good judgement calls and only seek data and advice from other agencies when the situation warranted it. The Committee noted that by doing this officers were able to build relationships with officers from partner agencies. It was stated that who should be consulted was set out in planning legislation known as 'statutory consultees', and when officers were considering an application for planning permission they were required by law to consult with them. For Planning Enforcement, however, they were not required by law to consult with those agencies but did so anyway. It was explained that it was good practice to ensure that the appropriate advice and guidance was received from other agencies, particularly if the Council was challenged by appeal on an enforcement decision.
- 6.2.3 Members heard about the process for recording cases. It was explained that breaches of planning conditions could be reported either via email or through the website and that they had recently improved the reporting forms and instructed customer services to refer people to it to ensure 'one point of contact' for reporting cases. This was then given a unique reference number and recorded in a log. An audit trail was also kept within this log to ensure that multiple officers were able to pick up cases in the event of any staff annual leave or sickness. The breach was only recorded once regardless of the number of times a complaint had been made against it (although the number of complaints were recorded for audit trail purposes), and that every case would be investigated and actioned.

An automatic response was then forwarded to the complainant pointing them towards the Local Enforcement Plan and advising them as to when they could expect a response. This was usually done once a decision on enforcement had been made and the case closed, but after 8 weeks the complainant was able to contact the Team to enquire as to the status of the investigation. They were also able to contact again to provide further information.

- 6.2.4 Due to the high number of cases, and relatively small number of staff, the Planning Enforcement Team were constantly having to change their priorities and that the threshold for action always shifted depending on the workload. Some cases were highly complex and took several years to resolve involving a number of different agencies. There were 12 enforcement notices issued last year and this was only done when there was no other route to resolve and when it was expedient to do so.

It was stated that their biggest focus was on irreparable damage (such as through the damage of TPO's or large scale harm caused by a significant development) rather than localised harm, for example to a residential property. Those priorities were outlined in the Local Enforcement Plan which split cases into high priority (where what was being done could cause irreversible harm), medium priority (where there was clear harm but it could be reversed if necessary), and low priority (cases that cause lesser degrees of harm to a neighbourhood). Cabinet considered and endorsed the Plan, and the Planning Committee approved the Plan, in September 2020. Any changes to those priorities would have to be made through the Enforcement Plan. Members noted that having a Local Enforcement Plan was not mandatory but was good practice. The Plan can be viewed at:

<https://www.ne-derbyshire.gov.uk/documents/repository/p/planning-enforcement-plan>

The Review Panel agreed that it would be useful to provide training to Councillors and Parish Councils so that they could understand the difficulties that the service faces and the cases that they have to prioritise in the public interest. This could then help Councillors filter out cases that may not be in the jurisdiction of planning enforcement as well as clarify public expectations of the service. Members noted that regular reports were being provided to Planning Committee on enforcement matters and the Committee encouraged that continues on a bi-annual basis. The Committee also asked that the planning enforcement service progress reports be circulated to all Councillors after being considered by the Planning Committee. Ultimately, all Members received reports from constituents on alleged breaches of planning.

- 6.2.5 The Principal Planning Enforcement Officer explained that the service was digitalising its publically available records such as Planning Enforcement Notices so that these were more easily accessible to see and share amongst different Council departments, the public and external agencies. The process was, however, administratively intensive and this was being done within the context of increased caseloads. Additional support in this area had already been identified by the AD for Planning as and when there was finance available.
- 6.2.6 The Committee heard that communications amongst different Council departments generally worked well. There was a Corporate Enforcement Group that met frequently to discuss high priority cases and ensure that enforcement leads at the Council, such as Environmental Health, Planning

and Legal worked well together. These meetings considered new and significant investigations, case progress, agreeing action plans and raising issues with the Portfolio Holder or relevant Member. Regular case review meetings and administrative days within service areas also took place to ensure that cases were kept on top of.

- 6.2.7 The Review Panel heard about a recent draft Ombudsman decision which had agreed with the Council in regards to an enforcement decision and that the Authority had followed due process. The complainant had alleged a breach of planning condition, and the Ombudsman concluded that the Council had properly responded to the complaint, conducted site visits, met with the complainant, and sought information and advice from the relevant consultees to advise that there had been no breach of planning control and explain why it proposed to take no formal action. This case had taken over two years to resolve.

Areas for Improvement/Observations

- 6.3.1 Although the Review Panel agreed that the Planning Enforcement Team were doing excellent work with the resources that they had, they questioned whether it was sustainable in the long term as workloads continued to increase. There was a consensus that as reporting channels should become more accessible and used, it was likely that the number of reported cases would rise year on year. Members noted that the average number of reported cases from April 2018 to March 2021 was 225. For the reporting year from April 2021 to March 2022 this increased to 358 and by October 2022 of the latest reporting year (April 2022-March 2023) the figure was already at 219 suggesting that this increase was continuing. If this rise was to continue, the Review Panel agreed that it would be prudent for the Council to explore options in providing funding for an additional post to manage the increase in cases depending on the resources available. The Committee agreed that ultimately, as reported cases increased, so did the threshold for taking enforcement action.

There was a consensus that those priorities should be more clearly communicated, and welcomed the automatic response given on the reporting channels through the Council's website outlining when a complainant should expect to see a response. Members enquired as to whether officers could investigate the merits of encouraging all complaints to come through the 'report it' function on the Council's website to ensure one point of contact, that emails were not missed, that all cases were given an automatic unique reference number and logged, and that they received an automatic response outlining expectations of the service (which did not happen if a case was reported via email), and that they were pointed towards the Local Enforcement Plan for information. The email could then be used for other purposes.

- 6.3.2 The Committee heard that the process of investigating breaches was often slow and administratively intensive, complex, and involved a number of

different agencies. The Council had to conduct its own initial investigations such as whether what was being reported was actually a permitted development, conducting site visits, and assessing planning history. Then, if appropriate, advice needed to be sought from partner agencies as to whether a breach had taken place. Other complicating factors included whether a criminal offence had occurred, and as such interviews and correspondence had to be carefully recorded as it could be used as evidence in a criminal investigation. Resolving cases could also be slow due how the party who were contravening planning rules engaged with the Council.

The above processes were particularly prevalent with urgent and high priority cases which is why they could take several years to resolve. It was stated that each different agency had their own priorities and their own threshold for action and therefore responses could sometimes take several months, particularly as those agencies were also dealing with high caseloads. The Environment Agency was used as an example as a partner agency that worked on a national basis and thus would have a higher threshold for action so wouldn't be particularly responsive to localised issues.

There was also no prescribed time frame on agencies responding to the Council on enforcement issues (whereas there was when consultation was sought on a planning application). Importantly, Members noted that the agencies that the Council consulted with on enforcement issues were not required to provide a response, and if any response was received it was dependant on their own workload and priorities. For high priority and urgent cases, responses were often of good quality and in a timely manner, however this was not always the case for lower priority issues. Thus, how quickly a complaint was dealt with depended on both how urgent and complex it was.

The National Planning Policy Framework also stated that enforcement action was discretionary, and that the Council should act in a proportionate way when responding to suspected breaches of planning control. Therefore the Council could not automatically justify taking formal enforcement action against minor breaches of planning control.

- 6.3.3 The Review Panel agreed that it was the complex nature of multi-agency working alongside high caseloads and recruitment and retention issues that was having an effect on wider communication and the resolution of cases. This was not just the case at the Council but also at partner agencies. For example Justine Proudler (Development Manager at DCC) and Councillor C Renwick (DCC Cabinet Member – Infrastructure and Highways) explained that cases had increased by 50% during the pandemic, and with only 1.75 FTE staff at DCC dedicated to enforcement this had resulted in a large work load.

Principal Planning Officers informed Members that the Planning Team at NEDDC were also having to employ consultants to fill gaps due to recruitment issues. This was also the case for the statutory consultees within DCC such as Highways, Minerals and Waste Planning Authority, and Lead Local Flood Authority who gave advice on a number of issues relating to applications. The

common theme was that they were all experiencing an increased number of cases and issues surrounding recruitment.

- 6.3.4 A number of stakeholders gave evidence to the Committee suggesting that legal complexities were often an issue when attempting to resolve enforcement cases. It was explained that some agencies who the Council had to contact operated outside of the planning framework and instead operated in private civil framework. Examples were used such as building regulation issues as well as private utility companies.
- 6.3.5 The Principal Planning Enforcement Officer also informed Members that officers had to be mindful of sharing data with other agencies due to GDPR rules and data protection. This generally slowed the process down. There were also grounds of appeal and therefore any enforcement decision had to be backed by evidence and in the public interest. Any appeal that went against the Council would mean it was liable for the costs.
- 6.3.6 Members were concerned that there were no KPI's for the service, however, did note that the Government was currently consulting on introducing a range of planning targets relating to enforcement including the average number of weeks taken to respond to suspected planning breaches, as well as the proportion of open planning enforcement cases that are over six months old.
- 6.3.7 The Review Panel discussed proactive enforcement but agreed that this could only be done if and when case numbers stabilised.
- 6.3.8 Members also agreed that minor changes to the Local Enforcement Plan needed to be made such as taking out impracticalities in regards to meeting Ward Members, and targets contained within the Plan which could not be met.

7. Conclusions

- 7.1 The Review Panel heard from a range of stakeholders during the review process. The review identified a number of strengths including staff resilience and experience, internal officer communication, digitalisation, the approval of a Local Enforcement Plan, recent ombudsman decisions, and the enforcement of large scale planning breaches in the public interest.
- 7.2 There was, however, some areas for improvement which involved communicating with the public, Councillors, and Parish Councils particularly around caseloads and priorities, ensuring one point of contact for customers when reporting alleged breaches, introduction of KPI's and minor changes to the Local Enforcement Plan.

Appendix A

Stakeholders Engaged During the Review

R Purcell	-	Assistant Director of Planning
K Eastwood	-	Joint Assistant Director of Environmental Health
G Cooper	-	Principal Planning Officer
P Slater	-	Principal Planning Officer
J Proudler	-	Development Manager (Derbyshire County Council)
J Hawley	-	Principal Planning Enforcement Officer
Cllr C Cupit	-	Deputy Leader and Portfolio Holder for Environmental Services
Cllr C Renwick	-	DCC Cabinet Member – Infrastructure & Highways

North East Derbyshire District Council

Cabinet

29 June 2023

Engagement with Business Scrutiny Review

Report of the previous Administration's Growth Scrutiny Committee

Classification: This report is public

Report By: Damon Stanton – Senior Scrutiny Officer

Contact Officer: Damon Stanton – damon.stanton@ne-derbyshire.gov.uk
01246 217011

PURPOSE / SUMMARY

To ask Cabinet to approve the recommendations of the Growth Scrutiny Committee's Business Engagement Review.

RECOMMENDATIONS

1. Simplify access to available business support in the District, such as through a business advisor or dedicated responsibilities within existing teams to improve uptake;
 2. Introduce initiatives and projects such as networking events that increase business engagement across the District; and
 3. Improve online engagement with businesses, ensuring available information and support is easily accessible and up to date such as through improvements to the website or the creation of a dedicated microsite.
-

IMPLICATIONS

Finance and Risk: Yes ☐ No ☐

Details:

This will be determined if Cabinet decide to accept the Scrutiny Review recommendations as part of the Lead Officer response.

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes ☐

No ☐

Details:

This will be determined if Cabinet decide to accept the Scrutiny Review recommendations as part of the Lead Officer response.

On Behalf of the Solicitor to the Council

Staffing:

Yes ☐

No ☐

Details:

This will be determined if Cabinet decide to accept the Scrutiny Review recommendations as part of the Lead Officer response.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input checked="" type="checkbox"/> SMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details:

Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 At its meeting on 24 January 2022, the Growth Scrutiny Committee agreed to conduct a Review into how the Council engaged with local business.
- 1.2 The overall purpose of the review was intended to improve the Council's service offered to local businesses in order to improve the offering to businesses within North East Derbyshire and contribute to the District's economic growth. An understanding of the Council's current relations with local businesses was therefore essential to understand engagement, and thus the review aimed to:
- Review how the Council had engaged with local business;
 - Determine what had worked well, and what not so well;
 - Listen to the views of local business; and
 - Suggest improvements to achieve better engagement with business in the District.
- 1.3 The Committee recognised that Economic Development and general business support provided by Local Authorities was a discretionary service and subject to the resources available.
- 1.4 Initially, Members intended on conducting the Review as a Spotlight Review. This was an intensive and short review where a briefing paper and other supplementary documents were considered, evidence gathered and triangulated, and recommendations considered in one meeting. This meeting took place on 14 March 2022.
- 1.5 The Committee then subsequently agreed to extend the review and consider additional evidence. Members agreed that the ways in which the Council engaged with business was often complicated, and extended into a number of different services. Additional evidence was considered at meetings on 09 May 2022, 31 October 2022, and 16 January 2023. The full report attached at **Appendix 1** sets out in more detail the evidence gathered and a synopsis of the views expressed.

2. **Details of Proposal or Information**

- 2.1 The recommendations are:

That the Council

- 2.1.1 Simplify access to available business support in the District, such as through a business advisor or dedicated responsibilities within existing teams to improve uptake;

2.1.2 Introduce initiatives and projects such as networking events that increase business engagement across the District; and

2.1.3 Improve online engagement with businesses, ensuring available information and support is easily accessible and up to date such as through improvements to the website or the creation of a dedicated microsite.

3 Reasons for Recommendation

3.1 The Review Panel heard from a number of stakeholders including external businesses, a business advisor, a business consultant, and internal officers. Members considered a wide scope of opinion to assess how the Council engaged with businesses in the District. The Review process highlighted what the Council was doing to support business and how this was being communicated.

3.2 It was, however, determined that a number of changes could be made to improve business engagement such as improvements surrounding image and perception and the way the Council defined and communicated its support. It was apparent that businesses were not fully aware of what the Council offered.

4 Alternative Options and Reasons for Rejection

4.1 N/A

DOCUMENT INFORMATION

Appendix No	Title
1	Engagement with Business Scrutiny Review
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	

NORTH EAST DERBYSHIRE DISTRICT COUNCIL



**North East
Derbyshire**
District Council

OVERVIEW AND SCRUTINY ENGAGEMENT WITH BUSINESS MARCH 2023

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Chair's Foreword

I am pleased to present this report on behalf of the Growth Scrutiny Committee. It details the findings, conclusions, and recommendations of the Committee from its Review into the Council's engagement with business.

Members of the Committee felt that following the pandemic, and the emergence of uncertainties surrounding the domestic economy and geo-political events, it was vital that businesses in North East Derbyshire were supported by the Council. A crucial part of demonstrating this was effective engagement.

I would also like to take this opportunity to thank the Committee for their input and also the stakeholders who helped inform the review. Additionally I would like to thank the Senior Scrutiny Officer for his support of the Committee's work and Democratic Services for the help they provided.

Councillor Bentley Trafford-Stephenson
Chair of Growth Scrutiny Committee

Review Panel

The review panel comprised the following members:

Cllr. B Trafford-Stephenson	-	(Conservative) – Review Panel Chair
Councillor A Platts	-	(Conservative) – Review Panel Vice-Chair
Councillor N Barker	-	(Labour)
Councillor M Roe	-	(Conservative)
Councillor P Parkin	-	(Independent)
Councillor S Cornwell	-	(Labour)
Councillor D Hancock	-	(Liberal Democrat)
Councillor L Hartshorne	-	(Labour)
Councillor P Wright	-	(Conservative)

1. Recommendations

The Committee agreed that the Council was currently struggling to effectively define and communicate what exactly the Council offered to businesses. To address this, the Council should:

- 1.1 Simplify access to available business support in the District, such as through a business advisor or dedicated responsibilities within existing teams to improve uptake;
- 1.2 Introduce initiatives and projects such as networking events that increase business engagement across the District; and
- 1.3 Improve online engagement with businesses, ensuring available information and support is easily accessible and up to date such as through improvements to the website or the creation of a dedicated microsite.

2. Introduction

- 2.1 At its meeting on 24 January 2022, the Growth Scrutiny Committee agreed to conduct a Review into how the Council engaged with local business.
- 2.2 Economic Development and general business support provided by Local Authorities is a discretionary service and subject to the resources available.
- 2.3 Initially, Members intended on conducting the Review as a Spotlight Review. This is an intensive and short review where a briefing paper and other supplementary documents were considered, evidence gathered and triangulated, and recommendations considered in one meeting. This meeting took place on 14 March 2022.
- 2.4 The Committee then subsequently agreed to extend the review and consider additional evidence. Members agreed that the ways in which the Council engaged with business was often complicated, and extended into a number of different services. Additional evidence was considered at meetings on 09 May 2022, 31 October 2022, and 16 January 2023.
- 2.5 The review panel thought that a review on this issue could assist the Council in better engaging with local business, following low response rates to previous attempts of engagement, and to support them given the challenges they now faced. Members did, however, recognise that business support spanned across multiple organisations and that extensive business support was not the sole responsibility of North East Derbyshire District Council.

3. Scope of Review

3.1 The overall purpose of the review was intended to improve the Council's service offered to local businesses in order to improve the offering to businesses within North East Derbyshire and contribute to the District's economic growth. An understanding of the Council's current relations with local businesses was therefore essential to understand engagement, and thus the review aimed to:

- Review how the Council had engaged with local business;
- Determine what had worked well, and what not so well;
- Listen to the views of local business; and
- Suggest improvements to achieve better engagement with business in the District.

4. Method of Review

4.1 The review panel met to consider the scope of the review, key issues they wanted to discuss and key people they wished to interview. They then considered evidence and formulated their recommendations.

4.2 Evidence was gathered in a variety of ways including written sources and interviews with a range of stakeholders.

5. Evidence and Research

5.1 A number of documents and evidence were provided to the review panel for consideration. Details are provided below:

- Scene Setting Presentation by Gill Callingham – Director of Growth, and Bryan Harrison – Senior Regeneration Officer and Urban Designer.
- Presentation and interview with Karl Apps – Assistant Director – Economic Development, Regeneration and Housing Delivery.
- Briefing paper on business engagement.
- Business advisor programme project update.
- NED business network evaluation May 2018.
- NED business skills audit – lessons learned.
- Case Study: O'Connor & Co
- Business advisor project update May 2022
- Business Sector analysis of North East Derbyshire provided by Bryan Harrison - Senior Regeneration Officer and Urban Designer
- Stakeholder interviews with NEDDC Officers and external business representatives

6. Key Findings

6.1 Strengths/Observations

- 6.1.1 The Committee noted that the appointment of a Business Advisor, although on a temporary basis, had significantly assisted the Council in reaching out and engaging with local business. A Business Advisor was able to be a single point of contact for businesses who were contacting the Authority and help signpost them to other organisations who offered support.

Marie Cooper, the CEO of CBE+ commented that this was something that businesses often found frustrating with the Council, in that they often could not find the right person to talk to.

Another stakeholder, Ann Turner (owner of Amber Mill Furniture Rural Enterprise Centre), gave similar evidence to the Review Panel in that Mark Ross (Business Advisor) had been extremely helpful in pointing her in the right direction when she had applied for funding.

Both business representatives agreed that a central point of contact links the various Council departments together, making it easier for businesses to contact the Council. Members noted that something similar was done in the private sector.

The Business Advisor was, however, a temporary resource that was funded through covid-19 grants and this was due to end in June 2022. Members agreed that the Council should consider providing its own resources to fund the role once the D2N2 funding had ended.

- 6.1.2 The Business Consultant was currently conducting a skills audit in the District, and Members were informed about generally low response rates which were around 10%. The most effective way of engagement was through door knocking as face-to-face meetings gave more exposure and an ability to gain feedback. Social media was also useful, however this needed to be developed further with a more targeted approach. For example a dedicated social media and/or website channel for businesses would allow them to receive targeted information that would not get lost as the Council promoted its wider services, which were not always relevant to business. The least effective were passive forms of communication such as leaflets and emails. The Authority was also encouraged to continue and increase attendance at networking events so it could update businesses in the region.
- 6.1.3 The Assistant Director – Economic Development, Regeneration and Housing Delivery discussed some of the ways in which the Council supported business which included signposting to other organisations, networking, distributing grants and assisting with grant applications, assisting with start-ups and business unit rentals. The Council had also attempted to associate itself with trusted organisations such as East Midlands Councils to improve its perception. Members also noted the partnership work done with D2N2 Growth hub, Vision Derbyshire Start Up, and University of Derby in encouraging new

business start-ups. For example a support event was recently held and hosted by the Council.

- 6.1.4 The Committee heard from the Assistant Director – Transformation and Communications about the work of the Partnerships Team in supporting businesses in the District. The Team was responsible for distributing Covid-19 discretionary grants to eligible businesses from May 2020 – April 2022. Over 700 businesses had been supported with a total of 1,985 grants distributed totalling £4,894,510. This involved multiple schemes and bidding rounds with work done including developing online forms, publishing guidance, publicising the grants, assessing applicants and assisting with the process, and delivering payments.
- 6.1.5 Members heard about the support offered to businesses through the LEADER programme which was EU/UK funding through the Rural Development Programme for England (RDPE). The funding was to assist businesses on priority areas such as rural tourism, farming productivity, micro and small enterprises and farm diversification, and support for cultural and heritage activities. 37 projects were contracted/approved and the total value claimed was £1,222,169.47.

Ann Turner (owner of Amber Mill Furniture Rural Enterprise Centre) spoke highly of the Partnerships Team who assisted her business in accessing the funding which allowed her to conduct restoration work to the Mill. The Committee heard that Ann had heard about the funding in the NEDi news and was subsequently approved for funding after contacting the Council.

- 6.1.6 The Revenues and Benefits Manager informed the Review Panel about the mandatory business rates relief grants that were provided by Central Government and distributed by his team during the Covid pandemic. The Council was amongst the Country's leaders in fast payments, ensuring that eligible businesses were supported through challenging times. The Committee was impressed by the perseverance of the team, which included writing to businesses, phoning them, and using social media and the website to ensure that qualifying businesses didn't fall through the gaps. North East Derbyshire District Council ranked 17th in the Country at distributing those grants, with 97% of the funding available successfully given out to those eligible.
- 6.1.7 The Assistant Director of Environmental Health discussed the work of the Environmental Health Team in building relationships with businesses in the District. Members heard that Officers often engaged in face-to-face contact with businesses when carrying out the regulatory role of the Council when inspecting premises. It was stated that this had allowed Officers to build relationships and offer advice, pointing them in the right direction if they needed support from the Council. The Review Panel heard about positive survey results, where 88% of businesses who received a regulatory visit in a 6 month period stated they were satisfied with the services that the Council provided, including 96% of them stating that Officers were polite and friendly.

- 6.1.8 Members were also impressed with the use of technology such as gov.delivery to better engage with businesses in the District. This involved automated messages to businesses and individuals who have given their consent to be contacted by the Council.
- 6.1.9 The Director of Economic Growth informed the Committee about Coney Green Business Centre. Coney Green has 94 small business industrial units that are developed, managed and maintained by the Council to ensure that the District's small and micro businesses have space to develop and grow. It was stated that without the Council this type of business accommodation was unlikely to be provided by the private sector. The interim Assistant Director of Property Services discussed the units with Members who heard that the units were very popular and were nearly always fully occupied.

Areas for Improvement/Observations

- 6.2.1 Evidence given by all stakeholders during the interviews pointed to issues surrounding the Council's image and perception. It was often the case that businesses only dealt with the Council in regards to transactional or regulatory arrangements or when something specific was needed. There was also suspicion when it came to grants and other initiatives in respect of eligibility, and that businesses were often busy and focused on other issues. The Assistant Director of Environmental Health commented that businesses often saw the Council from a regulatory or transactional viewpoint, and that this could overlook the other work that the Council does in supporting business. Thus, businesses could see the Authority as a hindrance as opposed to something that is helpful and provided support.
- 6.2.2. The current Business Advisor was only a temporary resource and that the Council may want to consider a similar role as a permanent position if it wished to better engage with businesses. Evidence given by stakeholders suggested that business often found a lack of a single point of contact frustrating, and that an advisor would allow a consistent approach to developing relationships and networking.

The Committee also heard during the interviews that response times to general queries could be slow which was mainly due to the time taken to find the right person to speak to, but that this could be rectified with a business advisor or a similar officer who was both reactive and proactive to business need. Members acknowledged that whilst they could understand frustration with long processes when it came to grants, the Authority was obliged to follow due process and protect public money.

- 6.2.3 The Review Panel noted the existing challenges with recruitment and retention due to a highly competitive labour market. This was affecting services and the ability of the Council to 'go above and beyond' its statutory functions. A number of service managers commented that this was a barrier to

a success. For example, Members noted that effective engagement was challenging when there was currently only a small team of five employees within the economic development team. There were also recruitment issues in a number of key services such as Environmental Health. The Committee was impressed by the attitude of Directors and Service Managers in developing our own staff, which included apprenticeships and career progression roles so talented staff had a pathway to management opportunities.

- 6.2.4 Members agreed that the Council was struggling to define and communicate what exactly it was offering to business, and questioned if the support was being packaged in an effective way. It was suggested that a more targeted approach through its website (such as a micro-site), social media or a mission statement could address those issues. For example, Members noted that the City of Doncaster Council had a micro site themselves that was specifically targeted towards business ([Business Doncaster: The place to do Business](#)).
- 6.2.5 The Committee was informed about networking events which were previously organised by the Council. Both business representatives who gave evidence to the Review Panel agreed that these were useful and often helped them be put in touch with similar businesses, as well as Council Officers. It was also a great way in which the Council could put out there what initiatives and support it was currently doing to assist businesses in the District.

7. Conclusions

- 7.1 The Review Panel heard from a number of stakeholders including external businesses, a business advisor, a business consultant, and internal officers. Members considered a wide scope of opinion to assess how the Council engaged with businesses in the District. The Review process highlighted what the Council was doing to support business and how this was being communicated.
- 7.2 It was, however, determined that a number of changes could be made to improve business engagement such as improvements surrounding image and perception and the way the Council defined and communicated its support. It was apparent that businesses were not fully aware of what the Council offered.

Appendix A

Stakeholders Engaged During the Review

- Gill Callingham – Director of Economic Growth*
- Karl Apps – Assistant Director – Economic Development, Regeneration and Housing Delivery*
- Bryan Harrison – Senior Regeneration Officer and Urban Designer
- Marie Cooper – CEO of CBE+
- Mark Ross – Business Advisor (D2N2)
- Ian Hands – Business Consultant
- Steve Lee – Assistant Director – Transformation and Communications
- Andrew Gascogine – Revenues and Benefits Manager
- Ken Eastwood – Assistant Director of Environmental Health
- Ann Turner – Amber Mill Furniture Rural Enterprise Centre (AMFREC)
- Anthony Kimber – Interim Head of Property and Estates*

*Refers to an Officer who is no longer employed by NEDDC

North East Derbyshire District Council

Cabinet

29 June 2023

Leisure Provisions for Older Residents Scrutiny Review

Report of the previous Administration's Communities Scrutiny Committee

Classification: This report is public

Report By: Damon Stanton – Senior Scrutiny Officer

Contact Officer: Damon Stanton – damon.stanton@ne-derbyshire.gov.uk /
01246 217011

PURPOSE / SUMMARY

To ask Cabinet to approve the recommendations of the Communities Scrutiny Committee's Leisure Provisions for Older Residents Scrutiny Review.

RECOMMENDATIONS

That the Council:

1. Explores options in simplifying the membership structure;
2. Explores ways of better understanding how many older people are using the Council's Leisure Facilities each year by using the new reporting system and updating Members on this as part of the Committee's work programme;
3. Implements a system in which those who have taken part in the exercise by referral scheme are followed up on during and after the initial 12 week course to encourage continued participation; and
4. Considers a dedicated area on the website which promotes the activities and services on offer.

IMPLICATIONS

Finance and Risk: Yes ☐ No ☐

Details:

This will be determined if Cabinet decide to accept the Scrutiny Review recommendations as part of the Lead Officer response.

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes ☐

No ☐

Details:

This will be determined if Cabinet decide to accept the Scrutiny Review recommendations as part of the Lead Officer response.

On Behalf of the Solicitor to the Council

Staffing:

Yes ☐

No ☐

Details:

This will be determined if Cabinet decide to accept the Scrutiny Review recommendations as part of the Lead Officer response.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input checked="" type="checkbox"/> SMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details:

Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 The Communities Scrutiny Committee agreed to undertake a Review into Leisure Provisions for Older Residents as part of its work programme for 2022/23.
- 1.2 The Review aimed to:-
- Understand and assess what was being done in the District to promote healthy lifestyles and improve wellbeing in older residents;
 - Understand the demand from older residents for leisure provisions provided by the Council;
 - Identify any opportunities to increase participation and new memberships;
 - Evaluate what had been successful; and
 - Identify room for improvement.
- 1.3 The Review Panel met on five occasions and considered a variety of information to gain an understanding of the subject area including a scene setting presentation from the Assistant Director of Leisure, and subsequently interviews with Healthy Lifestyles Manager, Health and Wellbeing Development Officer, and the Swimming Development Officer. Members also considered data from Sport England, the Office for National Statistics (ONS), and the Derbyshire Observatory. The full report attached at **Appendix 1** sets out in more detail the evidence gathered and a synopsis of the views expressed.

2. **Details of Proposal or Information**

- 2.1 The recommendations are:

That the Council:

- 2.1.1 Explores options in simplifying the membership structure;
- 2.1.2 Explores ways of better understanding how many older people are using the Council's leisure facilities each year by using the new reporting system and updating Members on this as part of the Committee's work programme;
- 2.1.3 Implements a system in which those who have taken part in the exercise by referral scheme are followed up on during and after the initial 12 week course to encourage continued participation; and
- 2.1.4 Considers a dedicated area on the website which promotes the activities and services on offer.

3 **Reasons for Recommendation**

- 3.1 The Review Panel heard from a number of stakeholders during the Review process. The Review identified a number of strengths in regards to the leisure

provisions it provided to older residents in the District. Members were impressed with the activities on offer, provided both in the leisure centres and out in the community and thanked the staff providing those services.

- 3.2 There was, however, some areas for improvement involving exercise by referral, monitoring of memberships and participation, displaying information on the website, and membership pricing and structure.

4 **Alternative Options and Reasons for Rejection**

- 4.1 NA

DOCUMENT INFORMATION

Appendix No	Title
1	Leisure Provisions for Older Residents Scrutiny Review
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	

NORTH EAST DERBYSHIRE DISTRICT COUNCIL



**North East
Derbyshire**
District Council

OVERVIEW AND SCRUTINY

LEISURE PROVISIONS FOR OLDER RESIDENTS

APRIL 2023

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Chair's Foreword

I am pleased to present this report describing the work of the Communities Scrutiny Committee. It details the findings, conclusions, and recommendations of the Committee from its scrutiny review into leisure provisions for older residents.

The Committee felt that a review was timely following the major investments the Council has made into the District's leisure centres, and the post Pandemic recovery of older people having the confidence to engage in physical and social activities again. I, like other Members, were impressed with the facilities and services on offer, not only for older residents which was the scope of this review but for all residents. We certainly have four fantastic leisure centres available in North East Derbyshire. The Review also compliments a similar one this Committee undertook in 2020/21 on childhood obesity and younger residents.

I would like to take this opportunity to thank the Committee for their input and also the stakeholders who helped inform the review. I would also like to thank the Senior Scrutiny Officer for his support of the Committee's work and democratic services for the help they have provided.

Councillor Kevin Tait
Chair of Communities Scrutiny Committee

Review Panel

The review panel comprised the following members:

Councillor K Tait	-	(Conservative) – Review Panel Chair
Councillor H Liggett	-	(Conservative) – Review Panel Vice-Chair
Councillor T Lacey	-	(Labour)
Councillor M Potts	-	(Independent)
Councillor L Deighton	-	(Conservative)
Councillor J Birkin	-	(Labour)
Councillor P Windley	-	(Liberal Democrat)
Councillor J Lilley	-	(Labour)
Councillor P Wheelhouse	-	(Conservative)

1. Recommendations

That the Council:

- 1.1 Explores options in simplifying the membership structure;
- 1.2 Explores ways of better understanding how many older people are using the Council's Leisure Facilities each year by using the new reporting system and updating Members on this as part of the Committee's work programme;
- 1.3 Implements a system in which those who have taken part in the exercise by referral scheme are followed up on during and after the initial 12 week course to encourage continued participation; and
- 1.4 Considers a dedicated area on the website which promotes the activities and services on offer.

2. Introduction

- 2.1 At its meeting on 22 July 2022, the Committee agreed to undertake a review into leisure provisions for older residents.
- 2.2 Members felt as though the review was timely given the recent investments in the Council's leisure facilities, as well as the post pandemic recovery and encouraging residents to resume health and wellbeing activities. The Review also compliments a similar one the Committee undertook in 2020/21 regarding childhood obesity and younger residents.

3. Scope of Review

- 3.1 The review aimed to:
 - Understand and assess what was being done in the District to promote healthy lifestyles and improve wellbeing in older residents;
 - Understand the demand from older residents for leisure provisions provided by the Council;
 - Identify any opportunities to increase participation and new memberships;
 - Evaluate what had been successful; and
 - Identify room for improvement.

4. Method of Review

- 4.1 The review panel met on six occasions to consider the scope of the review, key issues they wanted to discuss and key people they wished to interview.
- 4.2 Evidence was gathered in a variety of ways including written sources and interviews with a range of stakeholders.

5. Evidence and Research

5.1 A number of documents and evidence were provided to the review panel for consideration. Details are provided below:

- Scene Setting Presentation by Chris Mills – Assistant Director of Leisure
- Sport England Data (Sport England Active Lives Survey 2021)
- ONS Data
- NEDDC Leisure Services data
- Derbyshire Observatory – Data and statistics for Derbyshire
- Presentations provided by the Healthy Lifestyles Manager, Health and Wellbeing Development Officer and the Swimming Development Officer

6. Key Findings

6.1 Strengths/Observations

6.1.1 The Assistant Director of Leisure explained that the Council was investing over £29 million on its leisure facilities over the next 3 years. This included a new Clay Cross Active leisure facility, and refurbishments to Eckington Pool, Killamarsh Active, and Dronfield Sports Centre. These were being funded through both the Council and a number of partners including funding accessed through the Town Deal Fund. The Review Panel received an overview of the District's four leisure centres. They were impressed with the facilities and agreed that the centres were excellent facilities for residents.

Members heard that the investments had been made for a number of reasons which included improved accessibility for people with disabilities, reducing our carbon footprint and investing in low carbon technology, and looking to meet expected demand with over 1.2 million visits expected to be made each year. It was also stated that the investments would help reduce levels of inactivity, social isolation, and health inequalities.

6.1.2 The Committee noted that the investments would also benefit older residents who may have been less likely to use facilities which could not cater for them. The Council's leisure facilities now had better changing facilities, equipment (including pool pods and IFI gym equipment), parking, lifts, and hearing loops.

The Review Panel was informed that a 2018 public consultation in Clay Cross highlighted a demand for activity for older people. In response, a Shapemaster suite has been developed as part of plans for Clay Cross Active. The suite will contain power assisted exercise equipment designed to increase access to exercise and improve the fitness and wellbeing of a wide range of people who were not catered for with traditional high energy exercise equipment. The equipment was designed for those over 55, the body conscious, those with disabilities, mobility issues and long term issues.

- 6.1.3 The Assistant Director of Leisure, the Healthy Lifestyles Manager, the Swimming Development Officer, and the Health and Wellbeing Officer informed the Committee about the services and activities offered to older residents in the District. Members heard that leisure services provided over 30 activities which were provided at the Council's leisure centres as well as out in the wider community. It was a mixture of physical and social activities. In the leisure centres these included targeted swimming sessions such 'aquacise' and 'water wellbeing', fitness classes, walking football/netball, and cardio based 'dicky tickers'. Out in the community these activities included family walking and jog groups, chair based exercise classes, bowls clubs, and community cafes to name a few.

There were 334 Supersaver monthly memberships (averaged over the previous 5 months in September 2022), 419 members of the leisure pass and concessionary pass scheme, and the community activities averaged 1600 visits a month. A full breakdown of how the membership structure operates can be found at Appendix A.

The Committee was impressed with the amount of activities on offer, and that these services were well organised and well integrated with each other. Members also agreed that the staff delivering those services were a credit to the Council, showing a positive attitude and genuine care and desire to help others.

- 6.1.4 It was stated that social interaction was a particularly important element to health and wellbeing and therefore the Council had re-introduced cafes at all of the facilities. Members also heard about a number of initiatives which were primarily based on socialising such as 'book buddies'. The 'swim buddy' initiative aimed to pair up socially isolated residents so that they could enjoy swimming with others. It was stated that social activity was very often combined with physical activity to increase demand. There were also broader projects provided for older residents such as on digital skills, weight management, and smoking cessation.
- 6.1.5 Members considered area profiles for the areas concerning the locations of the Council's leisure centres. The profiles outlined the demographics for each geographic area. The Committee agreed that the leisure centres were well placed and took advantage of the District's most populous areas.
- 6.1.6 The Committee heard that the Council was working well with partners to access funding and improve the services on offer. These partners included Public Health England and Swim England. The Swimming Development Officer informed Members about the water wellbeing accreditation which, if approved, would enable the Council to access further funding from Swim England. It aimed to create a sustainable health and wellbeing delivery model that health professionals felt confident in sending their patients to. This would lead to more people who had long term health conditions participating in swimming and wider aquatic activity to improve their health. Extensive

partnership working was also done with the Healthy NED Partnership, DCC Public Health, and Active Derbyshire.

- 6.1.7 The Healthy Lifestyles Manager discussed the 'exercise by referral' programme which was part funded by DCC Public Health. The programme provided supported exercise for people who were sedentary with suitable medical conditions. Members were impressed to hear that the programme offered in North East Derbyshire was one of the most successful in the country, and involves two free sessions a week on selected activities being offered for 12 weeks with reduced rates for the activities thereafter.

Members heard that demand was very high, and that since 01 April 2022 there had been 395 referrals to the 'exercise by referral' programme. From those referrals there had been 9873 visits to all activities associated with the programme, such as visits to the gym, swimming and specified fitness classes which were included within the offer of the programme. It was stated that 68% of those referrals were for residents aged over 55.

The Review Panel heard that Public Health England had set a target of 258 people for completion of the 12 week scheme. The NEDDC figure as of 13 January 2023 was 212 (88% of the target completed) with the programme running April to April.

Areas for Improvement/Observations

- 6.2.1 The Assistant Director – Leisure provided the Committee with data from Sport England (Sport England Active Lives Survey 2021). It was stated that activity levels generally decrease with age and that activity levels had only just recovered amongst older adults following the Pandemic.

Members noted that this was a particular challenge for leisure services as the Pandemic had effected the confidence of some older residents in enjoying the District's leisure centres and other activities without the fear of becoming ill with Covid-19 or other seasonal illnesses. Other barriers to participation include general illness or disease, cognitive decline, isolation, cost of living, travel difficulties, lack of confidence, and lack of time.

The Committee observed that we were an ageing population and that by 2037 31% of residents will be 65+. It was therefore important to keep up with demand. North East Derbyshire currently has 28,200 residents aged 55-74 and 12,000 were 75+. Of those residents, 54% were currently inactive and that inactivity levels have been increasing since 2015/16 according to Active Lives data. It was therefore imperative that the Council's leisure facilities were there to support residents in leading a healthy lifestyle particularly in an aging population.

- 6.2.2 The Review Panel heard that since the Pandemic, the activities that people take part in have shifted. For example the Sport England Active Lives Survey 2021 outlined that between November 2019 and November 2020, 2.5 million people fewer were taking part in fitness activities, 2.2

million people fewer were taking part in swimming, and 0.9 million people fewer taking part in team sports. Those numbers had remained broadly similar in November 2021. Walking for leisure, however, had seen an increase of 3.7 million during the same period. This suggested that the services the Council offered also had to shift accordingly and that the services on offer consisted of more than the just the facilities. The Committee heard about community initiatives such as walking into communities and group walking and jogging which were becoming increasingly popular.

- 6.2.3 Members felt as though the membership structure was complicated and difficult to understand. For example the leisure discount scheme comprised of two different schemes – the concessionary pass and the leisure pass scheme. The schemes had a marginal difference in pay and play price of 90p, yet was the same price for a monthly supersaver membership. Different qualifying criteria applied to the pass schemes, and the Review Panel agreed that simplifying the membership structure should be explored.
- 6.2.4 The Committee noted that the Council was promoting the services and activities it offered through a number of different channels which included targeted marketing through social media, leaflets, magazines, and the Council's website. Having searched through the website themselves, Members questioned whether the information was regularly reviewed and kept up to date, and felt that the information was difficult to find and was not particularly user friendly especially for older residents. There was a consensus that the information could be centralised more effectively and that this could be done through a dedicated page on the Council's website as well as through dedicated social media campaigns to spread awareness.
- 6.2.5 Members were concerned that they were not able to compare previous annual membership numbers based on demographics with the current year and were therefore unable to assess whether memberships amongst older residents were increasing or decreasing year on year. The Committee agreed that this information was crucial in assessing the performance of the leisure centres in attracting certain demographics, and that it should be recommended that these figures, broken down into age demographics were recorded and reported back to the relevant Scrutiny Committee on an annual basis.
- 6.2.6 Although the Committee was impressed by the exercise by referral scheme, it did feel that improvements could be made in terms of monitoring those who have taken part in the scheme and are followed up on during and after the initial 12 week course to encourage continued participation. Without monitoring, there was the potential for some participants to 'slip through the net'.
- 6.2.7 Members acknowledged that staff resources were limited and that there wasn't a great deal of capacity to do more than what was currently on offer, particularly in regards to community projects. The Council could consider growing the community based team in the future once the leisure facilities investment was complete and self-sustaining, depending on the resources

available at the time. Whilst the facilities at the Council's leisure centres had received significant investment to target and benefit the District's older residents, many community based activities were done through volunteers and provided by external funding, and an increase in leisure services staff who operate out in the District could allow for more community based activities which were growing in popularity. Many of the community activities on offer also had no target demographic, and investment in more of those projects that specifically target older people could lead to better participation as we know that activity decreases with age.

7. Conclusions

- 7.1 The Review Panel heard from a range of stakeholders during the review process. The review identified a number of strengths in regards to the leisure provisions it provides to older residents in the District. Members were impressed with the activities on offer, provided both in the leisure centres and out in the community, and thanked the staff providing those services.
- 7.2 There was, however, some areas for improvement involving exercise by referral, monitoring of memberships and participation, displaying information on the website, and membership pricing and structure.

Appendix A

Direct Debit Memberships Types:

- Flex 1- one activity from gym/swim/classes = £23 a month DD
- Flex 2- two activities from gym/swim/classes= £26.50 a month DD
- Unlimited- All 3 gym/swim/classes and discount on court bookings- £30 a month DD
- Corporate- Same as unlimited. Company is registered with us so get a discount- £25 a month DD (minimum of 5 employees)

Leisure Discount Scheme - Comprises the 2 following schemes:

<u>Leisure Pass Scheme</u>	<u>Concessionary Pass Scheme</u>
<p>One off annual payment of £4.50 which then gives reduced prices for activities in the centre- Pay & Play @ £2.90</p> <p>Qualify for this membership by:</p> <ul style="list-style-type: none"> • Receiving Council Tax Benefit, Housing Benefit, or Universal Credit with the Housing element • Any dependants (under 18 years of age) • Health Referral <p>Are entitled to the <u>Supersaver membership</u> (unlimited gym, swim and some Exercise by Referral classes @ £20/month (cash payment)</p>	<p>One off annual payment of £4.50 which then gives reduced prices for activities in the centre- Pay & Play @ £3.70</p> <p>Qualify for this membership by:</p> <ul style="list-style-type: none"> • Receiving state pension • Health Referral • Student • Armed Forces Concession <p>Are entitled to the <u>Supersaver membership</u> (unlimited gym, swim and some Exercise by Referral classes @ £20/month (cash payment)</p>

Appendix B

Stakeholders Engaged During the Review

- Chris Mills – Assistant Director of Leisure
- Kelly Massey – Health and Wellbeing Development Officer
- Michael Price – Healthy Lifestyles Manager
- Stephen Birds – Swimming Development Officer
- Cllr A Powell – Portfolio Holder for Leisure, Communities and Communications

North East Derbyshire District Council

Cabinet

29 June 2023

Adoption of the Revised Statement of Community Involvement (SCI)

Report of Councillor S Pickering, Portfolio Holder for Environment and Place

Classification: This report is public

Report By: Planning Policy & Environment Manager

Contact Officer: Helen Fairfax

PURPOSE / SUMMARY

To consider the representations received to the public consultation on the Draft Statement of Community Involvement with a view to adopting the final version of the document.

RECOMMENDATIONS

1. To approve the Officer responses to the representations received to the public consultation on the Draft Revised Statement of Community Involvement as set out in the Consultation Statement in Appendix 1.
2. To adopt and bring into effect the Revised Statement of Community Involvement (SCI) in Appendix 2 to replace the current SCI (2014).

Approved by the Portfolio Holder - [Click here to enter text.](#)

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

There are no specific financial implications arising from the adoption of the SCI. The provisions identified for public notification, consultation and involvement can be met from existing budgets, provided these are maintained in the future.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

Details:

The Council has a statutory duty to prepare a Statement of Community Involvement (SCI) under section 18 of The Planning and Compulsory Purchase Act (2004). The Act sets out the required form and content of SCI's and these requirements have been followed in the production of the revised SCI. Whilst there is no statutory requirement to undertake public consultation on revisions to SCI's it is considered good practice. The Town and Country Planning, (Local Planning) (England) Regulations 2012 (as amended) require that SCI's are reviewed within 5 years of the date of adoption to identify if revisions are required. There are no specific data protection issues arising from the content of this report.

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒
Details:

There are no adverse staffing implications directly arising from the content of this report. However, the document includes provisions for notification and consultation on planning applications and for public involvement in plan making, which takes account of current established staffing levels within the service. Effective implementation of the SCI will rely upon these staffing levels being maintained.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input checked="" type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Click here to enter text.

Links to Council Plan priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
--

All

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 The Council has a statutory duty to produce a Statement of Community Involvement (SCI). The purpose of the SCI is to set out how the Council will engage with communities with an interest in matters relating to development in their area. This includes how and when communities can influence planning documents covering North East Derbyshire and the ways in which they can comment on planning and other applications.
- 1.2 In exercising its plan making functions the Council must ensure that consultation on Development Plan Documents has been undertaken in line with the provisions set out in the Council's SCI, in order to be found sound. It is similarly important that consultation on planning (and other) applications is carried out in accordance with the SCI, otherwise they may be at risk of legal challenge.
- 1.3 The Council's current SCI was adopted in 2014, and became due for review in 2019, according to the legislation. However, at that time the new Local Plan was under Examination, and it was considered most appropriate to delay review of the SCI until after the Local Plan was adopted. This was to avoid any confusion in the plan process, with the added benefit of enabling us to take account of customer feedback on the entire plan preparation process.
- 1.4 Furthermore, in the period since 2014, the National Planning Policy Framework has been updated, and opportunities for digital engagement have further increased following the Covid-19 pandemic. These factors have also contributed to the need to revise the SCI.

2. **Details of Proposal or Information**

- 2.1 The current adopted SCI (2014) comprises 3 leaflets providing an Introduction and details on how to influence the Local Plan and how to get involved in planning applications. The revised SCI combines the information in these leaflets into a single document, updated to include more detail on how the community can engage in plan-making and the consideration of planning and other applications.
- 2.2 In terms of plan making, a section on how we engage with the public and stakeholders in preparing planning policy documents has been expanded upon to reflect the opportunities for digital engagement including social media. In addition, the key stages in preparing the Local Plan, and Supplementary Planning Documents set out in diagrammatic form in the current SCI has been

updated with more detail including the opportunities for community involvement at each stage. More detail on the stages in preparing a Neighbourhood Plan is also included.

- 2.3 In terms of getting involved in planning applications this section has been updated with information on how we will consult the public to bring it in line with national legislation as set out in the Development Management Procedure Order 2015 (as amended).
- 2.4 The draft revised SCI was published for public consultation for a 6-week period between 15 February 2023 and 29 March 2023. The outcome of the consultation is summarised below and set out in detail in the Consultation Statement at Appendix 1 to this report.
- 2.5 In summary, the public consultation included the following:
- All organisations and individuals registered on the Council's consultee database were notified of the consultation by email or letter,
 - All individuals signed up to the Council's general email update service were notified of the consultation,
 - The draft SCI was published on the Council's website including a news article on the front page,
 - Information about the consultation on the draft SCI was posted on the Council's social media accounts – Facebook, Twitter and LinkedIn; and
 - Paper copies of the draft SCI, statement of representations procedure and comments form were made available in 'deposit venues' i.e. at the council office and local libraries.
- 2.6 A total of 25 responses to the draft SCI were received from 11 organisations and 2 individuals. Whilst no fundamental issues were raised to its overall scope and content, it is considered appropriate to propose a limited number of changes to the draft SCI in response to some of the comments received, alongside additional officer updates.
- 2.7 The recommended changes are relatively minor relating to points of clarification, signposts to further information, and other consequential changes to text and headings. In summary, the main changes recommended to the draft SCI are clarification that:
- the list of General Consultation Bodies with whom the Council consults during plan-making will be made available within the Consultation Statements published on the Council's website at each public consultation stage,

- applications for listed building consent and works to trees covered by preservation orders will be subject to the Council's Neighbour Notification Protocol,
- other consents may be required for development proposals such as Schedule Monument Consent, Felling Licences or Wildlife Licences, and that in such circumstances the Council will be able to signpost applicants to the relevant consenting body.

2.8 The Statement of Community Involvement as recommended for adoption is set out in Appendix 2 to this report.

3 Reasons for Recommendation

3.1 To formalise the Council's response to the comments received during the consultation on the draft SCI, and to enable the document to be formally adopted as the Council's Statement of Community Involvement.

4 Alternative Options and Reasons for Rejection

4.1 The preparation of a Statement of Community Involvement and its review every five years from its adoption date is a statutory requirement and there are no reasonable alternative options.

DOCUMENT INFORMATION

Appendix No	Title
Appendix 1	Statement of Community Involvement – Consultation Statement
Appendix 2	Statement of Community Involvement – Adopted Version
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	
Click here to enter text.	

APPENDIX 1

Statement of Community Involvement

Consultation Statement

June 2023

Statement of Community Involvement (SCI) – Consultation Statement

1. Introduction

- 1.1 This consultation statement summarises the consultation that took place on the draft revised Statement of Community Involvement (SCI). It sets out how the draft SCI was publicised and provides a summary of the responses received during the consultation together with any recommended changes to the document.

2. Consultation

- 2.1 The draft SCI was subject to a 6-week period of public consultation between 15 February and 29 March 2023.
- 2.2 The draft revised SCI was published on the Council's website on the 'Statement of Community Involvement' page and through the Council's on-line Planning Policy Consultation Platform. A news article was added to the front page of the Council's website. Comments were invited electronically via the on-line consultation system, or alternatively by email or letter.
- 2.3 Email notification about the consultation on the draft SCI was sent to all people registered on the Council's local plan consultee database. This included general and specific consultation bodies and individual members of the public with interest in plan making in the district. A letter was sent to those people without an email address. In total this involved direct notification to 675 people registered on the consultee database. The full list of the Specific and General Consultation Bodies invited to make representations on the draft SCI are included in Appendix 1.
- 2.4 Direct notification about the consultation on the draft SCI was also sent via the Council's general email update service to all those people signed up to receive updates on council 'latest news' – 5,766 people. A further reminder notification was then sent to all those people who subscribe to receive planning and local plan updates and information – 3,815 people.
- 2.5 The draft SCI was advertised on the Council's social media accounts – Facebook, Twitter and LinkedIn. These social media accounts were used on 5 instances to present information about the consultation on the draft SCI, resulting in 3,187 'impressions' ¹ during the consultation.
- 2.6 In addition, paper copies of the draft SCI were made available for inspection at the Council's office at Mill Lane, Wingerworth and at local libraries: Chesterfield; Clay Cross; Dronfield; Eckington; Holmewood; Killamarsh; Wingerworth; and the Mobile Library Service.

¹ Impressions are how many times the content is displayed on a device.

3. Response to the Consultation

3.1 A total of 25 representations to the draft SCI were received from 13 individuals and organisations as follows:

- Derbyshire County Council – Lead Local Flood Authority
- Nottinghamshire County Council
- National Highways
- Environment Agency
- Natural England
- Historic England
- Severn Trent Water
- The Coal Authority
- Chesterfield Royal NHS Trust
- Dronfield Civic Society
- 2 Individuals

3.2 A summary of the representations and the council's response together with any recommended change to the document is set out in Appendix 2. The full text of the representations is available online through the Council's [consultation system](#)², by clicking on the magnifying glass of the supporting text.

² <https://bolsover.oc2.uk/>

Appendix 1 – List of Specific and General Consultation Bodies notified of consultation on the draft SCI

Specific Consultation Bodies	
Alfreton Town Council	Mobile UK
Amber Valley Borough Council	Morton Parish Council
AMEC Environment & Infrastructure UK Limited (Leamington Spa office)	National Grid
Ashover Parish Council	National Highways
Ault Hucknall Parish Council	Natural England
Avison Young, on behalf of National Grid	Network Rail
Barlborough Parish Council	NHS England Area team - Derbyshire and Nottinghamshire
Barlow Parish Council	NHS Hardwick Clinical Commissioning Group
Bassetlaw District Council	NHS Property Services
Beeley Parish Council	North Wingfield Parish Council
Blackwell Parish Council	Nottinghamshire County Council
Bolsover District Council	Old Bolsover Town Council
Brackenfield Parish Council	Peak District National Park Authority
Brampton Parish Council	Pilsley Parish Council
Brimington Parish Council	Rotherham MBC
BT Group PLC	Scarcliffe Parish Council
Calow Parish Council	Severn Trent Water
Chesterfield Borough Council	Sheffield City Council
Clay Cross Parish Council	Shirland & Higham Parish Council
Crich Parish Council	South Normanton Parish Council
Darley Dale Town Council	South Wingfield Parish Council
Derby & Derbyshire & Nottingham & Notts LEP	South Yorkshire Mayoral Combined Authority
Derbyshire County Council	South Yorkshire Police and Crime Commissioner
Derbyshire Dales District Council	Stretton Parish Council
Derbyshire Police Authority	Sutton - cum - Duckmanton Parish Council
Dethic Lea and Holloway Parish Council	Tansley Parish Council
Dronfield Town Council	Temple Normanton Parish Council
Eckington Parish Council	The Coal Authority
EE	Three
Environment Agency	Tibshelf Parish Council
Grassmoor, Hasland & Winsick Parish Council	Tupton Parish Council
Harthill with Woodall Parish Council	Unstone Parish Council
Heath & Holmewood Parish Council	Virgin Mobile Telecoms Limited
Historic England	Vodafone and O2
Holmesfield Parish Council	Wales Parish Council
Holymoorside & Walton Parish Council	Wessington Parish Council
Homes England	Western Power Distribution
Killamarsh Parish Council	Wingerworth Parish Council

Matlock Town Council	Yorkshire Water
General Consultation Bodies	
Ability	Georgian Group
Active Derbyshire	Hasland Hall Park Community Association
Bramley Park Residents Association	HBF (Home Builders Federation)
British Waterways	Health and Safety Executive
Calow Community Centre	Heath Village Development Committee
Campaign for Real Ale limited (CAMRA)	High Speed Two (HS2) Limited
Campaign to Protect Rural England	Historic Buildings & Places
CAMRA	Holmgate Tenants and Residents Group
Canal & River Trust	Killamarsh RAGE
Castle Hill & Pitt St Tenant & Resident Group	Lea Brook Valley Project, Dronfield
Chesterfield & District Shopmobility	Lee Rowley MP
Chesterfield and North East Derbyshire Group of the Ramblers	Mark Fletcher MP
Chesterfield Canal Partnership	Marsh Lane Tenant and Resident Group
Chesterfield Canal Trust	Midlands Association for Amputees and Friends
Chesterfield Civic Society	Morton Village Hall
Chesterfield Gospel Hall Trust	Motoring Organisations Land Access & Rec. Assoc
Churches Community Network Alliance - England & Wales	Muslim Welfare Association
Citizens Advice North East Derbyshire	National Council for Voluntary Organisations
Civil Aviation Authority	National Federation of Gypsy Liaison Groups
Clay Cross and Danesmoor Allotment Society	Northa Fields Allotment Association
Clay Cross Countryside Centre	Ogston Bird Club
Clay Cross Methodist Church	Old Dronfield Society
Clay Cross Police	Our Vision our Future
Coalfields Regeneration Trust	RenewableUK
Council for British Archaeology	Renishaw Methodist Church
CPRE	Rural Action Derbyshire
Danesmoor & Clay Cross Tenants and Residents Assoc	Rykneld Homes
Derbyshire & Nottinghamshire Chamber of Commerce	Sight Support Derbyshire
Derbyshire Archaeological Society	Sorby-Breck Ringing Group
Derbyshire Autism Services Group	Sport England
Derbyshire Constabulary - Designing out Crime	St Pauls Church Hasland
Derbyshire Fire & Rescue Service	Staveley Job Centre Plus

Derbyshire Swift Conservation Project	SYLTE Planning Team
Derbyshire Wildlife Trust	Tenants Participation Advisory Service Ltd
Dronfield & District Tenants and Residents Group	The Eckington Historical Society
Dronfield Civic Society	The Gardens Trust
Dronfield Green Belt Resident's Group	The Georgian Group
Eckington and District Monday Group	The Lawn Tennis Association
Eckington Civic Centre	The National Trust
Eckington Focus Tenants and Residents Group	The Ramblers Association
Eckington Footpaths Groups	The Society for the Protection of Ancient Building
Eckington Pensioners Action Group	The Theatres Trust
Evergreen Disabled Gardening Club	The Victorian Society
Federation of North East Derbyshire tenants and residents	The Volunteer Centre
Fields in Trust	The Woodland Trust
Forestry Commission	The Woodland Trust
Friends of Dronfield Station	Traveller Movement
Friends of Morton Colliery Heritage Group	Tupton Tenant and Resident Group
Friends of the Earth	Williamthorpe Angling Club
FTT & Traveller Law Reform Project	Wingerworth Community Association

Appendix 2: Summary of Representations and Council's Response.

Rep. ID	Respondent	Para. No.	Comment/Objection	Council Response	Recommendation
Section 1: Introduction					
10897	Derbyshire County Council – Lead Local Flood Authority	-	No comment.	Noted.	No change.
10921	Environment Agency	-	No comment.	Noted.	No change.
10898	Natural England	-	Support the principle of meaningful and early engagement with stakeholders in local planning matters, but unable to comment in detail on individual Statements of Community Involvement.	Noted.	No change.
10906	Nottinghamshire County Council	-	No comment.	Noted.	No change.
10915	Severn Trent Water	-	No comment.	Noted.	No change.
10914	The Coal Authority	-	No comment.	Noted.	No change.
10920	Haywood	1.2	To be totally inclusive, in point 1.2..'Ensuring it to be, fair, open and accessible', for people without computers which will mainly be the older generation, any council consultation must be advertised in 'The News' as this publication reaches (or should reach) the whole population of NE Derbyshire. A phone number or address should be provided so that residents without access to a	The News magazine is only distributed to all households in the district 3 times a year. It is therefore not possible to commit to use it to publicise all consultations on the Local Plan and other policy documents. We will however publish articles in 'The News' which notify stakeholders of the opportunity to comment on the Local Plan and other planning policy	No change.

			computer / email can request a printed copy to respond to.	<p>documents where this is practicable and timely to do so. This is made clear in paragraph 2.13 of the draft SCI.</p> <p>The limited frequency of the publication of the News makes it impractical for use in publicising planning applications which are required to be advertised on a weekly basis.</p> <p>The request for articles in the News to include direct dial telephone contact details is not directly related to planning and the content of the SCI. However, the request has been passed to the Council's Communications Team and noted for future editions of the News magazine.</p>	
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Section 2: Getting Involved in Planning Policy

Who we consult

10908	Booth	-	Older and visually impaired members of a community may be adversely impacted by your consultation proposals if they are not actively involved in one of the defined consultation bodies. Individuals are encouraged to sign up to receive information on	The draft SCI proposes to use a range of consultation methods and publicity procedures to maximise the opportunities for community involvement in both plan-making and planning applications.	No change.
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			<p>planning policy and planning applications but in the main many only are interested when a policy or application may directly affect them. Older people may be uncomfortable using technology to access your website to obtain information. Visually impaired individuals may pass notices in public locations or outside a proposed development site several times but not pick up on planning proposals.</p>	<p>In terms of plan-making, this includes direct notification to individuals registered on the Council's Local Plan database via email, or letter for those without an email address. It also includes making paper copies of documents available for inspection at the Council office and local libraries.</p> <p>In dealing with planning applications, neighbour consultation letters set out that anyone wishing to view proposals and not able to access information electronically can contact the Council to make alternative arrangements.</p> <p>The Council will aim to ensure the Local Plan and other policy documents it produces and publishes on the website are fully accessible to people with visual impairments. Upon request the Council will also produce the Local Plan and other policy documents in large print if necessary. This is</p>	
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				referenced in paragraph 2.15 of the draft SCI.	
10905	Dronfield Civic Society	2.10	It is understandable that General Consultation Bodies would not be in an infrequently-updated formal document. However, there must be a list maintained in the department, and it would be easy to make this an online list so that the community can see at any time the current list.	<p>A full list of all interested groups, organisations and individuals invited to make representations on the Local Plan is maintained as part of the Local Plan process and set out in the Consultation Statements prepared at each formal public consultation stage.</p> <p>The Local Plan Consultation Statements are made publicly available on the Council's web site and it is not considered necessary to publish the list of General Consultation Bodies separately. However, a signpost to where people can find the list of these bodies would be a useful addition to the SCI.</p>	<p>Delete paragraph 2.10 and replace with:</p> <p>We do not include a list of General Consultation Bodies because they change more frequently. A <u>full list of General Consultation Bodies is maintained as part of the Local Plan preparation process and included in the Consultation Statements which are published on the Council's website at each public consultation stage.'</u></p>
<i>Neighbourhood Planning</i>					
10909	Booth	2.30	Neighbourhood Planning seems a positive way forward to enable communities to input to a planning document specific to their area. It also provides an opportunity for the views of difficult to reach individuals within the community to be incorporated into a strategic	The main purpose of the SCI is to set out the stages at which communities can get involved in the process of preparing a Neighbourhood Plan. However, it is considered that further text could be added to this section to expand upon the role and	<p>Add new 2nd sentence to paragraph 2.30 as follows:</p> <p><u>Through the preparation of a Neighbourhood Plan communities can</u></p>

			document supporting the planning decision process. It would appear that only a few Parish Councils have produced a Plan. Is it therefore possible for your Statement of Community Engagement to have wording to encourage greater take up of such plans?	benefits of preparing a neighbourhood plan.	<p><u>have a direct role in developing a collective local vision and local planning policies for their area, including identifying where new homes and other new development should be built.'</u></p> <p>Amend 1st sentence of paragraph 2.33 as follows:</p> <p>'We advise <u>encourage</u> groups considering making a Neighbourhood Plan to get in touch with the Planning Policy and Environment Team at the outset of the process to help ensure smooth running of the project'.</p>
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Section 3: Getting Involved in Planning Applications

Getting Involved in Planning Applications

10899	Dronfield Civic Society	-	<p>3 significant omissions in the SCI.</p> <ol style="list-style-type: none"> 1. Handling applications within the scope of DCC. 2. Lack of KPI's. 3. Lack of engagement and feedback commitment 	<p>Consultations on County Matters Planning applications are carried out by Derbyshire County Council in accordance with their own SCI. The District Council's role is as consultee only, which involves seeking comments from various internal departments, Ward Members and Parish Councils.</p> <p>Planning KPIs relate to speed and quality of decision making. In terms of the scope of this document and community engagement, there would not be any relevant KPI's only the statutory consultation periods as set by government</p> <p>Section 3.0 of the SCI details engagement with the community in relation to planning applications. Comments received on planning applications are read and summarised by the case officer in their delegated/ committee report. Due to the volume of comments received</p>	No change
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				<p>in relation to planning applications it is not feasible to provide individual feedback. However, contact information is provided both within the SCI and on our consultation letters detailing how the public can contact the department if further discussion is required.</p>	
10910	Booth	3.4	<p>For major applications e.g. Industrial developments the visual impact on properties beyond 90 metres can be significant and have adverse impacts on the property itself. It could also adversely impact on potential property purchasers' decision process if the development is not identified on a property search because it is beyond 90 metres.</p> <p>The number of people who now read local newspapers is falling dramatically so the use of this format to identify planning applications needs serious reconsideration by National and Local Government. The development of local community consultation groups to feed information to for cascading more widely may be appropriate.</p>	<p>The 90 metres relates only to consultation on planning applications and does not relate to Local Searches. This is considered to be a proportionate approach given that proposals for major developments would also be publicised by site and press notices. Paragraph 3.3 of the draft SCI also states that 'The Council may also publicise wider when appropriate to maximise opportunities for community involvement' and so the 90 metre 'limit' is not a blanket approach.</p> <p>We understand that the government is investigating new technologies that would allow for wider and more intuitive</p>	No change.

				consultation methods, such as planning alerts to mobile phones. As and when new technologies become available the Council will give due consideration to adopting them depending on their cost effectiveness and compliance with our privacy guidelines.	
10900	Dronfield Civic Society	3.4 & 3.5	<p>Publicising in local newspapers doesn't reflect current trends. It would be better to use a social media platform that the public can opt into.</p> <p>The 'public posting' process needs to have appropriate checks from the Development Management team - we have seen cases of notices positioned as much to</p>	<p>It is a statutory requirement to publicise certain planning applications within the press, and this will have to be adhered to unless a change is made to the legislation. It is noted that more people are now using social media, but it is not possible to cover all such media platforms. Alternatively, the public access from the Council's website already allows people to create customised searches and alerts for applications in their street or settlement. Advice on how this can be done is available on-line.</p> <p>Site visits are undertaken for all applications by Council Officers when the location of the site notice is checked to ensure it is visible and accessible. Where</p>	No change.

			obscure as publicise, posted late or not at all, and neighbour notification failings.	no notice has been erected a notice is placed on or near the site by the Council Officer.	
<i>Getting Involved in Other Applications</i>					
10901	Dronfield Civic Society	3.6	Exclusions in paragraph 3.6 should not take precedence over conservation areas or listed buildings. For example, advertisements in a conservation area should involve public consultation.	Paragraph 3.6 is to be read in the context of the section on other applications and is included for the avoidance of doubt.	<p>Amend first sentence of paragraph 3.6 to read: 'For these purposes <u>planning Other</u> applications do not include applications the following submissions:</p> <ul style="list-style-type: none"> ○ To discharge planning conditions... <p>Amend final bullet of paragraph 3.6 to read: 'for prior approval for <u>all/any</u> works permitted by The Town and Country Planning (General Permitted Development) Order 2015 ("the Order").'</p>

10911	Peter Booth	3.6 & 3.7	Nowhere within this guidance does it identify where information can be obtained on potential works that may be of relevance to local communities particularly in relation to trees. Local authorities have been criticised for allowing significant work or removal of trees without proper consultation with local communities and environmental groups. It would be helpful if the section could provide some guidance on how individuals can comment on such proposals.	<p>Trees are referenced in paragraph 3.6. However, consent from the local planning authority is only required to undertake works to trees protected by Tree Preservation Orders (TPOs). It is therefore appropriate to undertake formal notification on proposed works to trees protected by Tree Preservation Orders.</p> <p>Notice of an intention to undertake works to trees within Conservation Areas is also required but that does not take the form of a formal application and only 6 weeks' notice is required. No formal notification is appropriate or necessary.</p>	<p>Amend paragraph 3.4 to read</p> <p>'For all planning applications, <u>applications for Listed Building Consent and any application to undertake works to trees covered by Tree Preservation Orders</u> the following protocol will be followed:</p> <ul style="list-style-type: none"> ○ Letters will be <p>Amend paragraph 3.6 to delete 5th bullet point as follows:</p> <p>○ for works to trees covered by Tree Preservation Orders</p>
<i>General Information on Consultations</i>					
10902	Dronfield Civic Society	3.8 & 3.14	Action needed to check online posted material section. Action needed to prevent gaming the system by multiple applications	We will consult neighbours and consultees on subsequent planning applications so that there is an opportunity to comment on subsequent	No change.

				applications submitted. Except in the limited circumstances set out in Part 3, Section 70A of the Town and Country Planning Act (1990) the Council cannot refuse to determine a planning application.	
10912	Peter Booth	3.10	<p>Feedback on comments made on a planning application either in writing or via the website will be made available on the website. This is not ideal for anyone who is unable to access or has difficulty using technology to access information on the website.</p> <p>21 days to make comment on an application may be what is required by applicable legislation but if someone leaves to go on holiday a couple of days from a notice being posted without seeing it will only have approximately 4 or 5 days on their return to see it and comment. 28 days more appropriate.</p>	<p>The site notices and neighbour consultation letters include telephone numbers to allow those who cannot view the planning applications online to gain access to information. This is also detailed in paragraph 3.8.</p> <p>The timescales are established in the Town and Country Planning (Development Management Procedure) (England) Order 2015. They are considered appropriate and facilitate an acceptable timeframe for submission to be made and allow a balance to be struck between those who wish to comment and the applicant seeking determination of their application.</p>	No change

10913	Peter Booth	3.12	Assumption again made that everyone can access or has technology to access the website to obtain details of planning decisions. On request information can be emailed out on weekly planning decisions on a weekly basis. Consideration should at least be given to sending an email specific to the application to anyone who has raised an objection or took the time to provide comment. If the Council wishes to promote better community engagement at such feedback is important.	<p>Phone numbers allowing access to Council Officers are given in the SCI.</p> <p>Paragraph 3.23 identifies how access to the weekly list of applications can be achieved.</p> <p>Due to the volume of comments on applications received it is not feasible to provide individual feedback/responses on comments made to applications or to notify interested parties directly of the outcome of applications determined.</p> <p>The SCI sets out how stakeholders can view and comment on planning applications and obtain information on decisions taken.</p>	No change
<i>Decision Making and Planning Committee</i>					
10903	Dronfield Civic Society	3.19	The document should set out clear criteria for acceptable delegation of applications. It seems that at present it relies on individual councillors to spot a troublesome application to prevent it going through as delegated approval. A specific set of criteria to determine those safe to be delegated would	<p>This matter is outside of the scope of the SCI. The scheme of delegation forms part of the Council's constitution.</p>	<p>Include hyperlink to Council constitution in first sentence of paragraph 3.19.</p> <p>https://democracy.ne-derbyshire.gov.uk/documents/s17155/The%20Constitution%20of%20the%20C</p>

			be more appropriate and would be fail-safe.		ouncil%20Revised%20July%202021.pdf
<i>Other Information</i>					
10917	Historic England	3.30	Paragraph 3.30 with respect to the development management process it may be useful to incorporate a section on dealing with listed building applications and scheduled monument consent and the process.	<p>It is agreed that the paragraph should include reference to advice that can be obtained in relation to Listed Buildings.</p> <p>The scheduled monument consent process is managed by Historic England. Further text to explain that in addition to planning permission there may be a requirement for other consents for development proposals would also be a useful addition to the SCI.</p>	<p><u>Amend paragraph 3.30 as follows:</u></p> <p><u>‘In addition to managing the system for determining applications, the Development Management team can provide advice to householders, businesses and others considering development projects; and the Council’s Conservation Officer can provide advice in relation to development affecting a Listed Building. For other consents that may be needed before any work may start, such as Scheduled Monument Consent, Felling Licences or</u></p>

					<p><u>Wildlife Licences you will need to contact the relevant consenting body. Further information can be obtained on these from the Council's using the contact details set out here. Planning webpages</u>; ³ or alternatively, you can telephone 01246 217159 or email developmentcontrol@ne-derbyshire.gov.uk for advice."</p>
10904	Dronfield Civic Society	3.31	The Development Management team should make clear the committed timelines for enforcement action where there has been a breach. The public can and will get involved where through malicious intent or otherwise development actions have been taken to the detriment of the community. Stopping these destructive acts will be far easier when it is clear that swift and	Due to the varying nature and severity of Enforcement enquiries it is not possible to provide detailed timelines as this varies on a case-by-case basis. However, all investigations are carried out in accordance with the Local Enforcement Plan and reference to this could usefully be included in the SCI.	<p>Amend paragraph 3.31 to read:</p> <p>'The team also investigates alleged breaches of planning control. <u>Matters brought to our attention are dealt with in accordance with the Local Enforcement Plan.</u></p>

³ <https://www.ne-derbyshire.gov.uk/planning-and-local-plan/planning-permission>

			decisive action will be taken by the district council team.		To report an issue to our Planning Enforcement Team please use our online form.
Appendix A: Specific Consultation Bodies for a Local Plan					
10918	Historic England		Welcome the reference to Historic England as a 'specific consultation body' in Appendix A.	Noted.	No change.
10916	National Highways		The 'Highways Agency' is now 'National Highways'.	Noted.	Add reference to 'now National Highways'.
10907	Chesterfield Royal Hospital NHS Foundation Trust		<p>As a minimum should include Chesterfield Royal Hospital NHS FT (acute care) separately, which is impacted at a greater scale than individual GP practices from growth across the identified area.</p> <p>Growth in housing has a material impact on attendance at the hospital which is well documented in ONS data and supported by our own activity data/heat map. This impacts directly on service capacity, physical space requirements and equipment capacity and replacement rates. In addition, we are supportive of moving towards an agreed combined Health and Social care impact assessment process across</p>	The list of specific consultation bodies at Appendix A of the draft SCI which includes Primary Care Trusts (now Integrated Care Boards) is defined by the Regulations and so cannot be altered by the Council. However, the Council will ensure the Chesterfield Royal Hospital NHS Foundation Trust is included on the Local Plan consultee database as one of the bodies with whom it will consult on the preparation of the Local Plan and other policy documents.	No change.

			the Derby and Derbyshire system, including Primary Care.		
Appendix D – Key Stages of Neighbourhood Plan preparation					
10919	Historic England	2.33	Under Appendix D, Historic England is keen to front load the neighbourhood development plan process and are keen for neighbourhood planning groups to consider the historic environment at the outset. I include a link below with relevant information, of which we would be grateful if it could be passed on to the relevant groups. https://historicengland.org.uk/advice/planning/improve-your-neighbourhood/	Noted. Through its dialogue with neighbourhood planning groups the Council will highlight any historic environment issues affecting plan areas and signpost to Historic England's advice note. The inclusion of the link to the advice note in the SCI would be a useful addition.	Add link to Historic England's advice note on neighbourhood planning in paragraph 2.33.



North East Derbyshire
District Council

NORTH EAST DERBYSHIRE DISTRICT COUNCIL

Statement of Community Involvement

June 2023

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1. Introduction

- 1.1 This Statement of Community Involvement (SCI) sets out how North East Derbyshire District Council will involve the public and stakeholders in plan making and in the consideration of planning applications. It sets out who, how and when we will engage with the public and stakeholders in carrying out our planning functions.
- 1.2 Our *Council Plan 2019-2023* sets out that we are committed to engaging with people and ensuring that the consultations we undertake are fair, open and accessible. This approach is taken forward through our *Communications Strategy 2020* which establishes our commitment to:
 - keeping everyone informed and up-to-date;
 - reaching all sections of the community;
 - improving customer satisfaction levels; and
 - engaging with and informing our partners.
- 1.3 This SCI aims to build upon these corporate aims and seeks to encourage the local community to engage in planning. To this end we will work positively and pro-actively to ensure that you are fully informed; involved in the planning process and have meaningful opportunities to have your say.
- 1.4 Community involvement is an important part of preparing the SCI and the Draft SCI was made available for a 6 week consultation period from 15th February to 29th March 2023. All comments received through the consultation have been taken into account and any necessary changes made to the document. This is the adopted version of the SCI and the Council will carry out consultation on the Local Plan and planning applications in line with the processes it sets out.

2. Getting Involved in Planning Policy

Development Plan & Other Documents

- 2.1 This part of the SCI deals with planning policy and work of the Planning Policy and Environment Team. It explains how we will engage with communities and how you can get involved in the preparation of planning policy documents. The figures below show the documents that make up the Development Plan for our area together with other supporting documents we produce.

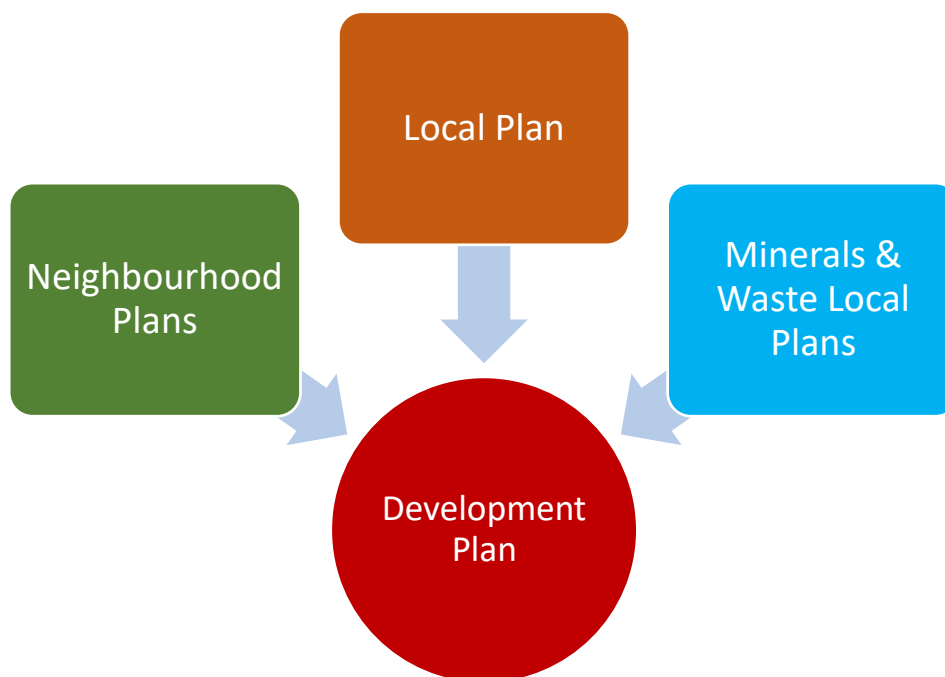


Figure 1: Components of the Development Plan



Figure 2: Other supporting documents

- 2.2 The current Development Plan includes the North East Derbyshire Local Plan 2014-2034 which sets out the strategy and policies to guide development in the area. There are a number of ‘made’ Neighbourhood Plans produced by Parish and Town Councils which form part of the Development Plan for our area as do the Minerals and Waste Local Plans produced by Derbyshire County Council.
- 2.3 The Planning Policy and Environment Team is responsible for producing the Local Plan and for providing advice and assistance to Parish and Town Councils’ in preparing their Neighbourhood Plans. Development Plan Documents are the starting point for making decisions on planning applications – see Part 3 of this SCI.
- 2.4 Supplementary Planning Documents (SPDs) can also be produced to provide further detail on the implementation of the policies set out in a Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues such as design. Once adopted SPDs are a relevant material consideration when making decisions on planning applications.
- 2.5 We produce other documents including this Statement of Community Involvement (SCI), the Local Development Scheme (LDS), which is essentially a project plan setting out a timeline for preparing the new Local Plan, and the Authority Monitoring Report (AMR) which monitors our progress on plan preparation and the implementation of plan policies.
- 2.6 Government regulations require us to review the Local Plan at least once every five years from its adoption date. This means that we will need to have carried out a review of the current Local Plan to see whether some or all of its policies require updating by November 2026. Following this review we will set out a timeline for an update to the Local Plan, (if required) in the Local Development Scheme and publish this on the Council’s website so you can see when we anticipate you can get involved in the process of preparing the new Local Plan.

Who we consult

- 2.7 We want to give everyone the chance to have their say on the Local Plan and other planning policy documents that we produce. We are committed to encouraging community involvement with a wide range of groups, organisations, and individuals in our plan making.
- 2.8 Government Regulations require us to consult with Specific Consultation Bodies, General Consultation Bodies and residents and businesses during the Local Plan process. Specific Consultation Bodies (sometimes known as statutory consultees) include public organisations such as the Environment Agency, Historic England and Natural England, neighbouring Planning Authorities and Derbyshire County Council. A full list of Specific Consultation Bodies is provided in Appendix A.

2.9 General Consultation Bodies are defined in the Regulations as follows:

- voluntary bodies whose activities (some or all) benefit any part of the local planning authority area;
- bodies representing the interests of different racial, ethnic or national groups in the local planning authority area;
- bodies which represent the interests of different religious groups in the local planning authority area;
- bodies representing the interests of disabled people in the local planning authority area; and,
- bodies representing the interests of people carrying on business in the local planning authority area.

2.10 A full list of General Consultation Bodies is maintained as part of the Local Plan preparation process and included in the Consultation Statements which are published on the Council's website at each public consultation stage.

2.11 In addition to these organisations, we strongly encourage all residents, businesses and other interested parties to sign up to our Planning Policy Consultation Platform to keep informed about consultations and progress on planning policy documents. You can sign up in the following ways:

- By accessing the [consultation platform](#)¹
- By emailing: local.plan@ne-derbyshire.gov.uk; or
- by writing to us at:
Planning Policy,
North East Derbyshire District Council,
2013 Mill Lane,
Wingerworth,
Chesterfield,
Derbyshire,
S42 6NG.

2.12 You can also sign up to the [Council's general email update service](#)² and register your interest in receiving updates on planning information including progress on the preparation of the Local Plan and other planning policy documents.

How we engage

2.13 We will use a variety of methods to engage and consult with the public and stakeholders in preparing planning policy documents. The scope of the planning policy document and the stage of the process will influence the type of consultation we will undertake. We may communicate using the following methods:

¹ <https://bolsover.oc2.uk/>

² <https://public.govdelivery.com/accounts/UKNEDDC/subscribers/qualify>

Website – to report progress on producing planning policy documents and to ensure consultation documents are available to view.

Document deposit locations – to make paper copies of consultation documents available for inspection at the Council's main office, and at local libraries within the district.

Posters and Site Notices – to notify stakeholders of the opportunity to comment on consultation documents by displaying posters in public buildings such as libraries and leisure centres and / or by placing site notices around sites identified as potential site allocations for residential and commercial development.

Direct notification – to notify by email those bodies, organisations or individuals who have informed us of their interest in our planning policy documents; or are required to be consulted according to relevant legislation. We will only notify you by letter if you have not provided us with an email address.

Face-to-face consultation – to share information, discuss proposals and encourage engagement with interested parties through information events, public exhibitions and drop in sessions. Where appropriate, more targeted consultation methods may include bespoke meetings of representative groups, workshops or focus group sessions where a specific issue needs more in-depth discussion.

Digital Engagement – to share information, discuss proposals and encourage engagement such as through online surveys and polls, webinars, and hosting virtual exhibitions, video conferences, and other digital methods of engagement.

Media publicity – to notify stakeholders of the opportunity to comment on planning policy documents using press releases and the Council's social media accounts such as Twitter and Facebook, and newsletters such as 'The News' where timely to do so. We will only use social media to share information and will not enter into dialogue on these platforms; or take account of any comments received on social media or non-word based actions such as post likes, shares or retweets.

- 2.14 At any stage of the process, we will always comply with the minimum legal requirements when publicising public consultation on the Local Plan and Supplementary Planning Documents. In addition, we will consider using any combination of the consultation methods as described above to encourage community involvement in the creation of planning policy.
- 2.15 We will always try and communicate in plain English and fully explain any technical language or acronyms. Documents may also be produced in different languages or formats (such as large print or Braille) if requested.

- 2.16 In case of a national emergency, such as a pandemic where social distancing or other public safety measures have been put in place, it may be necessary to carry out consultation in different ways. If so, we will carefully consider whether it is safe, feasible and appropriate to carry out consultation in a way that does not prejudice the ability of people to be engaged in terms of fairness and equality. Where appropriate to continue with consultation we will take the following approach:

Website - the primary method for consultation will continue to be focussed on the Council's website.

Access to Documents - hard copies of key consultation documents and material will be made available and posted out where possible (free of charge) on request to those individuals that are unable to view the consultation documents online and are unable to view hard copies at local deposit venues, either due to the closure of those venues, or due to social distancing/shielding restrictions.

Making Representations - should anyone be unable to submit a response online or by email and be unable to leave their home to post a response, the Council will consider bespoke measures on a case by case basis to enable people to respond, including arranging for the collection of the response.

Consultation Timescales - consideration will be given to extending the time period for accessing documents and responding, with arrangements kept under review throughout the consultation period.

Information - The facilities related to 'access to documents' and 'making representations' will be communicated in consultation material and on the Council's website.

When we will engage

- 2.17 [Government regulations](#)³ set out the various stages for preparing a Local Plan and Supplementary Planning Documents and when and for how long we must formally publish the documents for comment. These requirements will be met. We will engage with the community at the early stages of preparing planning documents when there is greatest opportunity to influence the direction of strategies and policies.

Local Plan

- 2.18 The production of a local plan is an iterative process developed through two statutory stages in consultation with the public and key stakeholders. These are formally known as Plan Preparation (regulation 18), and Plan Publication (regulation 19).

³ The Town and Country Planning (Local Planning) (England) Regulations 2012
<https://www.legislation.gov.uk/uksi/2012/767/contents/made>

- 2.19 There is also an Examination of the Local Plan that is led by an Independent Inspector (regulation 24) where people can attend and may be invited to participate in hearing sessions if they have made comments during the Plan Publication stage.
- 2.20 The stages in preparing the Local Plan and the opportunities for community involvement are set out in Appendix B.

Supplementary Planning Documents

- 2.21 Supplementary Planning Documents (SPDs) provide further detailed guidance on the implementation of policies in the Local Plan. They do not form part of the Development Plan and are not subject to independent Examination. The consultation process involved with the preparation of an SPD is less stringent than preparing a Local Plan, and the level and scope of consultation can vary according to the nature of the SPD being produced.
- 2.22 The stages in preparing an SPD and the opportunities for community involvement are set out in Appendix C.

How you can make comments

- 2.23 We would prefer to receive your comments electronically through our web based Planning Policy Consultation Platform as this is the easiest and quickest way for us to record and respond to any comments you make. More information on how to register and use the on-line platform can be found on our [Planning Policy's "Get Involved" webpage](#).⁴
- 2.24 In order to guide feedback we may issue questionnaires or publish Representation Forms that can be filled out on-line or in paper format. We will also accept comments by email or letter, but if you do write to us in this way we may need to contact you to clarify which part of the planning policy document your comment relates to, or identify the relevant part ourselves, if this is in any way unclear.
- 2.25 We would prefer that you also provide a short summary, so that we can ensure that we identify the most relevant elements of your comments and we do not misunderstand your main points. Where no summary has been provided, we will summarise the comments.
- 2.26 We will always set out the ways you can respond, and the timescales for submitting comments in the consultation material we publish alongside the policy document. Comments must always be made in writing. If you need support submitting any comments please get in touch with a member of the Planning Policy and Environment Team.

⁴ <https://www.ne-derbyshire.gov.uk/planning-and-local-plan/planning-policy-and-local-plan/get-involved>

What will happen to your comments

- 2.27 We will acknowledge receipt of your comments as soon as possible. This will confirm the part(s) of the planning policy document your comments have been assigned to, and the summary of the comments. You will have the opportunity to amend this, within appropriate timescales, should you wish.
- 2.28 We will record all written comments made on planning policy documents and take them into account in the further preparation of the relevant planning policy document. Typically, we receive a large volume of comments and it is not possible to respond to each one individually. We will therefore group comments together and respond to the main issues raised.
- 2.29 We will publish all comments received along with our responses through the on-line consultation system and Consultation Statements where appropriate. Copies of all comments received will be made available for the public to view and cannot be treated as confidential. Personal data will however be processed and held in accordance with the General Protection Regulation (GDPR) 2018 and Data Protection Act 2018. The Council assumes that by making comments to planning policy documents, you opt-in to receiving further updates from the Council about future planning policy documents. If you no longer wish to receive updates, you can opt-out of receiving these by contacting the Council's Planning Policy and Environment Team. The Council will keep Local Plan comments and personal data on record in line with the retention schedule. Please view the [Council's Planning Privacy Statement](#) for further information⁵.

Neighbourhood Planning

- 2.30 Neighbourhood planning was introduced by the Localism Act 2011. It allows local communities to plan for their local area by preparing their own Neighbourhood Plans. Through the preparation of a neighbourhood plan communities can have a direct role in developing a collective local vision and local planning policies for their area including identifying where new homes and other new development should be built. Those communities will ultimately be asked to vote on the final draft of the Neighbourhood Plan in a referendum.
- 2.31 Although Neighbourhood Plans form part of the Development Plan once 'made' (i.e. agreed through referendum), the plans are not produced or written by us. They are produced by Parish or Town Councils or by designated neighbourhood forums and cover a specific area usually a Parish.
- 2.32 The Council's role is mainly to provide advice and support to Parish or Town Councils developing a Neighbourhood Plan. At the start of the process we play an administrative role in designating the area to be covered by the plan, we then review and comment on draft plans in our role as statutory consultee, and at the submission stage have responsibility for appointing an independent Examiner and undertaking the Referendum, before the Plan can be 'Made'.

⁵ <https://www.ne-derbyshire.gov.uk/about-the-council/data-protection-and-foi/privacy-statements>

- 2.33 We encourage groups considering making a Neighbourhood Plan to get in touch with the Planning Policy and Environment Team at the outset of the process to help ensure smooth running of the project. There are materials available for those interested in preparing a Neighbourhood Plan, including the government's National Planning Practice Guidance, which we recommend as a useful starting point:

<https://locality.org.uk/neighbourhood-planning>

<https://www.gov.uk/guidance/neighbourhood-planning--2>

<https://historicengland.org.uk/advice/planning/improve-your-neighbourhood/>

- 2.34 The key stages of the process in preparing a Neighbourhood Plan and when you can get involved are set out in Appendix D.

3.0 Getting Involved in Planning and Other Applications

Planning Applications

- 3.1 The Development Management team is responsible for assessing all planning and associated applications, advising the Planning Committee on applications, determining planning applications under delegated powers, defending planning appeals, providing advice on development proposals and dealing with unauthorised development in the district.
- 3.2 All decisions taken on planning applications must be made in accordance with the Development Plan (See Section 2 Getting Involved in Planning Policy), unless material considerations indicate otherwise. The term 'material consideration' is explained in Appendix E.

Getting involved in planning applications

- 3.3 The minimum publicity procedures to be followed on planning applications are laid down in [Government regulations](#)⁶. The Council will meet these requirements and may also publicise wider when appropriate to maximise opportunities for community involvement.
- 3.4 For all planning applications and applications for Listed Building consent and any application to undertake works to trees covered by Tree Preservation Orders the following protocol will be followed;
- Letters will be sent to neighbouring properties. This is defined as all properties (other than vacant, open or agricultural land) whose boundary adjoins the application site. However, if the dwelling to an adjoining property is over 90 metres from the site boundary that property will not be notified;
 - or
 - At least one site notice will be placed in a location easy to view by the public and close to the application site.
- 3.5 As required by Regulations, the following applications will also be advertised in a local newspaper:
- Those located within a Conservation Area
 - Those to or affecting the setting of a Listed Building
 - Those comprised of Major Development
 - Those accompanied by an Environmental Impact Assessment
 - Those constituting a Departure from the Development Plan
 - Those affecting a Public Right of Way

⁶ Section 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 <https://www.legislation.gov.uk/uksi/2015/595/article/15/made>

Other applications

- 3.6 Other applications include the following submissions:
- to discharge planning conditions,
 - for a non-material amendment to a planning application,
 - to display advertisements
 - for a Certificate of Lawful Use or Development,
 - giving notice of works to trees within Conservation Areas,
 - for prior approval for all/any works permitted by The Town and Country Planning (General Permitted Development) Order 2015 ("the Order").
- 3.7 No publicity will be undertaken for a submission made to discharge planning conditions, or for a non-material amendment. In the remaining cases publicity will be carried out as per the requirements of the Order or any other relevant regulations.

General information on consultations

- 3.8 Planning applications, supporting documents, plans and drawings, can be viewed [online](#)⁷. If you are unable to view the application online please contact the Planning Support Team on 01246 217159 or 01246 217172 or by email at developmentcontrol@ne-derbyshire.gov.uk and we will be able to provide assistance.
- 3.9 Planning Officers are available at the District Council Offices to give advice on current and proposed applications. However, you will need to make an appointment if you wish to speak to a particular Officer.
- 3.10 Comments on planning applications should be made in writing within 21 days from the date of our notification letter to you, or within 21 days from the date of a press or site notice.
- 3.11 Comments submitted after the 21 day publicity period will not be accepted if a decision has already been made on the planning application.
- 3.12 You will not receive an acknowledgement that your comments have been received and there might not be any further consultation. All comments made on an application can be viewed online. Additionally, consultee responses and amended drawings can be viewed online. If you want to monitor an application's progress and amendments that might be made this can also be done online. You are entitled to make further comments on an application, provide additional information and amendments even without direct contact from us on them.

⁷ <https://planapps-online.ne-derbyshire.gov.uk/online-applications/>

- 3.13 Where new information is received a decision on any application will only be taken after at least 5 working days of its publication to allow further comments to be submitted. For instructions on how to monitor an application's progress online and receive direct notification of any status updates to it, please see our [Public Access Guide](#)⁸.
- 3.14 Comments made on a determined application will not be carried forward if a new application for the site is made. A new consultation will be carried out and new representations will need to be submitted.
- 3.15 You can make comments;
- Online at: <https://planapps-online.ne-derbyshire.gov.uk/online-applications/>
 - By email: developmentcontrol@ne-derbyshire.gov.uk (Please quote the application number); or
 - By post to:
Development Management,
North East Derbyshire District Council,
2013 Mill Lane,
Wingerworth,
Chesterfield,
Derbyshire,
S42 6NG.

[Applicant initiated consultations](#)

- 3.16 Dependent upon the scale, nature and potential impact of the development proposal, prospective applicants may carry out their own public consultation. Some planning applications will need to be accompanied by their own Statement of Community Involvement.
- 3.17 These applicant consultations should be carried out at an early stage in the process, to enable community views to be considered and if appropriate, incorporated into the submitted planning application. The form of consultation should be tailored to suit the particular circumstances of the site, proposal and locality. The Council can provide advice on what would be appropriate. This may include a public meeting, exhibition, or other forms of community involvement.
- 3.18 The consultation statement submitted with an application should include:
- the houses, businesses and local community groups consulted;
 - the methods and timing of consultation;
 - the feedback, and
 - information on how the views were addressed in the development proposal.

⁸ <https://www.ne-derbyshire.gov.uk/documents/public-access-guide-pdf-1-83mb/download>

Decision Making and Planning Committee

- 3.19 In line with the [Council's Constitution](#)⁹, most planning applications are determined under delegated powers by Officers. The Council's Planning Committee makes decisions on the other applications.
- 3.20 For planning applications determined by the Planning Committee, the Council allows public speaking at the meeting. These procedures can be found in our [online guide](#)¹⁰. [Planning Committee Agendas](#)¹¹ are published on our website five working days prior to Committee Meetings. Any late information is published the day before Committee.

Notification once decisions are taken

- 3.21 Decision notices shall be posted on the website when the decision is made. All interested parties can read, print or download the decision notices should they require them. Formal letters or emails will not be sent in addition to this to notify people of the decision.
- 3.22 The Council also compiles a [weekly and monthly list](#)¹² of the planning decisions taken by Officers under delegated powers. These are available to view on the Council's website.
- 3.23 The weekly list can also be emailed out weekly on request. If you do not have access to the internet please contact the Planning Support Team on 01246 217159 or 01246 217172 and we will be able to provide further assistance.

Planning Appeals

- 3.24 Planning appeals are determined by the Planning Inspectorate and not by the Council.
- 3.25 Letters notifying interested parties of appeals against planning decisions will be sent to those who were notified of the original application and others who submitted comments on the application. This will provide the opportunity to make representations directly to the Planning Inspectorate. These representations should not be made to the Council.
- 3.26 Exceptions to this are appeals submitted against decisions on householder applications. In these cases there is no opportunity to make further representations. Representations relating to the original planning application will be forwarded to the Planning Inspectorate by the Council.

⁹ <https://democracy.ne-derbyshire.gov.uk/documents/s17155/The%20Constitution%20of%20the%20Council%20Revised%20July%202021.pdf>

¹⁰ <https://democracy.ne-derbyshire.gov.uk/mgCommitteeDetails.aspx?ID=1141>

¹¹ <https://democracy.ne-derbyshire.gov.uk/ieListMeetings.aspx?CId=1141&Year=0>

¹² <https://planapps-online.ne-derbyshire.gov.uk/online-applications/>

- 3.27 A site notice will only be posted in the case of appeals being heard at a public inquiry.
- 3.28 Please refer to the [Planning Inspectorate website](#)¹³ for further information of the appeal process.
- 3.29 Appeal decisions are reported to Planning Committee and are published on our website

Other Information

- 3.30 In addition to managing the system for determining applications, the Development Management team can provide advice to householders, businesses and others considering development projects; and the Council's Conservation Officer can provide advice in relation to development affecting a Listed Building. For other consents that may be needed before any work may start, such as Scheduled Monument Consent, Felling Licences or Wildlife Licences you will need to contact the relevant consenting body. Further information can be obtained on these from the Council's [Planning webpages](#); ¹⁴ or alternatively, you can telephone 01246 217159 or email developmentcontrol@ne-derbyshire.gov.uk for advice.
- 3.31 The team also investigates alleged breaches of planning control. Matters brought to our attention are dealt with in accordance with the Local Enforcement Plan. To report an issue to our Planning Enforcement team please use our [online form](#)¹⁵.
- 3.32 For further information including access to our Local Enforcement Plan please see our [Planning Enforcement webpages](#).¹⁶ Alternatively you can telephone 01246 217182 or email enforcement@ne-derbyshire.gov.uk for advice.

¹³ <https://www.gov.uk/government/organisations/planning-inspectorate>

¹⁴ <https://www.ne-derbyshire.gov.uk/planning-and-local-plan/planning-permission>

¹⁵ https://myselfservice.ne-derbyshire.gov.uk/service/I_Want_to_Report_a_Planning_Enforcement_Issue

¹⁶ <https://www.ne-derbyshire.gov.uk/planning-and-local-plan/planning-enforcement>

Appendix A: Specific Consultation Bodies for a Local Plan

- The Coal Authority
- The Environment Agency
- The Historic Buildings and Monument Commission for England (known as Historic England)
- The Marine Management Organisation
- Natural England
- Network Rail Infrastructure Limited
- The Highways Agency (now National Highways)
- Telecommunications Companies
- Primary Care Trust (now Integrated Care Boards)
- Electricity Companies
- Gas Companies
- Sewerage Companies
- Water Companies
- The Homes and Communities Agency
- A relevant authority any part of whose area is in or adjoins North East Derbyshire district, these include:
 - Amber Valley Borough Council
 - Bolsover District Council
 - Chesterfield Borough Council
 - Derbyshire Dales District Council
 - Peak District National Park Authority
 - Rotherham Metropolitan Borough Council;
 - Sheffield City Council
 - Derbyshire County Council
 - any Parish Council whose area is in or adjoins North East Derbyshire district
 - the local policing bodies

Appendix B – Key stages of Local Plan preparation

Key stages of preparation	What we will do	Your opportunities for involvement
Stage 1 – Public participation (Regulation 18)	<ul style="list-style-type: none"> Place details on the Council's website on the subject matter of the Local Plan. Notify people on the local plan consultation database to inform them of the commencement of the Local Plan and invite representations on what issues / topics the local plan should address. Make copies of any consultation documents, available to view on the Council's website, at the Council's main office, and at local libraries in the district. Collate information from individuals / groups / organisations on the subject of the Local Plan. This will involve using the most appropriate methods of community involvement as set out in this SCI, proportionate to the geographic area and topic of the Local Plan as appropriate. This Regulation 18 stage may involve a number of consultation exercises on issues and options, more detailed options for the content of the plan, or on a full draft plan including policy wording as appropriate. Record all representations made in response to consultations we hold and publish summaries of the main issues raised and our responses on the Council's website. 	<ul style="list-style-type: none"> Register your contact details to be placed on the Council's consultation database to be kept informed of the preparation of the Local Plan. Attend any events we may hold on the Local Plan as appropriate. Give us your comments on the consultation documents we prepare on the Local Plan including what you think the document should contain. View our responses to the main issues raised in representations to the consultations we undertake on the Local Plan.
Stage 2 – Preparation of the Local Plan	<ul style="list-style-type: none"> Using the information and views gathered in Stage 1 above, we will prepare the 'Publication Draft Local Plan' including a submission Policies Map if a new one is needed, a Sustainability Appraisal, and a statement setting out full details of the consultation undertaken so far, and our response to the main issues raised to date. 	This is not a consultation stage.
Stage 3 – Publication of the Local Plan (Regulation 19)	<ul style="list-style-type: none"> Publish the Local Plan, in what we expect to be the final version, together with any associated documents, including the Sustainability Appraisal, Policies Map, and details of consultation undertaken so far and our response to the main issues raised to date. Email or send a letter to people on the Local Plan database and let them know about the public consultation on the plan. Hold a formal public consultation on the Publication Draft Local Plan of not less than 6 weeks. Issue a press release setting out details of when and where the draft plan and associated documents can be viewed. 	<ul style="list-style-type: none"> You may get in touch with us to discuss any issues before making your formal response to the plan. Make a representation on the plan using the online consultation system, a Representation Form, or by email or letter. You should be specific as to why you consider the Plan to be unsound, what change(s) you are seeking and why it would make the document sound.

Key stages of preparation	What we will do	Your opportunities for involvement
	<ul style="list-style-type: none"> • Make copies of the plan and associated documents available to view on the Council's website; at the Council's main office; and at local libraries in the district. • Issue a Representation Form that people can use to make representations on the plan. 	<ul style="list-style-type: none"> • Let us know if you would like to be notified: <ul style="list-style-type: none"> i. When the plan is submitted for examination; ii. When the recommendations of the Inspector are published; iii. When the plan is adopted by the Council.
Stage 4 – Consideration of the main issues raised in representations at the Publication Stage	<ul style="list-style-type: none"> • We will consider all of the representations made by everyone who responded to the consultation and prepare a response to the main issues raised in the representations, and set this out in a Statement of Consultation. • If we consider there is a need to make changes to the plan we may prepare an addendum to the plan containing the proposed changes and consult on these before we submit the plan to the Secretary of State. If so, we will consult on these proposed changes in the same way as at stage 3. • Alternatively, we may submit to the examination a list of proposed changes to the published draft plan that have not been subject of consultation. The Inspector will not treat these proposed changes as part of the plan to be examined, but may consider it appropriate for some or all of the proposed changes to be discussed at the Hearing sessions – see stage 6. 	This is not a consultation stage.
Stage 5 – Submission of the Local plan to the Secretary of State (Regulation 22)	<ul style="list-style-type: none"> • Submit the plan, together with the Sustainability Appraisal and Policies Map, to the Secretary of State. • Also submit a statement of: who has been consulted; how they were consulted; the main issues raised; 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 submission documents available on the Council's website; at the Council's office; and at local libraries in the district. • Send a letter or email to the people on the Local Plan 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. 	<ul style="list-style-type: none"> • View the submitted plan and associated documents.
Stage 6 – Independent Examination and Public Hearing (Regulation 24)	<ul style="list-style-type: none"> • Publish on the Council's website, and make available at the Council's office and at local libraries in the district, details of the date, time and place of the Hearing, together with the name of the Inspector. 	<ul style="list-style-type: none"> • If you made written comments about the plan at stage 3, you can upon invitation from the Inspector appear at the Hearing to speak in support or against the policies of the plan.

Key stages of preparation	What we will do	Your opportunities for involvement
	<ul style="list-style-type: none"> • Notify anyone who made representations under stage 3 and has not withdrawn them of details of the examination. • We may ask the Inspector to recommend main modifications to the plan where necessary to make the plan sound and legally compliant. We will publicise, notify and consult on any proposed main modifications and associated documents in the same way as at stage 3 – Publication of the Local Plan. 	<p>Selected participants will receive a programme for the hearing sessions including matters, issues and questions from the Inspector.</p> <ul style="list-style-type: none"> • If you aren't participating in the Hearings you can still attend and observe the sessions as they are open to the public. You will also be able to view the Hearing sessions online through the Council's Youtube channel. • If, following the Hearings, we publish any proposed main modifications you can make a representation on these using the online consultation system, a representation form, or by email or letter. You should note that comments can only be made on the proposed modification, not about any part of the Plan that is not proposed to be changed.
Stage 7 - Publication of the Inspector's Report (Regulation 25)	<ul style="list-style-type: none"> • Publish the Inspector's report on the Council's website and make copies available at the Council's main office and at local libraries in the district. • Notify anyone who asked to be notified of the publication of the Inspector's report. 	<ul style="list-style-type: none"> • View the Inspector's report.
Stage 8 – Adoption (Regulation 26)	<ul style="list-style-type: none"> • Following adoption, we will make available on the Council's website, and Council's main office and at local libraries in the district, the Local Plan, adoption statement, Sustainability Appraisal Report and details of where the Local Plan is available for inspection and the places and times at which the documents can be inspected. • Send a copy of the adoption statement to any person who has asked to be notified • Send a copy of the adoption statement to the Secretary of State. 	<ul style="list-style-type: none"> • View the adopted plan and associated documents.
Stage 9 – Monitor the Local Plan	<ul style="list-style-type: none"> • Monitor the performance of the plan's policies to see if they are successful in guiding development. • Publish our results of monitoring through an annual authority monitoring report and make this available on the Council's website. 	<ul style="list-style-type: none"> • View the authority monitoring report on our website to see what the plan is achieving for your community, and how the plan is performing.

Appendix C – Key stages of Supplementary Planning Document preparation

Key stages of preparation	What we will do	Your opportunities for involvement
Stage 1 - Early community involvement and evidence gathering (Regulation 12)	<ul style="list-style-type: none"> Place details on the Council's website on the subject matter of the SPD. Gather information, including recent studies to create up to date evidence on the topic and publish these on the Council's website. Collate information from people / groups / organisations on the subject of the SPD. This will involve using the most appropriate methods of community involvement as set out in this SCI proportionate to the geographic area and topic of the SPD as appropriate. Consider whether a Strategic Environmental Assessment (SEA) of the SPD is required and record the outcome of this process. 	<ul style="list-style-type: none"> Register your contact details to be placed on the Council's Planning Policy Consultation Platform to be kept informed of the preparation of the SPD. Attend any consultation events we may hold on the SPD as appropriate. Give us your comments on the topic of the SPD and what you think the document should contain.
Stage 2 – Preparation of a draft SPD	<ul style="list-style-type: none"> Using the information and views gathered in Stage 1 above, we will prepare a draft SPD and a statement of consultation setting out who we have consulted and the main issues raised and how these have been addressed in the SPD. 	This is not a consultation stage.
Stage 3 - Consultation on draft SPD (Regulations 12 & 13)	<ul style="list-style-type: none"> Undertake a formal public consultation on a draft SPD for at least 4 weeks. Make the draft SPD and associated documents including the Statement of Consultation available to view on the Council's website, at the main Council office, and at local libraries within the district. Notify people / groups / organisations who have registered an interest in the topic(s) of the SPD. 	<ul style="list-style-type: none"> Register your contact details to be placed on the Planning Policy Consultation Platform to be kept informed of the preparation of the SPD. Attend any consultation events we may hold on the SPD as appropriate. Give us your comments on the draft SPD.
Stage 4 – Consideration of the points made in representations	<ul style="list-style-type: none"> Consider all the points made in representations and make any necessary amendments to the draft SPD. If there are significant changes we may go back to Stage 3 and re-consult on a revised draft SPD. 	This is not a consultation stage.
Stage 5 – Adoption of SPD (Regulation 14)	<ul style="list-style-type: none"> Adopt the final SPD Make the adopted SPD together with an adoption statement available on the Council's website, at the main council office, and at local libraries within the district. Notify anyone who asked to be notified of the adoption of the SPD. 	This is not a consultation stage.

Appendix D – Key stages of Neighbourhood Plan preparation

Neighbourhood Area Application (Regulation 6)

An area application is made by the qualifying body i.e. town or parish council to us. It is to apply for designation of the boundary of the proposed neighbourhood area to which the Neighbourhood Plan relates.

This stage includes public consultation for at least four weeks (unless the application relates to more than one parish / town area, then the period for representations must be at least six weeks). Any comments you wish to make on the area application must be made to us within the prescribed consultation period.

Pre-submission Consultation (Regulation 14)

This stage consists of a public consultation for a minimum of six weeks on the draft neighbourhood plan. This consultation is run by the qualifying body i.e. the Parish or Town Council. Any comments on the draft neighbourhood plan should be sent to the Parish or Town Council. They may amend the plan in the light of comments received during the 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. Any comments on the neighbourhood plan should be sent to us within the prescribed consultation period. The neighbourhood plan and any associated documents including the representations made during this consultation will then be sent to an independent examiner.

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. The examination process will be determined by the Inspector and may include hearing sessions if necessary. You can only participate in these if you made comments at the Regulation 16 consultation stage and you are invited to do so by the Inspector.

Referendum on the Neighbourhood Plan

Subject to consideration of the findings of the Examiner's Report on the neighbourhood plan a local referendum will be held where eligible voters can decide whether they wish to support the neighbourhood plan. More than half of the voters must vote 'yes' for the plan to be 'made' i.e. adopted by the Council.

Appendix E - What is a Material Consideration?

When a decision is made on a planning application, only certain issues can be taken into account; these are often referred to as 'material considerations'.

Material considerations can include (but are not limited to):

- Local, strategic and national planning policies, most notably the policies of the Development Plan
- Emerging new plans and policies
- Previous appeal decisions
- Principles of Case Law established through the Courts
- Amenity issues
- Highway issues: traffic generation, vehicular access, highway safety
- Noise or disturbance resulting from a use
- Smells and fumes
- Capacity of utilities infrastructure, e.g. drainage or water systems
- Impacts on social infrastructure, e.g. schools and health facilities
- Storage and handling of hazardous materials
- Impacts from contaminated land
- Impact on nature conservation interests & biodiversity
- Effect on listed buildings and conservation areas
- Design, layout and appearance.
- Landscaping and means of enclosure

The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker. However, the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters.

Greater weight is attached to issues supported by evidence. If a problem can be dealt with by a condition in a planning permission the Local Planning Authority is required to do this instead of refusing an application.

What is not a Material Consideration?

The following issues cannot be given weight in making decisions on planning applications. (This list is not exhaustive.)

- Matters controlled under Building Regulations or other regulatory systems.
- Private issues between neighbours, such as land/boundary disputes, damage to property, covenant, private rights of access, etc.

- Opposition to the principle of development when this has already been determined by an outline planning permission.
- Applicant's personal circumstances (unless exceptionally and clearly relevant e.g. provision of a facility essential for the support of someone with special needs)
- Opposition to business competition
- Loss of property value
- Loss of view



Equalities and Access for All Statement

North East Derbyshire District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone** - [01246 231111](tel:01246231111)
- **Email** - connectne@ne-derbyshire.gov.uk
- **Text** - [07800 00 24 25](tel:07800002425)
- **BSL Video Call** – a three way video call with us and a BSL interpreter. It is free to call North East Derbyshire District Council with Sign Solutions, you just need wifi or mobile data to make the video call, or call into the offices at Wingerworth.
- Call with [Relay UK](#) – it is a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real time conversation with us by text.
- **Visiting** our [offices](#) at Wingerworth – 2013 Mill lane, [S42 6NG](#)

Agenda Item 10

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

Agenda Item 11

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted