

# Mansfield District Council

## Statement of Community Involvement (SCI) 2021 (Draft)

February 2021

[www.mansfield.gov.uk](http://www.mansfield.gov.uk)



**Mansfield**  
District Council

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## 1.0 Introduction

- 1.1 Mansfield District Council is committed to assisting anyone who wishes to get involved in the council's planning process, including the preparation of the Local Plan Review, planning policy documents and planning applications.
- 1.2 The Statement of Community Involvement (SCI) sets out the ways in which we will engage with residents, communities, businesses, local organisations and other interested parties to ensure as many people as reasonably possible are able to have their say in planning decisions that affect them. It has been produced, in accordance with the Planning and Compulsory Purchase Act 2004 Section 18.
- 1.3 The SCI provides information on how the planning system works and advises on how we will inform, consult and involve people in planning decisions within Mansfield district.

### Key functions of the planning system

- 1.4 The planning system has a vital role in shaping our neighbourhoods and the district as a whole. By following sustainable development principles planning seeks to ensure that there are adequate jobs, homes, shops, parks and other social and physical infrastructure available to everyone, while at the same time protecting and improving the environment.
- 1.5 There are two key functions of the planning system: plan making (planning policy) and development management.
- 1.6 At Mansfield District Council the Planning Policy Team produces development plan documents such as the Local Plan, and supplementary planning documents which together are used to guide development. The documents must comply with relevant government legislation and guidance, and there are specific regulatory procedures which must be followed during their production.
- 1.7 The Development Management Team are responsible for the processing and determination of planning applications, applications for works to trees, advertisements and listed buildings. The Development Management Team also provide pre-application advice and investigate breaches of planning control.
- 1.8 This document explains how you can get involved in both functions of the planning system. This includes:
  - the local plan review (and other development plan documents),
  - other planning policy documents including supplementary planning documents,
  - the development management process (commenting on planning applications), and
  - neighbourhood planning.

## Why get involved?

- 1.9 Getting involved gives you the chance to tell us how you think the district should change and develop over the coming years; or how a planning application should be considered and what important aspects should be taken account of.
- 1.10 It means that you can give your views about planning matters and how land is used. If you decide to leave it for someone else to say, it may never be said.
- 1.11 We want to ensure that we really do involve you in local decisions, not just by notifying you of decisions being taken, but by consulting and involving you in the decision-making process.

## How does it make a difference?

- 1.12 We will consider all valid comments received as part of any consultation exercise that takes place and will always appreciate the fact that people have made the effort to let us know their views. Your comments can help inform good and responsible decision-making and ensure that, as far as possible, those decisions properly reflect and respond to the needs of our district and its people.

## What you can expect from us

- 1.13 We want to ensure that people are involved at an early stage of the Local Plan preparation and in the consideration of planning applications. Planning decisions should take proper account of local views; it is therefore crucial that we engage effectively with our local communities and we will use the following principles as guidance:
  - **Communicate clearly** – planning is technical but we will try our best to ensure documents are written in plain English and we will explain any planning terms that we need to use.
  - **Early involvement** – we will ensure early involvement with our local communities in the preparation of Planning Policy documents.
  - **Recognising the needs of different groups in the community** – we will communicate in methods that are relevant and accessible to all members of the community.
  - **Providing clear opportunities for involvement** – we will provide clear and up-to-date information on our consultation processes and ensure information is provided at the earliest opportunity to allow time to respond.
  - **Ease of access to information** – we will communicate through a variety of channels including the council's website, social media, press releases and through local venues such as libraries. This communication will be subject to compliance with any government legislation or guidance relating to public health (for example, due to COVID-19). In such circumstances, access to

hard copy documentation may necessarily be limited or curtailed – for example in the event of a national or local lockdown, where it is a requirement that offices and public libraries are closed.

- **Provide feedback and share information** – we will ensure that all planning documents, background studies and responses to consultation are available on our website. Hard copy documents of Local Plans will normally be made available, unless instances such as those described above apply. We will keep the community informed in circumstances where this arises.

## What we expect from you

1.14 When making your comments to us we expect you to uphold the following:

**Table 1: Our expectations**

<b>Make your comments in writing</b> , preferably by using our online consultation facilities <sup>1</sup> or alternatively by email or letter.
Please note that comments made on the council's social media platforms will not be considered. Petitions are acceptable provided that: <ul style="list-style-type: none"> <li>- each page of the petition is headed with the aim of the petition</li> <li>- the objection(s)/representation(s) are valid and clearly stated</li> <li>- the name and address of the petition coordinator is included for acknowledgement (an acknowledgement will not be issued to individual signatories, nor will they be entered into the local plan database)</li> <li>- the petition coordinator will be responsible for communications with those signing the petition</li> <li>- it is received on or before the consultation expiry date</li> <li>- it includes the planning application reference number / appropriate local plan reference, full names, addresses and signatures.</li> </ul>
<b>Be reasonable and respectful</b>
Planning is controversial at times and we understand that you may have concerns over certain development proposals. However, we will not tolerate or accept any comments which we consider includes offensive, racist, discriminatory or threatening remarks <sup>2</sup> . We will refer to the council's unreasonable behaviour policy if necessary.
<b>Use valid planning reasons</b> when objecting to a development proposal.
These can include: <ul style="list-style-type: none"> <li>- planning policies, including national guidance,</li> <li>- case law and previous decisions,</li> <li>- inappropriate access,</li> <li>- highway safety, traffic and parking,</li> <li>- loss of residential amenity by noise, disturbance, smells, loss of privacy or overshadowing,</li> </ul>

<sup>1</sup> <http://mansfield.objective.co.uk/portal> for planning policy documents and <https://planning.mansfield.gov.uk/online-applications/> for planning applications.

<sup>2</sup> Offensive statements lower a person's reputation personally within their trade, profession or business.

Racist statements are those that are offensive or discriminate against individuals on racial grounds, including their race, colour, nationality, ethnic or national origins. Gypsies and other minorities are racial groups.

Statements that discriminate on grounds of religion, sexuality or disability will also not be published.

- visual impact; and
- impact on historic buildings or areas.

Some matters are NOT valid planning objections. These include:

- matters covered by other legislation,
- effect on property values,
- private property right
- commercial competition
- personal and financial circumstances
- loss of views over land
- moral or religious issues
- restrictive covenants
- private disputes with the applicant
- the ethnic origin of those who will use the development / site; and
- disagreeing with the need for the development.

### Getting involved during the COVID-19 pandemic

- 1.15 The COVID-19 pandemic has demonstrated that there may be some circumstances, such as the national lockdown, that are beyond the council's control. During these circumstances, the council will at all times remain committed to involving the community as much as is practicable, but it may be necessary to vary the main consultation methods set out within this document. Consequently, traditional forms of planning consultation such as physical consultation events, public availability of paper copies of documents and public meetings may not be possible until the public health situation is rectified. We would also not encourage the circulation of petitions during such times; there are a number of online tools that could be utilised instead.
- 1.16 In response to the spread of COVID-19, the Ministry of Housing, Communities & Local Government published an update on planning matters, including temporary measures to make it easier to operate the planning system<sup>3</sup>. These will apply until at least 31 December 2021<sup>4</sup>.

### Where can planning documents be viewed?

- 1.17 All current planning policy documents and planning applications are available to view and access on our website: <https://www.mansfield.gov.uk/planning> and <https://planning.mansfield.gov.uk/online-applications/><sup>5</sup>.
- 1.18 The Planning Policy Team hold a database of individuals, groups and stakeholders who wish to be contacted in relation to plan-making documents. In order for

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<sup>3</sup> <https://www.gov.uk/guidance/coronavirus-covid-19-planning-update>

<sup>4</sup> In accordance with the Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc) (England) (Coronavirus) (Amendment) Regulations 2020 (24 December 2020).

<sup>5</sup> In accordance with the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018



individuals to comment on consultation documents, and in accordance with the requirements of General Data Protection Regulations (GDPR) 2018, we ask that each individual wishing to be contacted or to express their views, register themselves online. This means when they wish to comment on one of the planning policy consultation documents, all they have to do is log in. The council's privacy policy, which sets out how we will treat personal data, is also available to view online at: <https://www.mansfield.gov.uk/privacy>.

- 1.19 If you would like to be added to the database please register by using the following link: <http://mansfield.objective.co.uk/portal>.
- 1.20 Subject to any necessary restrictions to protect public health, paper copies of planning policy documents are normally available to view at:

Mansfield District Council  
Civic Centre  
Chesterfield Road South  
Mansfield  
Nottinghamshire  
NG19 7BH

Normal office opening hours: Monday – Friday, 8.30am – 4pm

Local Libraries\* (for planning policy documents)

- Mansfield Central Library
- Mansfield Woodhouse Library
- Warsop Library
- Ladybrook Library
- Forest Town Library
- Clipstone Library
- Rainworth Community Partnership Library

\*Please refer to individual library for up-to-date opening times<sup>6</sup>.

- 1.21 Please note there may be some occasions when hard copy documents are only available to view by pre-arranged appointment e.g. during the COVID-19 pandemic.
- 1.22 Hard copies of draft planning policy documents for consultation will, in normal circumstances, be made available free of charge to Warsop Parish Council and Statutory Bodies upon request (one per body).
- 1.23 To cover our printing costs, charges will apply for printed copies and background paper requests<sup>7</sup>. Documents can be made available in alternative formats on request. Please be aware that these services may not be available on some occasions, e.g. during the COVID-19 pandemic.

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<sup>6</sup> <https://www.inspireculture.org.uk/reading-information/find-a-library/>

<sup>7</sup> This is currently set at 10p per A4 sheet although is subject to change. Information on the councils fees and charges for planning services at the time of writing is set out at <https://www.mansfield.gov.uk/downloads/file/1858/planning-services-fees-and-charges-structure>

### Independent support and information

- 1.24 Further information may be obtained through the Planning Portal at <http://www.planningportal.gov.uk>. This web site explains how the planning system works in a clear and concise way.
- 1.25 Further advice is available from Planning Aid which is an independent voluntary service offering free, independent and professional planning advice to community groups and individuals who cannot afford to employ a planning consultant. It aims to give people the confidence to deal with the planning system and to become involved in wider planning issues. This is an online service available at [www.planningaid.co.uk](http://www.planningaid.co.uk).
- 1.26 In undertaking our statutory duties, we will also meet the requirements of the Equality Act 2010.

## 2.0 Planning policy

- 2.1 Planning policy involves making plans that help to decide where and when development takes place. These documents are used to help make decisions on planning applications and to plan the future needs of the district by assessing what changes are likely to happen and where. The key planning policy document that a council must prepare is its Local Plan.
- 2.2 The Localism Act 2011 places engaging with local communities at the heart of the planning system. The government encourages councils to seek involvement from local communities on the content of plans from the earliest stage in plan-making. It also guides councils to fully support and encourage the active role communities can play in the plan-making process such as through Neighbourhood Planning.

### The current adopted Local Plan

- 2.3 The Mansfield District Local Plan 2013-2033<sup>8</sup> is the council's adopted Local Plan and sets out the planning strategy for the years up to 2033 to deliver the social, economic and environmental needs for the district.
- 2.4 The Local Plan will soon be under review to ensure its policies are up-to-date. The process for preparing a Local Plan or its full or partial review will include at least one formal consultation stage before Submission to the Secretary of State for Examination in Public. This is explained further in Table 2 overleaf.

### Local planning documents (DPDs and SPDs)

- 2.5 There are two main types of planning documents; development plan documents and supplementary planning documents:
- **Development plan documents** (DPDs) are formal plans that set out policies for a particular geographical area. They are subject to public consultation and the process of sustainability appraisal to test how the plan meets social, economic and environmental aims. DPDs are tested at an independent examination before they can be formally adopted by the council.

The Mansfield District Local Plan is an example of an adopted DPD. Neighbourhood Plans are also a type of DPD – the key difference is that the local community prepares these documents, but once it has been tested by an Independent Examiner and has passed a referendum, it forms part of the adopted development plan.

A Policies Map often accompanies a DPD. These maps are used to show the locations of land use designations (e.g. areas at risk from flooding or

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<sup>8</sup> Available online at: <https://www.mansfield.gov.uk/local-plan/adopted-local-plan-2013-2033>

listed buildings) and allocations for development. The adopted Policies Map is revised when new DPDs are adopted.

The council will undertake sustainability appraisals (SA) and strategic environmental assessments (SEAs) of DPDs when they are being prepared. This will test the policies and proposals against social, environmental and economic objectives, and suggest how plans can be modified to minimise any negative effects. The SA/SEA will be published for public consultation alongside the DPDs where appropriate.

- **Supplementary planning documents** (SPDs) are used to expand upon the content of a development plan document to provide additional detail and guidance. They do not contain or set out planning policies. They can cover a range of topics or be used to provide more information about individual sites. The council will prepare or revise SPDs where they help applicants make successful applications or aid infrastructure delivery, and where they will not add unnecessarily to the financial burdens on development.

An SPD is subject to consultation and may sometimes also require a sustainability appraisal. Although SPDs are not subject to independent examination, they do need to obtain approval by the council before they are adopted. SPDs are capable of being a material consideration in planning decisions but are not part of the adopted development plan.

## Local Development Scheme

- 2.6 The Local Development Scheme (LDS) sets out the production timetable for the planning documents that the council will publish. It provides a starting point to see what documentation will be produced and at what stage individuals can become involved in the preparation process. It is regularly updated to reflect the council's priorities for plan making. The progress that is made towards meeting the timetable is reviewed each year and if necessary the Local Development Scheme is updated. Any update to the Local Development Scheme will be discussed at a Full Council meeting. The date for any update will be published on the council's Forward Plan.
- 2.7 The latest LDS is available on the council's website at:  
<https://www.mansfield.gov.uk> (search LDS).

## Production of planning documents

- 2.8 The council is required to produce new or revised planning documents in line with legal and other requirements set out by the government. The National Planning Policy Framework (NPPF) 2019<sup>9</sup> recognises that early and meaningful

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<sup>9</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

engagement and collaboration with neighbourhoods, local organisations and businesses and the community is essential.

- 2.9 The type and amount of consultation which takes place will depend on the type of document that the council is preparing, with a greater amount of consultation required for the preparation of DPDs.
- 2.10 The key stages for preparing the Local Plan and other DPDs are set out by law in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The regulatory stages for the preparation of the Local Plan are summarised below:

**Table 2: Local Plan (DPD) preparation stages**

<b>Regulation</b>	<b>What happens?</b>
<b>Regulation 18</b>	Public and stakeholder consultation participation in preparation of DPDs. This is often referred to as 'Issues and Options' consultation.
<b>Regulation 19 &amp; 20</b>	Publication of a draft planning document and the opportunity for stakeholders to make formal representations (under Regulation 20, consultation is six weeks). This stage is often referred to as the 'Publication Draft' or Pre-Submission'.
<b>Regulation 22</b>	Submission of documents to the Secretary of State – the 'Publication Draft' documents and the formal representations are formally sent to the Secretary of State – The Planning Inspectorate (PINs)
<b>Regulation 23 to 25</b>	Examination process - An independent Inspector is appointed by the Planning Inspectorate to test the plan.
<b>Regulation 26</b>	If the plan is successful at examination it can be formally adopted by the council and used to determine planning applications.

- 2.11 The key stages for preparing supplementary planning documents (SPDs) are also set out by law in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This process is shorter, and is set out below:

**Table 3: Supplementary Planning Document (SPD) preparation stages**

<b>Regulation</b>	<b>What happens?</b>
<b>Regulation 13</b>	Publication of a draft planning document and the opportunity for stakeholders to make formal representations (under Regulation 12, consultation is four weeks).
<b>Regulation 14</b>	Following public consultation the SPD can be formally adopted by the council and used as a material consideration in the determination of planning applications.

## Meeting regulatory requirements

- 2.11 There are statutory consultation requirements which the council must adhere to<sup>10</sup>. Subject to any changes in government legislation or guidance, including those connected to public health, in order to meet these requirements the council will:
- publish all documents and supporting information on the council's website, including details of where and when copies of the documents can be viewed and how people can comment, and
  - make all consultation documents and supporting information available for the public to view at our council offices during the normal office opening hours throughout the consultation period, which is a minimum of six weeks for a DPD and a minimum of four weeks for an SPD. In certain circumstances, such as the COVID-19 pandemic, access to hard copy documentation may necessarily be limited or curtailed.
- 2.12 In addition, we can upon request make the information available in Braille, large print, translated into another language, or in audio version.
- 2.13 We will also seek to ensure that venues chosen for events are accessible and that events are held at times which maximise the ability for people to find out the information they need, ask questions and provide comments.
- 2.14 We will promote all events via our website and social media as well as promoting them with press releases.

## Planning document production and opportunities for involvement

- 2.15 The methods of consultation used by the council are varied depending on:
- the nature of the planning document,
  - the production stage of the document, and
  - the geographical scope or nature of the planning issue being considered in the document.
- 2.16 The following table provides details of the planning document production process and the opportunities for consultation and participation at each stage.

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<sup>10</sup> Set out in The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

**Table 4: Document production stages and opportunities for involvement**

Stage of preparation	What the council will do	DPD	SPD	Opportunity for involvement
<b>Early engagement</b>  (This stage may continue and overlap with subsequent stages as further evidence requirements arise or updates are required to ensure that the final plan is based on up to date relevant information).	Collect evidence to input and support production of document. This may include informal engagement with appropriate stakeholders such as Nottinghamshire County Council, the Environment Agency, neighbouring authorities, landowners and developers, and Duty to Cooperate Bodies.	√	√	Register personal contact details on the online consultation system.
	Formulate initial aims and objectives.	√	√	Provide details of any sites that may be suitable for development via the Housing and Economic Land Availability Assessment (HELAA).
	Consider all issues and any alternatives which may come forward.	√	√	
	Commission technical studies.	√	?	
	Prepare content of draft document.	√	√	
	Prepare content of supporting Sustainability Appraisal.	√	?	
<b>Publication and consultation</b>	The council will use any comments it has received, alongside national and local planning policy and other supporting evidence to develop the planning document. We will then publish the draft for consultation together with any associated documents for: <ul style="list-style-type: none"> <li>6 week (minimum) consultation period for DPDs (statutory requirement). Includes both the DPD and associated Sustainability Appraisal.</li> <li>4 week (minimum) consultation period for SPDs (statutory requirement).</li> </ul>	√	√	Review consultation document and any supporting evidence based documents.  Attend public exhibitions, if any are scheduled.  Submit a representation to the council detailing your comments, support or objection and state whether you wish to attend the hearing sessions (if commenting on a DPD).

	All consultation documents will be made available for inspection on the council website and where possible, subject to Government advice and guidelines on public health (for example, due to COVID-19) at the Civic Centre and relevant libraries.	√	√	
	Appropriate advertising of the consultation.	√	√	
	Formal notification of the consultation to statutory consultees.	√	√	
	Notification of consultation to all that have registered on the council's Consultation Portal consultation system.	√	√	
<b>Examination and adoption</b>	Submit DPDs and supporting documents (including representations received) to Secretary of State for independent examination.	√	X	Hearing sessions of Local Plan Examinations are public and anyone can observe.
	Summarise and make publicly available all representations received during consultation.	√	√	Only those participants specifically invited by the Inspector (via a Programme Officer) will be able to speak at a hearing session.
	Produce Statement of Compliance / Consultation Statement to demonstrate the SCI has been followed.	√	√	
	Make publicly available the report issued by the Planning Inspector (DPD only).	√	X	
	DPDs/SPDs to be adopted by the council.	√	√	The full council meeting is public and anyone can observe.
<b>Monitoring and implementation</b>	Monitor the plan to show how the planning policies set out are being achieved. Review the plan where / when necessary.	√	X	Consider the content of the AMR.
	Produce an annual Authority Monitoring Report (AMR).			



## Examples of consultation methods

- 2.17 The consultation methods we use will vary to allow flexibility to ensure the right consultation processes are used for each individual document and that the relevant audiences are notified.
- 2.18 We also recognise that there will be varying degrees to which you will wish to become involved in the development of planning documents, and that there are differing needs depending upon knowledge and experience of the planning system which will require a targeted and, at the same time, flexible approach to consultation.

**Table 5: Examples of consultation methods that may be used**

Purpose	Method
Publicising consultations	<p>We will publicise all consultations relating to planning documents including details of how and where to view documents, when any events are to be held and how to make representations. Methods that may be used include:</p> <ul style="list-style-type: none"> <li>• the council website</li> <li>• direct emails and letters (if you have requested to be kept informed on the progress of the Local Plan / previously made comments)</li> <li>• social media</li> <li>• “My Mansfield” residents magazine</li> <li>• press and media releases</li> <li>• site notices</li> <li>• leaflets / postcards / posters</li> </ul>
Public meetings	Public meetings can help deliver immediate discussion and feedback, however some people find them intimidating and are reluctant to participate. Therefore public meetings will only be used in conjunction with other techniques where appropriate.
Informal drop in events	We may arrange one or more “walk in” informal events and exhibitions attended by officers. We may also or alternatively arrange for temporary unattended static exhibitions.
Exhibitions	
Focus groups / workshops / developer forums	<p>We may also hold focus groups, workshops and developer forums with appropriate organisations / individuals on specific topics.</p> <p>Information on how to make representations will be available at these events and exhibitions.</p>
Digital consultations	<p>There may be times, for example during the COVID-19 pandemic, where we may have to rely more heavily* on digital (online) consultation methods. This may include:</p> <ul style="list-style-type: none"> <li>• video conferencing</li> <li>• presentations being made available online</li> <li>• additional social media activity</li> </ul> <p>*We will also endeavour to use non-digital consultation methods where possible.</p>

Target groups	<p>We are required to send details of planning document consultations to certain organisations or bodies<sup>11</sup>. The following organisations are considered statutory consultees and <b>must</b> be consulted:</p> <ul style="list-style-type: none"> <li>• Natural England</li> <li>• Environment Agency</li> <li>• Historic England</li> <li>• Highways England</li> <li>• Within or adjoining county councils (Nottinghamshire and Derbyshire County Councils.)</li> <li>• Adjoining local authorities (Ashfield, Newark and Sherwood, Bolsover, Bassetlaw District Councils)</li> <li>• Parish councils / neighbourhood councils (including those which adjoin the district)</li> <li>• NHS England, and the Mansfield and Ashfield Clinical Commissioning Group (CCG)</li> <li>• Nottinghamshire Police</li> <li>• Homes England</li> <li>• Relevant electricity and gas companies</li> <li>• Relevant sewerage and water undertakers</li> <li>• Relevant electronic communication companies</li> <li>• Network Rail</li> <li>• Coal Authority</li> </ul> <p>In addition to the statutory consultees (as listed) and members of the general public, there are many other groups and organisations that will have an interest in Planning Policy documents. These consultees and stakeholders will have a variety of different interests and priorities and could contribute expertise and knowledge across a range of subject areas. The following consultees / stakeholders are examples of groups who may be contacted and involved where appropriate:</p> <ul style="list-style-type: none"> <li>• Local residents' associations</li> <li>• Local environmental organisations</li> <li>• Agents and developers</li> <li>• Local business groups and forums</li> <li>• Youth groups</li> <li>• Older persons groups / organisations</li> <li>• Local community partnerships</li> <li>• Faith groups</li> <li>• Disability groups</li> <li>• Sports and open space organisations</li> <li>• Transport organisations</li> </ul> <p>We will also try to engage 'hard to reach' or 'easy to overlook' groups in planning issues and will continue to expand our consultation techniques to seek their views. We will use social media where possible to help access these groups in particular.</p>
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<sup>11</sup> These are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

## Providing feedback

- 2.19 After the end of each consultation period we will process all of the representations we have received and ensure that all valid comments are fully considered before any decision is taken. In order to ensure transparency, a consultation statement will be prepared setting out summaries of the representations received and the council's response. Where large numbers of representations are received it may not be possible to provide detailed responses to each, and it may be necessary to identify key issues and provide responses to these. Consultation statements will be made available on the council's web site to inform any subsequent consultations.
- 2.20 Depending upon the nature and significance of representations we may sometimes need to arrange for further consultation to ensure we have fully captured the relevant issues.
- 2.21 Representations received on a DPD at Publication Draft (Regulation 19) stage will be summarised and passed to the Inspector. A summary of the representations received in the preparation of the plan (Regulation 18 stage) together with how they have been taken into account will be included in the consultation statement which will be submitted at the same time as the final submission plan (Regulation 22).

## Consultation on any future community infrastructure levy (CIL)

- 2.22 A community infrastructure levy (CIL) is a charge which allows councils to raise funds from new developments to fund key infrastructure required to support. If the council decides to use this levy in the future then the process would be as follows:

**Table 6: Community infrastructure levy process**

<b>Stage 1: Preparation of evidence base</b>
During this stage the council will collect relevant evidence and may undertake specific evidence studies to inform the preparation of the CIL charging schedule. This may include informal consultation with relevant stakeholders and interested parties such as developers and other service providers on matters relating setting the CIL.
<b>Stage 2: Consultation on a charging schedule</b>
The council will publish and consult on a draft charging schedule which will be informed by the evidence collected. Stakeholders, interested bodies and where appropriate, the wider community will be consulted. Any representation received will be considered and amendments made to the charging schedule if appropriate. A consultation statement will be prepared setting out who has been consulted and how the council has responded to representations received.
<b>Stage 3: Examination and adoption</b>
Once the council is satisfied with the CIL (including its charging schedule) it will be sent together with relevant supporting information to be examined. An independent Examiner will carry out an assessment into its "soundness". Objectors to the document may be allowed to appear at the Examination in person. Any recommendations suggested in the Examiner's Report will be binding on the council. If there are

significant matters raised the council may withdraw the charging schedule and resubmit a revised version to a new examination.

## Neighbourhood planning

2.23 The Localism Act 2011 introduced the neighbourhood planning process which is designed to give communities a greater degree of control over how their local area is to be developed in the future. There are three components of neighbourhood planning:

- **Neighbourhood development plans (or neighbourhood plans)** - this is a planning document which establishes general policies for development and use of land in a neighbourhood, including the location of new homes and offices, and what they should look like.
- **Neighbourhood development orders** – these allow town and parish councils to grant permission for certain types of development without the need for people to apply to the council. These could include, for example, all house extensions in a defined area, changes of use, or development on a particular site. Certain types of development are excluded, such as minerals and waste developments, certain public and private environmental projects, and nationally significant infrastructure.
- **Community right to build orders** – these enable small scale development in neighbourhoods, such as housing or community facilities. As above, certain types of development are excluded.

2.24 Once a neighbourhood plan or neighbourhood development order has been agreed by a local referendum, it attains the same legal status as the Local Plan and becomes part of the development plan.

2.25 A neighbourhood plan or order should:

- be used positively to plan for future development and support growth, reflect and build on the strategic needs set out in the Local Plan and be in conformity with the National Planning Policy Framework.
- not be used to prevent development or promote a lower level of development than is set out in the Local Plan.

2.26 Neighbourhood planning is undertaken by the local community. The council in its role as local planning authority has a statutory duty to support and enable the process. It is important that communities engage with the council at an early stage and throughout the process.

2.27 Neighbourhood plans allow local communities to make their own decisions on how their area will change or develop but they must conform with the strategic policies

of the Local Plan. For instance, the Neighbourhood Plan will not be able to reduce the amount of new housing or employment which the Local Plan has allocated for a particular settlement. However, it could potentially increase the amount of development and influence its location.

2.28 Neighbourhood plans or orders can be prepared by:

- a town or parish council, or
- a designated neighbourhood forum in areas where there is no town or parish council (a 'non-parished' area). A group / organisation must apply to the council to be designated as a neighbourhood forum.

2.29 There are six stages in making a neighbourhood plan. It is our duty as the planning authority to support organisations. The following table outlines the support that will be provided by the Planning Policy Team at each stage.

**Table 7: Key stages of neighbourhood plan preparation**

Key stage of production	What the council will do
Stage 1: Area designation	Provide advice on the legal process of designating a plan, on joint neighbourhood plans (clustering) and guidance on completing the form. Once an application is received to designate an area for neighbourhood planning the LPA must determine the validity of the application within a specific timeframe and publish the outcome of the application.
Stage 2: Drafting and consulting	<p><b>Planning advice, guidance and documents:</b> Planning officers at the council will provide planning advice and guidance to help local community organisations in areas such as how to prepare and collate evidence to support the preparation of the Neighbourhood Plan.</p> <p><b>Sustainability appraisal and strategic environmental assessment (SA/SEA):</b> The council will undertake screening to consider whether sustainability appraisal of a neighbourhood plan is required to support the process of plan preparation.</p> <p><b>Habitat regulation assessment (HRA):</b> The council will provide a habitat regulation screening assessment screening opinion to ensure the legal requirements to consider the impacts of a plan on certain nature conservation sites are considered.</p> <p><b>Drafting the Neighbourhood Plan:</b> The plan will mainly be drafted by the local community organisation together with any consultant that the community may appoint. Where appropriate, planning officers will provide guidance and advice on the legal requirements for consultation and publicity for Pre- Submission and Submission.</p> <p><b>Consultation on the Pre Submission Draft Neighbourhood Plan:</b> Under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, Mansfield District Council is a formal consultee. The council will therefore provide a formal response to a neighbourhood planning group as part of this consultation.</p>
Stage 3: Submission	<b>Prior to examination:</b> Once the neighbourhood planning group has a plan which it wishes to be put forward to examination, the plan will be

and consultation	formally submitted to Mansfield District Council together with a number of other documents which are required under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. We will check to ensure that the necessary documents have been received. If all information has been provided, we will hold a public consultation in line with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). Comments will be invited over a minimum 6 week period.
Stage 4: Independent examination	<p><b>Examination:</b> The council will appoint an independent examiner with input from the neighbourhood planning group, and will send the appointed person copies of the proposed plan, relevant documents and the representations made. The expectation is that examinations of neighbourhood plans will normally be undertaken through written representations. If required the council will work with the examiner and relevant parish/neighbourhood council to organise any hearings the examiner may request.</p> <p><b>Modifications:</b> If an examiner recommends modifications are made to the plan in order to meet the Basic Conditions prior to proceeding to referendum, the council will explain and discuss the modifications with the qualifying body. Modifications which are significant material changes may require further consultation or re- examination. It is for the council to make the final decision on whether to progress the plan or go out to consultation again, reopen the examination or proceed to the referendum stage.</p> <p><b>After the examination:</b> The council will publish and share the examiner's report, the decision statement and the Neighbourhood Development Plan. If the NDP meets the basic conditions, the examiner will recommend that it proceeds to referendum stage.</p>
Stage 5: Referendum	The council will arrange for a referendum in accordance with the timescales set out in legislation unless agreed otherwise by the parish. If more than 50% of those voting in the referendum vote 'yes', the council will bring the Neighbourhood Plan into legal force. If the plan does not pass referendum the council will provide advice on the next steps. The COVID 19 pandemic has resulted in mandatory restrictions on movement since March 2020 to prevent transmission of the virus and protect vulnerable groups. The Local Government and Police and Crime Commissioner (Coronavirus)(Postponement of Elections and Referendums)(England and Wales) Regulations 2020 prevents any referendum on neighbourhood plans being held until 5 May 2021 at the earliest. Government guidance indicates that during this period, following the issue of a decision statement, 'significant weight' can be applied to the plan by the decision maker when considering planning applications.
Stage 6: Making the Neighbourhood Development Plan (NDP)	Once the plan has been brought into legal force, it is considered 'made'. The council will then use it to determine planning applications and guide planning decisions in the neighbourhood area.

2.30 If you are interested in getting involved with the production of a neighbourhood plan or would like to find out further information, please visit our website: <https://www.mansfield.gov.uk/planning-policy/neighbourhood-planning-1>.

- 2.31 There are number of web based resources available which give further information on how to progress with a plan or order.
- Locality: <https://locality.org.uk/services-tools/neighbourhood-planning/>
  - Neighbourhood Planning Support: <https://neighbourhoodplanning.org/>
  - Mycommunity: <https://mycommunity.org.uk/neighbourhood-planning>
- 2.32 You may also employ a planning consultancy, and some neighbourhood plans are being produced in this way. This approach may relieve the group's workload and speed up the process, but can add significantly to costs.

### Other planning documents

- 2.33 The council may also approve other planning guidance, urban design frameworks and development briefs for specific sites. These are not statutory but are intended to help people apply adopted policies. These often involve dialogue from relevant stakeholders such as service providers during their preparation. Occasionally they may be published for public consultation before approval.

### Duty to cooperate

- 2.34 The planning system requires local planning authorities and other prescribed bodies to engage constructively, actively and on an ongoing basis on strategic matters when producing their local plans.
- 2.35 Strategic matters can include providing for homes and jobs needed in the area, the provision of infrastructure for transport, wastewater and flood risk and provision of facilities for education and health. This may need a local plan document being prepared jointly with other local planning authorities. Subsequent consultation on these would follow the processes described above to ensure all communities are appropriately engaged.

### Further information

If you are interested in the Local Plan or other planning policy documents and want to be kept up to date with what is happening, please:

- visit the Planning Policy page on Mansfield District Council's website at: <http://www.mansfield.gov.uk/planningpolicy>
- register your details on our Local Plan Consultation Portal for an automatic email every time we consult on the Local Plan or a new guidance note, by visiting: <http://mansfield.objective.co.uk/portal>
- contact us, by phone on 01623 463195 / 463322 / 463182, or by email at [lp@mansfield.gov.uk](mailto:lp@mansfield.gov.uk).



## 3.0 Community involvement in development management

- 3.1 Development management is the term used for the process of deciding whether to grant or refuse planning permission and other related consents. This includes Listed Building consent and applications for works to protected trees.
- 3.2 The council makes hundreds of decisions every year on planning applications for development ranging from household extensions and single homes to major new housing schemes and employment premises. Each of these decisions contributes to shaping our neighbourhoods and collectively the district as a whole and there are important opportunities for communities, stakeholders and individuals to be informed and have their say.
- 3.3 Legislation sets out the minimum requirements for publicising and consulting the community and stakeholders on planning applications for development at various stages of the process as explained below.
- 3.4 However, it is important to note that not all building works or changes of use of buildings require planning permission. The main exemptions include:
- minor works which are not considered to be development such as small repairs to walls or gates. Some extensions or alterations to properties which are already allowed for as 'Permitted Development'<sup>12</sup>.
  - changes of use which do not require permission as the new use is so similar, such as a change of use from a shoe shop to a dress shop.<sup>13</sup>
- 3.5 The Planning Portal website<sup>14</sup> can advise on whether planning permission is required. In cases where permission is not required we do not carry out any consultations.

### Development management during the COVID-19 pandemic

- 3.6 A protocol for use in circumstances such as the COVID-19 pandemic has been prepared and is available on our website:  
<https://www.mansfield.gov.uk/downloads/file/1477/development-management-during-covid-19-protocol>.

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<sup>12</sup> The Town and Country Planning (General Permitted Development) Order 1995 (as amended) defines development that can take place without a formal planning permission being required

<sup>13</sup> The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes', within which changes of use are not considered to be development

<sup>14</sup> <https://www.planningportal.co.uk/permission>



## Pre-application stage

- 3.7 Applicants for 'major developments' are encouraged by the council to involve the community at an early stage. Arranging public exhibitions and encouraging discussions before a formal application is submitted can help to avoid objections being made at the application stage. For very large scale developments pre-application consultation is required under the Localism Act 2011.
- 3.8 'Major development' means development involving any one or more of the following:
- a. the winning and working of minerals or the use of land for mineral-working deposits;
  - b. waste development;
  - c. the provision of dwelling houses where —
    - i. the number of dwelling houses to be provided is 10 or more; or
    - ii. 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 falls within sub-paragraph (c)(i);
  - d. 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
  - e. development carried out on a site having an area of 1 hectare or more.
- 3.9 Pre-application consultation provides an opportunity for applicants and developers to find out the views of local residents about their development proposals, and allows the local community to make suggestions which can then be taken into account by the developer in finalising their planning application. This process can help to reduce local opposition, help resolve early design and development problems and ensure that high quality planning applications are received.
- 3.10 The council expects applicants to carry out their own pre-application consultation. This should be effective in bringing draft proposals to the attention of the public, Warsop Parish Council (where appropriate) and other affected parties and provide opportunities to make comments. Planning officers can provide advice on appropriate engagement methods, the target audience and venues. Any consultation that is undertaken is the responsibility of the developer.
- 3.11 Details of the consultation event/s and outcomes including how responses have influenced the design proposals should be submitted with the planning application. The council will consider this information when making a decision. Further information on pre-application engagement can be found within Planning Practice Guidance at <https://www.gov.uk/guidance/before-submitting-an-application>.

## Planning application stage

### *Neighbour notification*

- 3.12 The council will usually notify any neighbours immediately adjoining a development proposal by letter or email. Statutory bodies (for example, the Environment Agency) are also consulted as well as other organisations that may want to comment on the application.

### *Site notices*

- 3.13 Site notices are also sometimes displayed on or near to the application site. Notification letters and site notices include details of the planning application, where to view plans, how to make comments and by what date.

### *Public notices*

- 3.14 A public notice is placed in The Chad, local newspaper for certain types of planning applications. For example, major or significant development proposals, departures from local policy or where there is a statutory requirement, such as for Listed Building Consent.

### *Consultation period*

- 3.15 In most instances consultees have 21 days to make written comments. If amended plans are received which have the potential to lead to new or different views being made, a further 7-14 days (depending on nature of the amendment) may be given for additional comments. If a new planning application is required, this will be subject to new public consultation.
- 3.16 For further information on statutory notification methods please see Table 1 at: [www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications](http://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications).

### *Finding out more information on planning applications*

- 3.17 Details of all planning applications are available to view at <https://planning.mansfield.gov.uk/online-applications/>
- 3.18 You can use the site to:
- follow the progress of an application, view associated plans and documents, and make comments on an application
  - search weekly / monthly lists of applications and decisions

- register to track applications and receive notifications when the status of an application changes, view the application report and decision notice
- see if appeals have been lodged and any decisions made
- see recent planning history and property details, including maps and constraints, and search enforcement cases.

### Making comments on planning applications

- 3.19 Anyone can comment on any application. This may be positive or negative, depending on how you feel about a development proposal. Individuals who might be directly affected by a planning application, community groups and specific interest groups (national, regional or local) may wish to provide representations.
- 3.20 Comments should be made in writing, preferably by using the online form<sup>15</sup>, e-mail or letter.

If you wish to comment on an application you can do this by:

- visiting the Planning page on Mansfield District Council's website at:  
<http://www.mansfield.gov.uk/planning>
- email: [pbcc@mansfield.gov.uk](mailto:pbcc@mansfield.gov.uk)
- write to: The Development Management Team  
Mansfield District Council  
Civic Centre  
Chesterfield Road South  
Mansfield  
NG19 7BH

- 3.21 All comments which are received before a decision is issued will be taken into consideration regardless of the time that has passed since the original consultation. However, we may determine an application once a consultation period has come to an end. To make sure your comments are taken into account it is important to have them in before the statutory deadline.
- 3.22 The best advice is to say what you think, as honestly and plainly as possible. However, you should be aware that your letter could be seen by other people, including the applicant, as all letters received are open to inspection by the public.
- 3.23 All comments made on a planning application will be acknowledged and may be displayed or summarised on our website. You should be aware that part of the

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<sup>15</sup> <https://planning.mansfield.gov.uk/online-applications/>. You will need to register / sign in to make comments.

government initiative for planning services on-line, is a requirement to provide on-line tracking. This means that your address may be displayed on the council's planning website as a formal consultee on this planning application.

### Determining planning applications

- 3.24 The council has targets for the time taken to determine planning applications. These are currently 13 weeks (or 16 weeks where the application requires an Environmental Impact Assessment) for major applications and eight weeks for all others. This time can be extended by agreement with the applicant. In some cases, usually large complex applications, the council will enter into a Planning Performance Agreement which will set out the timetable for consideration of an application. Before a decision is made, the case officer will prepare a report with a recommendation.
- 3.25 The recommendation will take into account the council's adopted planning policy documents, Government planning advice as well as any comments made. However, the council can only take into account comments relating to material planning considerations. These are explained in Table 1 on pages 3 and 4 of this document.
- 3.26 The council will consider all comments submitted based on the relevance and justification, not on how many people have made the same type of comment.
- 3.27 Where an application has been amended significantly, we will re-consult on the proposal.
- 3.28 The majority of planning applications are determined by officers under delegated powers. A small number of applications are decided by the council's Planning Applications Committee. Applications presented to the committee will be accompanied by a written report and officer recommendation. Objectors and supporters can speak at the committee meeting. Please visit <https://www.mansfield.gov.uk/committees-meetings/planning-applications-committee-1> for more information. These meetings may need to be held virtually in some circumstances, such as during the COVID-19 pandemic.
- 3.29 Once a planning application has been decided, the full text of the officer report and the decision notice, including conditions or reasons for refusal, are published on the council's website.

### Appeals

- 3.30 An appeal may be submitted by the applicant where permission has been refused, or permitted with conditions which the applicant considers to be unacceptable. There is also a right of appeal if the application has not been determined within the appropriate time limit. All those who were notified of the original application or submitted comments will be informed if an appeal is made. They also have the

opportunity to make further written comments to the Planning Inspectorate, except in the case of Householder Appeals where the Inspector makes the decision based solely on all the information on the original application file.

- 3.31 For appeals decided by informal hearing or public inquiry, interested parties are also given the opportunity to appear before the Inspector. The Inspector will consider the evidence and decide whether the council's decision was correct. The Inspector's decision is binding on the council, although it can be challenged by anyone on a point of law in the High Court. Third parties do not have the right to appeal decisions.

### Planning performance agreements

- 3.32 The council may enter into planning performance agreements (PPA) when dealing with large scale or complex major planning applications. This is an agreement between the council and applicants to provide a project management framework for major applications that are expected to exceed the government's determination target of 13 weeks. The PPA will set out the commitments of both parties for the gathering of information, consideration of options and the formulation of design proposals, for the effective processing of the planning application. It will also clarify the means of engagement and consultation with the local community, in line with the SCI.

### Statutory and non-statutory consultees

- 3.33 There are a range of consultees that we are required to consult on certain applications:
- **Statutory consultees:** where there is a requirement set out in law to consult a specific body, who are then under a duty to respond providing advice on the proposal in question. These are clearly identified in various regulations and guidance and are made up of mostly public bodies which may have an interest in the proposal.
  - **Non-statutory consultees:** where there are planning policy reasons to engage other consultees who, whilst not designated in law, are likely to have an interest in a proposed development. These may be local organisations that we know have specific interests in certain matters.
- 3.34 Further information can be found on the following National Planning Practice Guidance web page <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications> (see tables 2 and 3).

### Enforcement

- 3.35 Sometimes development is carried out without planning permission or planning conditions are breached. Further details about breaches of planning and how you

can report this to us can be found at: <https://www.mansfield.gov.uk/planning-permission/planning-building-enforcement-2>.

## 4.0 Monitoring and review

- 4.1 The council will monitor the effectiveness of the consultation methods set out in this document and will publish future reviews as necessary. The council will also review the SCI to take account of any changes to legislation or government guidance.

## Appendix A – Glossary

### A

**Adoption** - The final confirmation of a development plan or local development document as having statutory status by a local planning authority (LPA).

**Appeal** - The process whereby an applicant can challenge a decision on an application by means of written representations, an informal hearing or formal inquiry proceedings. Appeals can also be made against the failure of the planning authority to issue a decision, against conditions attached to a permission and against the issue of an enforcement notice.

### C

**Community infrastructure levy (CIL)** - is a levy that local authorities can charge on new developments in their area. The money can be used to support development by funding infrastructure that the council, local community and neighbourhoods want.

**Conditions** - Stipulations attached to a planning permission to limit or direct the manner in which a development is carried out.

**Conservation area** - Areas of special architectural or historic interest, the character, appearance or setting of which it is desirable to preserve or enhance.

**Consultation** - Procedures for assessing public opinion about a plan or major development proposal, or in the case of a planning application, the means of obtaining the views of affected neighbours or others with an interest in the proposal.

**Consultation Draft** - A pre-submission consultation stage of the Local Plan with the objective of gaining public consensus over proposals ahead of submission to Government for independent examination.

**Consultation Statement / Statement of Compliance** - A report or statement issued by local planning authorities explaining how they have complied with their SCI during consultation on local development documents.

### D

**Development** - Development is defined under the 1990 Town and Country Planning Act as "the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change in the use of any building or other land." Most forms of development require planning permission (see also "permitted development").

**Development management** - The process whereby a local planning authority manages, shapes, and considers the merits of a planning application and whether it should be given permission with regard to the development plan.



**Development plan** - A document setting out the local planning authority's policies and proposals for the development and use of land and buildings in the authority's area. In Mansfield, this is the 'Local Plan'.

**Development plan documents** - Development plan documents (DPDs) are planning policy documents which make up the Local Plan. They help to guide development within a local planning authority area by setting out the detailed planning policies, which planning officers use to make their decisions on planning applications.

## E

**Examination in Public (EIP)** - A term given to the examination of the Local Plan.

## H

**Highway Authority** - For Mansfield district, this is Nottinghamshire County Council Highways Department.

## I

**Local Development Scheme (LDS)** - The LDS sets out the programme for preparing the LDDs.

**Local Plan** - A development plan prepared by local planning authorities. The Mansfield District Local Plan 2013-2033 came into effect in September 2020.

**Local planning authority** - The local authority or council that is empowered by law to exercise planning functions. This is Mansfield District Council for most matters, except for minerals and waste planning, when it is Nottinghamshire County Council.

## N

**National Planning Policy Framework (NPPF)** - Government national planning policy, which our policies and decisions should be in accordance with.

**National Planning Practice Guidance (NPPG)** - Guidance produced by the Government to provide further details to the NPPF.

## P

**Planning permission** - Formal approval sought from a council, often granted with conditions, allowing a proposed development to proceed. Permission may be sought in principle through outline plans, or be sought in detail through full plans.

**Publication Draft** - A pre-submission consultation stage of the Local Plan with the objective of gaining public consensus over proposals ahead of submission to Government for independent examination.

## S

**Saved policies / saved plan** - Policies within unitary development plans and local plans that are saved for a time period during replacement production of local development documents.

**Soundness** - A term referring to the justification of a development plan document. A DPD is considered “sound” if it is positively prepared, justified, effective and consistent with national policy.

**Statement of Community Involvement (SCI)** - Document explaining to stake holders and the community, how and when they will be involved in the preparation of the Local Plan and other planning related activity, and the steps that will be taken to facilitate this involvement.

**Statutory** - Required by law (statute), usually through an Act of Parliament.

**Statutory undertakers / statutory utilities** - Providers of essential services such as gas, electricity, water or telecommunications.

**Submission Document** - A development plan document submitted to the Secretary of State for independent examination by a government appointed planning inspector.

**Supplementary planning document (SPD)** - SPDs are intended to expand upon development plan policies, but do not have their status. They do not include standards in their own right.

**Sustainable development** - A widely used definition drawn up by the World Commission on Environment and Development in 1987: “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. The Government has set out four aims for sustainable development in its strategy “A Better Quality of Life, a Strategy for Sustainable Development in the UK”. The four aims, to be achieved at the same time, are: social progress which recognises the needs of everyone; effective protection of the environment; the prudent use of natural resources; and maintenance of high and stable levels of economic growth and employment.

## W

**Written representations** - A procedure by which representations on development plans and DPDs can be dealt with without the need for a full public enquiry or independent examination.



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