

Nuneaton and Bedworth Borough Council

Statement of Community Involvement

2023

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Adopted 13th September 2023

Nuneaton and Bedworth Borough Council

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1. Introduction

- 1.1 The statement of community involvement (SCI) is a statement of our policy as to the involvement in the preparation and revision of local development documents, as well as joint local development documents¹. The SCI also details how we will consult the community on planning applications².

2. Planning Policy

Development plan documents

- 2.1 Development plan documents (DPDs) state areas such as the development and use of land which we wish to encourage, the allocation of sites for a particular type or development use, and development management and site allocation policies, which are intended to guide the determination of applications for planning permission. Development plan documents include the local plan.³ There are four main stages of DPD involvement where The Town and Country Planning (Local Planning) (England) Regulations 2012 require involvement with interested parties, which are set out below.

Preparation of a DPD (Regulation 18):

- 2.2 We will notify specific consultation bodies (Appendix A), general consultation bodies (Appendix B), residents and businesses, which we consider it appropriate to notify, of a DPD which we propose to prepare, and invite each of them to make representations to us about what a DPD with that subject ought to contain.
- 2.3 In preparing the DPD, we will take into account any representation made in response to the invitations sent out.

Publication of a DPD (Regulations 19 & 20):

- 2.4 Before submitting a DPD to the Secretary of State for independent examination, we will make a copy of each of the proposed submission documents and a statement of representations procedure available. Documents will be made available for inspection at the Town Hall during normal office hours and will be published on our website.

¹ Planning and Compulsory Purchase Act 2004, c.5

² Ministry of Housing, Communities and Local Government (2020) Guidance: Consultation and pre-decision matters.

³ The Town and Country Planning (Local Planning) (England) Regulations 2012, No. 767, Part 1, Regulation 2

- 2.5 We will also ensure that a statement of the representations procedure and a statement of fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18.
- 2.6 In respect of representations relating to a DPD, any person may make representations to us about a DPD which we propose to submit to the Secretary of State. Any such representations must be received by us by the date specified in the statement of the representations procedure.

Submission of documents and information to the Secretary of State (Regulation 22):

- 2.7 As soon as reasonably practicable after we submit a DPD to the Secretary of State we will make available at the Town Hall during normal office hours and on our website a copy of the DPD, a copy of each of the documents related to the DPD as set out in Regulation 22, and a statement of the fact that the documents are available for inspection and of the places and times at which they can be inspected. We will also send to each of the general consultation bodies and each of the specific consultation bodies which were invited to make representations under regulation 18, notification that the documents are available for inspection and of the places and times at which they can be inspected. Additionally, we will give notice to those persons who requested to be notified of the submission of the DPD to the Secretary of State that it has been submitted.

Independent examination (Regulation 24)

- 2.8 At least six weeks before the opening of a hearing held for the purpose of giving persons the opportunity to appear before and be heard by the person appointed to carry out the independent examination, we will make available the date, time and place at which the hearing is to be held, and the name of the person appointed to carry out the independent examination will be made available for inspection at the Town Hall during normal office hours and will be published on our website. We will also notify any person who has made a representation in accordance with regulation 20 and not withdrawn that representation.

DPD consultation duration

- 2.9 In line with the application and interpretation of Part 6 of The Town and Country Planning (Local Planning) (England) Regulations 2012, our statement of representations procedure will specify the date by which representations about DPDs must be received by us, which will be 6 weeks from the day on which the statement is published. The statement of representations procedure only needs to be published

for the publication stage of DPDs, however for consistency, we will also consult for 6 weeks on the preparation stage of DPDs.

Supplementary planning documents

- 2.10 Supplementary planning documents (SPDs) state environmental, social, design and economic objectives which are relevant to the attainment of development and use of land mentioned in the DPDs. The involvement required for SPDs in The Town and Country Planning (Local Planning) (England) Regulations 2012 is set out below.

SPD public participation (Regulation 12)

- 2.11 Before we adopt a SPD we will prepare a statement setting out the persons we consulted when preparing the SPD, a summary of the main issues raised by those persons, and how those issues have been addressed in the SPD. For the purpose of seeking representations on the SPD, we will make copies of the statement and the SPD available for inspection at the Town Hall during normal office hours, and publish these documents on our website. We will also detail the date by which representations must be made, which will be 4 weeks from the date we publicise the documents, and the address to which they must be sent.

Duty to co-operate

- 2.12 In addition to the requirements outlined above, Section 110 of the Localism Act 2011 sets out a duty to co-operate in relation to planning of sustainable development. This means that we will co-operate with the duty to co-operate bodies⁴ (Appendix C) by engaging constructively, actively and on an ongoing basis in the preparation of local development documents.

Strategic environmental assessment and sustainability appraisal

- 2.13 When deciding on the scope and level of detail of the information to be included in the strategic environmental assessment (SEA) or sustainability appraisal (SA), we will consult with the required consultation bodies, those being Historic England, Natural England and the Environment Agency, and where the consultation bodies decide to respond, they should do so within 5 weeks of receipt of the request. This will be in line with regulation 12(5) and 12(6) of the Environmental Assessment of Plans and Programmes Regulations 2004.
- 2.14 In relation to the sustainability appraisal itself, we will consult the required consultation bodies and other parties, who in our opinion, are affected or likely to be

⁴ The Town and Country Planning (Local Planning) (England) Regulations 2012, No.767, Part 2, Regulation 4

affected by, or have an interest in, the decisions involved in the assessment and adoption or making of the plan. The relevant documents may be viewed or obtained at the Town Hall and on our website. We will invite consultees to express their opinion on the relevant documents, and request that they are sent to the Town Hall or emailed to the Planning Policy team, and opinions will need to be sent to us within 6 weeks following the publication of the documents. This is in line with the National Planning Practice Guidance on SEAs and SAs.

Community Infrastructure Levy (CIL)

- 2.15 The Community Infrastructure Levy (CIL) is a tool for us to help deliver infrastructure to support the development of the area. There are three main stages of CIL production where The Community Infrastructure Levy Regulations 2010 require involvement with interested parties.

Consultation of a preliminary draft charging schedule (Regulation 15)

- 2.16 When we propose to issue or revise a charging schedule, we will prepare a preliminary draft charging schedule for consultation. We will send a copy of the preliminary draft to each of the Community Infrastructure Levy consultation bodies (Appendix D), and invite each of those bodies to make representations on the preliminary draft. We will also invite representations on the preliminary draft from residents and businesses in the borough. We will also invite voluntary bodies and bodies which represent the interests of businesses in the borough as we consider appropriate. We will make appropriate arrangements for inviting representations.
- 2.17 Regulation 15 does not set out the period we need to specify for consultation, however to be consistent with regulations 16 and 17, we will make this a period of four weeks starting on the day on which notice is given of the consultation.

Publication of a draft charging schedule (Regulations 16 and 17)

- 2.18 Before submitting a draft charging schedule for examination, we will make a copy of the draft charging schedule, the relevant evidence and a statement of representations procedure available for inspection at the Town Hall. We will also publish on our website the draft charging schedule, the relevant evidence, a statement of the representations procedure, and a statement of the fact that the draft charging schedule and relevant evidence are available for inspection and of the places at which they can be inspected.
- 2.19 We will also send to each of the consultation bodies a copy of the draft charging schedule, and a statement of the representations procedure. Additionally, we will give, by local advertisement, notice which sets out a statement of the representations procedure, and a statement of the fact that the draft charging schedule and relevant evidence are available for inspection and of the places at which they can be inspected.

2.20 Any person may make representations about a draft charging schedule which we propose to submit to the examiner. Any such representations must be made within the period which we specify, and sent to the address which we specify. The period which we specify for consultation will be a period of four weeks starting on the day on which notice is given of the consultation. A person who has made representations about a draft charging schedule may withdraw those representations at any time by giving notice in writing to us.

Submission of documents and information to the examiner (Regulation 19)

2.21 As soon as practicable after we submit a draft charging schedule to the examiner, we will make available at the Town Hall and on our website a copy of the draft charging schedule and of each document set out in regulation 19. We will also publish on our website a statement of the fact that a copy of the draft charging schedule and each of the documents outlined in regulation 19 are available for inspection and of the places at which they can be inspected, as well as giving notice to those persons who requested to be notified of the submission of the draft charging schedule to the examiner that the draft has been submitted.

2.22 Where we have modified the draft charging schedule after it was published in accordance with regulation 16, we will send a copy of the statement of modifications to each of the persons invited to make representations under regulation 15.

Additional community involvement

2.23 In addition to the regulations regarding community involvement, we may use other methods that go beyond the requirements set out in the regulations, which may include the following.

- Notify non-statutory consultees
- Press releases
- Raising awareness through social media
- Providing additional guidance on our website
- Drop-in sessions

Neighbourhood planning

2.24 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area. Further details regarding neighbourhood planning and stakeholder engagement in the plan making process can be found in a Neighbourhood Planning Protocol on our website.

3. Planning applications

Planning application process

- 3.1 The planning application process can be divided up into three main stages in terms of community involvement, which are pre-application, application and post-application.

Pre-application

- 3.2 The aim of the pre-application stage is to allow an applicant to find out whether the type of development proposed is acceptable in principle prior to submitting a formal application.
- 3.3 A number of benefits may be achieved from pre-application discussions, including the following.
- Better quality application which will take less time to process.
 - Identification and resolution of problems at an early stage resulting in fewer objections from statutory consultees, key stakeholders and the community when the application is processed.
 - Openness of approach.
 - Fewer revisions of proposals, saving developer and ourselves time and resources.
- 3.4 Developers are required to consult local communities on certain types of development (in line with the Localism Act) before submitting a planning application. Pre-application community involvement should be tailored to the nature and scale of the proposed development, and applicants are encouraged to contact us in advance to agree the need for the exercise, and the proposed methods of community involvement to be used.
- 3.5 To ensure impartiality, we will adopt a watching role, but will not be directly involved in the consultation process. A consultation outcome report should be submitted with the planning application, stating how the application has been amended to overcome issues raised during the pre-application community involvement.
- 3.6 We provide a pre-application service for developers. Details of the service including information about fees, exemptions and the assistance provided can be found in a guidance note available on our website.

Application

- 3.7 At the application stage we will consider the planning application before making a formal decision on the proposed development. This stage of the process can take between 8-13 weeks, depending on the scale of the application concerned. During this stage we are also required to publicise and consult on the planning application.

This will be carried out in accordance with the statutory requirements for publicity, which are outlined below. Where required, consultation on amended plans may also take place, although the timescales for response are likely to be less to prevent a significant delay in the consideration of the application.

- 3.8 The Head of Planning has delegated authority to process and make decisions on some planning applications in accordance with the procedures agreed by the Planning Applications Committee. The delegation agreement is available to view on our website. Other applications will be reported to the Planning Applications Committee for a decision.
- 3.9 The Planning Applications Committee is a public meeting which takes place at a frequency determined by Cabinet. Members of the public are allowed to speak at the committee in accordance with procedures agreed by the Planning Applications Committee. Committee agendas are made available at the meetings or can be found on our website. Full details of the dates and venues for future committee meetings can also be found on our website.

Post-application

- 3.10 After a decision has been taken on an application, we will publicise the outcome along with details on how the decision was taken (delegation or committee), policies appropriate to the decision, any conditions that are attached to an approval, reason/s for refusal, and details of the applicant's right to appeal. All decisions will be updated on the online application register.
- 3.11 If a planning application is refused or there is disagreement over conditions attached to a planning approval notice, the applicant has a right to appeal against our decision. When we receive notification of an appeal from the Planning Inspectorate, we will write to and notify anyone who commented in writing on the original planning application. The notification letter will explain what type of appeal has been submitted and how comments on the appeal can be made to the Planning Inspectorate. Copies of all written comments submitted to us in relation to the original planning application will be forwarded to the Planning Inspectorate. Comments on the appeal should be sent to the Planning Inspector who will copy them to us for consideration.

Publicity for applications for planning permission (Regulation 15)

- 3.12 As set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015, in the case of an application for planning permission for development which
- is an Environmental Impact Assessment application accompanied by an environmental assessment,
 - does not accord with the provisions of the development plan in force in the borough, or
 - would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 (public rights of way) applies (collectively known as paragraph 2 applications)

we will publish on our website the information set out in paragraph 7 of regulation 15 (Appendix E). We will also give requisite notice by site display in at least one place on or near the land to which the application relates for 21 days, and by publication of the notice in Nuneaton News.

- 3.13 In the case of an application for planning permission which is not a paragraph 2 application, if the development proposed is major development the application must be publicised in accordance with the requirements in paragraph 7 of regulation 15 and by giving requisite notice by site display in at least one place on or near the land to which the application relates for 21 days, or by serving the notice on any adjoining owner or occupier, and by publication of the notice in Nuneaton News. These applications are collectively known as paragraph 4 applications.
- 3.14 In a case to which neither paragraph 2 nor paragraph 4 applications apply, the application must be publicised in accordance with the requirements in paragraph 7 of regulation 15 and by giving requisite notice by site display in at least one place on or near the land to which the application relates for 21 days, or by serving the notice on any adjoining owner or occupier.
- 3.15 For all planning applications for planning permission, where there is a requirement set out in law to consult a specific body, we will do so. These are classed as statutory consultees, and are listed in Appendix F.

Publicity for applications for permission in principle

- 3.16 In order to reflect Article 5G of the Town and Country Planning (Permission in Principle) Order 2017, an application for permission in principle will be publicised by ourselves in accordance with the requirements in Appendix E, and by giving requisite notice by site display in at least one place on or near the land to which the application relates for 14 days.

Listed building applications

- 3.17 In line with The Planning (Listed Buildings and Conservation Areas) Regulations 1990, we will publish in Nuneaton News a notice indicating the nature of the works which are the subject of the application and a copy of the application, and all plans and other documents submitted with it will be open to inspection by the public at the Town Hall and on our website at all reasonable hours during the period of 21 days beginning with the date of the publication notice. We will also for 7 days display on or near the said building a notice containing the same particulars as those made available for inspection.
- 3.18 The above does not apply to listed building consent to carry out works affecting only the interior of a building which when last notified to the authority by the Secretary of State as a building of special architectural or historic interest was classified as a Grade II (unstarred) listed building, or, the variation or discharge of conditions attached to a listed building consent in respect of the interior of such a Grade II (unstarred) listed building.

Publicity for applications affecting setting of listed buildings

- 3.19 Regulation 5A of The Planning (Listed Buildings and Conservation Areas) Regulations 1990 apply where an application for planning permission for any development of land is made to us which we think would affect the setting of a listed building or the character or appearance of a conservation area. Where this is the case, we will publish in Nuneaton News, and for seven days display on or near the land, a notice indicating the nature of the development and that a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public in the Town Hall and on our website at all reasonable hours during the period of 21 days beginning with the date of publication of the notice. We will also send Historic England a copy of this notice.

Consultation periods during public holiday

- 3.20 We will extend periods of public consultation by one day for each public holiday that occurs during a public consultation period. Public holidays include Christmas Day, Good Friday, or a day which is a bank holiday. Additional days can also be added if any new / one-off public holidays are created.

Safeguarded aerodromes

- 3.21 As part of Nuneaton and Bedworth falls within the safeguarding boundary of Coventry Airport, we will consult with Coventry Airport before granting permission for all building, structures, erections and works exceeding 90 metres in height (295.3 feet) within the safeguarding boundary. We will also consult with Coventry Airport before granting permission for all applications involving major tree planting schemes, mineral extraction or quarrying, a refuse tip, a reservoir, a sewage disposal works, a nature reserve or a bird sanctuary and all applications connected with an aviation use within the safeguarding boundary.

Additional community involvement

- 3.22 In addition to the statutory requirements for publicity of applications for planning permission, we will also use the following forms of involvement.
- Weekly list – this contains details of applications submitted over the previous week. The list is sent to statutory consultees, councillors and other departments in the council. It is also available on our website or can be sent to individuals for a small fee.
 - Additional neighbour notification – this is a letter which is sent to occupiers of properties most likely to be affected by proposals, over and above the requirement to serve a notice on any adjoining owner or occupier.

Community involvement tables

- 3.23 Table 1 sets out the community involvement we will undertake in relation to planning applications at each stage, whilst table 2 sets out the statutory publicity requirements for applications for planning permission and listed building consent.

Table 1: Community involvement for planning applications

Type of application	Stage of application	Method of community involvement						
		Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website	Additional neighbour notification letter	Statutory consultee email	Weekly list
All planning applications	Application	X*	X*	X*	X	X	X	X
	Post-application				X			
	Appeal		X		X	X		X
Minor and other applications of wider concern	Application	X*	X*	X*	X	X	X	X
	Post-application				X			
	Appeal		X		X	X		X
Major applications	Application	X*	X*	X	X	X	X	X
	Post-application				X			
	Appeal		X		X	X		X
Applications accompanied by an environmental statement	Application	X		X	X	X	X	X
	Post-application				X			
	Appeal		X		X	X		X

* Method to be used if set out in table 2

Table 2: Statutory publicity requirements for applications for planning permission and listed building consent

Type of development	Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website
Applications for major development as defined in Article 2 of the Development Management Procedure Order (which are not covered in any other entry)		X	X	X
Applications subject to Environmental Impact Assessment which are accompanied by an environmental statement	X		X	X
Applications which do not accord with the development plan in force in the area	X		X	X
Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies	X		X	X
Applications for planning permission not covered in the entries above e.g. non-major development		X		X
Applications for listed building consent where works to the exterior of the building are proposed	X		X	X
Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building	X		X	X
Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area	X		X	X

Appendix A: Specific consultation bodies

- The Coal Authority
- The Environment Agency
- Historic England
- Natural England
- Network Rail Infrastructure Limited
- National Highways
- A relevant authority any part of whose area is in or adjoins the borough
- Integrated Care Systems
- A sewerage undertaker
- A water undertaker
- Homes England

Appendix B: General consultation bodies

- Voluntary bodies some or all of whose activities benefit any part of the local planning authority's area
- Bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area
- Bodies which represent the interests of different religious groups in the local planning authority's area
- Bodies which represent the interests of disabled persons in the local planning authority's area
- Bodies which represent the interests of persons carrying on business in the local planning authority's area

Appendix C: Duty to co-operate bodies

- The Environment Agency
- Historic England
- Natural England
- The Civil Aviation Authority
- Homes England
- Integrated Care Systems
- The Office of Rail Regulation
- Each Integrated Transport Authority
- Each highway authority

Appendix D: Consultation bodies for Community Infrastructure Levy

- A local planning authority whose area is in or adjoins the charging authority's area
- A county council whose area is in or adjoins the charging authority's area
- A responsible regional authority whose area is in or adjoins the charging authority's area

Appendix E: Regulation 15, paragraph 7

- the address or location of the proposed development;
- a description of the proposed development;
- the date by which any representations about the application must be made, which must not be before the last day of the period of 14 days beginning with the date on which the information is published;
- where and when the application may be inspected;
- how representations may be made about the application; and
- that, in the case of a householder or minor commercial application, in the event of an appeal that proceeds by way of the expedited procedure, any representations made about the application will be passed to the Secretary of State and there will be no opportunity to make further representations.

Appendix F: Statutory consultees on applications for planning permission

- Active Travel England (from 1st June 2023)
- Canal and River Trust
- Coal Authority
- Control of major accidents hazards competent authority (COMAH)
- County Planning Authorities
- Crown Estates Commissioners
- Department for Business, Energy and Industrial Strategy
- Designated Neighbourhood Forum
- Environment Agency
- Forestry Commission
- Garden History Society
- Health and Safety Executive
- Highways Authority (Warwickshire County Council)
- Historic England
- Lead local flood authority (Warwickshire County Council)
- Local Planning Authorities
- National Highways
- Natural England
- Office for Nuclear Regulation
- Oil and Gas Authority
- Rail Infrastructure Managers
- Sport England
- Theatres Trust
- Toll Road Concessionaries
- Severn Trent Water

Appendix G: Glossary

Minor application

- Dwellings: those which do not meet the criteria for major applications
- All other uses: those which do not meet the criteria for major applications

Other applications

- Change of use: those which do not meet the criteria for major applications
- Householder: developments within the curtilage of a residential property
- Advertisements
- Listed building consent
- Applications within a conservation area

Minor and other applications of wider concern

The following criteria will be used to assess whether such applications are likely to be of wider concern.

- Those applications affecting property by causing noise, smell, vibration, dust or other nuisance
- Attracting crowds, traffic and noise in generally quiet area
- Causing activity or noise during anti-social hours
- Significant change, e.g. tall buildings
- Serious reduction or loss of light and/or privacy, beyond adjacent properties
- Affecting setting of an ancient monument
- Affecting trees subject to Tree Preservation Orders

Major applications

Major applications means development involving any one or more of the following:

- the winning and working of minerals or the use of land for mineral-working deposits;
- waste development;
- the provision of dwellings where
 - the number of dwellings to be provided is 10 or more, or
 - the development is to be carried out on a site having an area of 0.5 hectares or more, and it is not known whether the development will provide 10 dwellings or more;
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more, or
- development carried out on a site having an area of 1 hectare or more

Applications accompanied by an environmental statement

An environmental statement will accompany those applications requiring an assessment under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This will protect the environment by ensuring that when we decide whether to grant planning permission for a project, we will take into account the likely significant effects on the environment.