

Appendix 2 - SCI Review
Responses received to consultation 6th November to 19th December 2018

Comment ID	Comment by	Comment (General comment / support / object)	Officer response	Modification proposed to SCI?
SCI 1	Network Rail	<p>General comment: Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order) and for any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway (as the Rail Network Operators, set out in Schedule 4 (J) of the Development Management Procedure Order); in addition you are required to consult the Office of Rail and Road (ORR). Please email all consultations (planning applications and planning policies) to : TownPlanningLNW@networkrail.co.uk</p>	Email address to be retained on consultation database.	No
SCI 2	Environment Agency	<p>General comment: As mentioned in the document the Environment Agency is required to be consulted on planning applications and Local Plans at the relevant statutory stages. We would reiterate that we wish to be consulted by email at planning.trentside@environment-agency.gov.uk as currently is the case. We wish to highlight that the Environment Agency now charges for advice requested outside of our statutory requirements to respond to planning applications and strategic documents. Therefore if an applicant or the Local Authority would like advice or Environment Agency involvement in any application or strategic document outside of the statutory process, we would ask that they contact the Environment Agency directly at planning.trentside@environment-agency.gov.uk. We will be able to offer details on what we offer and the costs associated with this.</p>	Email address to be retained on consultation database.	No

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SCI 3	Equality and Human Rights Commission	<p>General comment: The Commission does not have the resources to respond to all consultations, and it is not our practice to respond to consultations on local plans or infrastructure projects unless they raise a clear or significant equality or human rights concern.</p> <p>Local, Parish and Town Councils and other public authorities have obligations under the Public Sector Equality Duty (PSED) in the Equality Act 2010 to consider the effect of their policies and decisions on people sharing particular protected characteristics. We provide advice for public authorities on how to apply the PSED, which is the mechanism through which public authorities involved in the planning process should consider the potential for planning proposals to have an impact on equality for different groups of people. To assist, you will find our technical guidance on line.</p>	<p>An Equalities Impact Assessment (EqIA) has been carried out for the High Peak Local Plan. An EqIA for the SCI is included as part of this report. Equalities impacts are considered as part of the assessment of all development proposals. The Planning Applications Manager meets quarterly with the High Peak Access Group.</p>	No
SCI 4	Historic England	<p>General comment: We support the reference to the need to consult with specific consultation bodies throughout the process. Historic England welcomes involvement at an early stage for both planning policy and planning applications. We are keen to advise on the development of planning documents, evidence base etc. in order to ensure that the historic environment is fully considered throughout the Local Plan process. We also support the need for early engagement with stakeholders during the Sustainability Appraisal process. As the draft SCI sets out, there are regulatory requirements for consulting us on planning applications too.</p> <p>In terms of the above and the proposed preparation stages for plan documents set out in Tables 1, 2, 4 and 5 we recommend that the Stage 1 description 'Involve' also includes reference to consultation since only Stage 2 sets out that comments are invited at present. Stage 2 sets out a consultation timeframe whereas this is not evident in the Stage 1 activities. One option</p>	<p>For clarity it would be helpful to confirm that the initial "involvement" stage of document preparation includes consultation. Table 1 on page 8 (Preparation process for DPDs), and Table 2 on page 9 (Preparation process for SPDs) should be amended as follows: "Stage 1: Involve" to read: "Stage 1: Involve and consult". Also Tables 1 and 2 should have additional text added to the consultation bullet point of preparation</p>	Yes. See detail in previous column.

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		in order to clarify matters would be to revise the Stage 1 description to 'Involve and consult'. It is considered it would also be useful to set out timescales for consultation response for Stage 1.	activities under Stage 1 to read: "Any such consultations are expected to be for a minimum of six weeks."	
SCI 5	Ms Georgia Wild	Object: When considering new development HPBC planning should write to inform all nearby residents and those living on access routes. This currently does not happen. Only immediate addresses are contacted. When the development would inevitably generate additional traffic I believe residents on access routes should be informed. Take Dew Pond Lane and Tongue Lane developments in Buxton as a case in point.	When major developments are proposed, a public notice is placed in a local newspaper. This may be expected to act as notification for wider residents who may be affected by a proposal.	No
SCI 6	Mr Dave Bowyer	Support: I support the council's sentiment about engaging the local community in planning matters. I must say though that I find the council is clearly struggling when it comes to engaging with local residents and taking the views of local residents and business owners into consideration when planning. The Market Street / Cattle Market development is a perfect example of this failure - many residents were not contacted, public, visible signs were not attached to lamp posts, there was no local consultation event. It was only when a small group of local volunteers got involved in properly engaging the local community that people began to learn about these developments and their anger and frustration could be shared with the local council and the outline planning meeting was ultimately postponed. We need a neighbourhood plan where local champions can be relied upon to ensure that residents are kept up to date. Local government needs adequate funding to ensure that it has the resources to engage with the local community properly.	Comments noted.	No
SCI 7	Mr Nick Parsons	Object: Par 5.20 thru 5.28 (Pages 32-33) covers the methods that the Council uses to publicise planning applications and	The Permission in Principle (PiP) consent route has two	No

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		<p>consult the community, noting that this exceeds what is required (by law).</p> <p>Par 5.36 (Page 34) states that for a Permission in Principle application, the Council will consult any body that would have been required to have been consulted in relation to an application for planning permission.</p> <p>Par 5.37 (Page 34) states that applications Technical Details Consent based on a granted Permission in Principle will be treated by the Council in accordance with procedures for a full planning permission submission.</p> <p>This would seem to imply that for a planning application which may be for outline consent or full planning permission, and for a Technical Details Consent application there will be a full community consultation as described in Par 5.20 thru 5.28, but for a Permission in Principle application, the consultation will be only that which is required (by law).</p> <p>The document does not explain why the Council considers it appropriate to have reduced community participation for a Permission in Principle application in contrast, say to a planning application for outline consent (which is not dissimilar to permission in principle) when full community consultation would take place.</p> <p>Proposed change</p> <p>The Council should carry out the same full community consultation (Par 5.20 thru 5.28) for a Permission in Principle application as for a planning application.</p>	<p>stages: the first stage (PiP) establishes whether a site is suitable in principle for residential development, and the second stage (technical details consent) is when the detailed development proposals are assessed. PiP does not grant planning permission, technical consent is required for development to proceed.</p> <p>Decisions to grant PiP are for local authorities. Such decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The publicity requirements for technical details consent applications mirror the approach taken for planning applications.</p>	
SCI 8	Mr Nick Parsons	<p>Object: Table 3 (Page 23) - Availability of documents in alternative formats: “The Council will produce documents ...in languages other than English.”</p> <p>Par 6.15 (Page 37) “...arrangements can be made for copies of documents to be made available in ...another language on request.”</p>	The High Peak Equality and Diversity Policy sets out to achieve (amongst other things) more effective targeting of policy and resources that will do the	Yes. Table 3 on page 23, delete “and in languages other than English”. Add

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		<p>Par 6.16 (Page 37) "The production of planning policy documents and any related literature in ...languages other than English;"</p> <p>The translation of any and all planning documents into other languages on request is a most onerous open-ended commitment. As an extreme example, the Council's compliance to an individual's request to translate the Examination Library of the Local Plan into another language would surely be a very poor use of taxpayers' money.</p> <p>The wording in the SCI goes beyond the requirements of the Equality Act. As explained in the "Equality Act 2010: Public Sector Equality Duty - Quick Start Guide", the Equality Duty does not require public bodies to take disproportionate action on equality. A ministerial statement by the Communities Secretary of March 2013 provided further clarification: "...the duty not to discriminate and the public sector equality duty...is not a legal duty to translate documents into foreign languages." "...only publish documents in English. Translation undermines community cohesion by encouraging segregation."</p> <p>Proposed change</p> <p>Rather than an unlimited commitment to translate any planning related document irrespective of the demand level, the Council should give consideration to translating selected planning documents where there is a substantive demand.</p>	<p>most to increase equality. The policy refers to requesting information in large print, Braille or audio format.</p> <p>A written Ministerial Statement by Communities Secretary Eric Pickles on the use of translation services by local authorities published on 12 March 2013 states that the translation of documents into other languages may be necessary in emergency situations, but can be provided unnecessarily because of a misinterpretation of equality or human rights legislation, and can have an unintentional, adverse impact on integration.</p>	<p>the sentence: "The Council will publish documents in English only, unless it can be demonstrated that the integration and cost benefit of doing so is outweighed by any disadvantage." Para 6.15 delete "or another language on request". Para 6.16 delete "and languages other than English".</p>
SCI 9	Mr Kevin Skingsley	<p>General Comment: The techniques outlined are tried and tested methods which I fully support.</p> <p>The problem or issue is one of resources and implementation. I feel strongly in a built up area that the Council should notify further afield than those whose properties which are directly adjacent to the development site. This is particularly relevant where the outline planning as put forward is in contravention</p>	<p>When major developments are proposed, a public notice is placed in a local newspaper. This may be expected to act as notification for wider residents who may be</p>	<p>No.</p>

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		with the Local Area Plan which states that developments should not see a reduction in car parking. Where an application clearly leads to a reduction in local parking and this will lead to the displacement of vehicles onto neighbouring roads. There should be a process in place to ensure that the community voice is taken into account and efforts should be made to ensure a full consultation, open meetings and the gathering of views. Local Residents are keen to see the Corporation Yard development move ahead and in a way which is considerate of local needs and wishes rather than merely ploughing on by the Council to achieve a maximum capital receipt.	affected by a proposal. The Council publishes guidance for developers on pre-application consultations.	
SCI 10	Mr Kevin Skingsley	<p>Object: It is within the commercial sector seen as best practice to liaise with local residents and businesses who have objections or comments to see if there is a way forward which can allay fears and concerns. The Council seems to be hiding behind Austerity measures and a lack of resources to not meet with those objecting to its own proposals. They seem to act in a way which is not as a commercial business would. It is concerning that as a Planning Authority and the proposer of an application they were unwilling to meet with residents and businesses prior to the submission for outline planning. Preferring to meet later on in the process is simply not good enough. It leads to anger in local communities, distrust of the Council and a lack of a partnership approach. Working together we can achieve a lot more in terms of good design, maintenance of street scene.</p> <p>The other factor which has caused concern is the view that objecting to a development can be perceived as anti development. We all wish to see our local communities enhanced.</p>	Comments noted.	No
SCI 11	Mr Kevin Skingsley	General comment: Comment on the review section in Section 5 - I think it is concerning that there is no appeal process where	The power of local planning authorities to grant	No

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		<p>the Council are making their own application and they attempt to put it through outline planning and their own committee without following the consultation methods outlined in earlier sections. For the sake of transparency and community confidence in the processes it seems imperative that there are safeguards put in place to encourage best practice and not minimal lowest possible standards.</p>	<p>themselves planning permission is subject to a number of safeguards. The procedures governing development by local authorities are contained in the Town and Country Planning General Regulations 1992, with guidance in Environment Circular 19/92. The general principle underlying these regulations is that local authorities must make planning applications in the same way as any other person applying for planning permission. The proposals must be advertised and applications may not be determined by a committee or officer responsible for the management of the land or buildings concerned. The public cannot be excluded from committee meetings at which local authority development proposals are to be discussed. If it is intended to approve a proposal that is not in</p>	

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			accordance with the development plan in force in the area, the application must be notified to the Secretary of State so that they can consider whether to call in the application for their own determination.	
SCI 12	Derbyshire County Council	<p>Letter with full comment attached.</p> <p>Summary points made: Member comment: Grant of planning permission should consider build quality. The Borough Council has approved schemes that when built have resulted in the County Council being required to spend money on remedying defects such as surface water flooding and weeds growing in the road.</p> <p>Officer comment: The proposed revised SCI is a comprehensive document that would ensure the Borough would meet all its requirements in terms of community engagement.</p> <p>Paragraph 3.34: It would be helpful to add Green Belt, school place planning provision, Green Infrastructure, and public health to the list of examples of cross boundary issues over which the Council will engage with the County Council as part of the Duty to Co-operate.</p> <p>Paragraphs 3.51 – 3.53 regarding Community Infrastructure Levy (CIL) charging schedule should include reference to the need for the Council to continue to engage with the County Council on an on-going basis on this issue.</p> <p>The General Data Protection Regulation 2018 is appropriately covered.</p> <p>Regulation 10A (1)(b) of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 introduced the requirement to review the SCI every five years following the</p>	<p>It would improve the effectiveness of the document to make the following amendments:</p> <p>Add the suggested additional examples of cross boundary matters to the first sentence of paragraph 3.34.</p> <p>Add a new paragraph following 3.53 (CIL) to state: “Derbyshire County Council is responsible for the delivery of key strategic infrastructure. The Council will consult and collaborate with the County Council in setting any levy, and work closely with the authority in setting priorities for how a levy would be spent.”</p> <p>Paragraph 7.1 to be amended to read: “A review of this document will be</p>	Yes. See details in previous column.

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		date of its adoption. Paragraph 7.1 should be revised to better reflect this requirement.	completed every five years, starting from the date of its adoption, in accordance with section 23 of the Planning and Compulsory Purchase Act 2004 (adoption of local development documents).	

Late representations

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N/a	Disley Parish Council	Disley Parish Council fully supports the High Peak Borough Statement of Community Involvement Review and in particular considers future cross border consultation imperative for the following reason. Disley and Newtown is a small parish on the periphery of Cheshire East Council bordered by both High Peak Borough Council and Stockport (Greater Manchester). In 2012 Cheshire East Council declared an Air Quality Management Area along the A6 in the village which means that any future proposals particularly on transport and housing development within neighbouring authorities will have a significant impact on the village. Working together with adjoining authorities is a key part of the Cheshire East Air Quality Action Plan to collectively improve air quality along the A6 corridor.	In line with paragraph 5.26 of the SCI, the Council will ensure that town and parish councils whose areas adjoin High Peak continue to be sent details of planning applications which are considered likely to have an impact on their areas.	No

		Disley and Newtown have developed a Neighbourhood Plan which includes a policy to address serious local concerns about air quality in terms of any future developments in the village, but this will not be achieved in isolation.		
N/a	Richard Hough	<p>The neighbourhood notification letter is the only information that households directly receive and these contain insufficient detail. The letter directs the recipient to the planning application website. The planning application website contains much detail, most of it technical, which means information overload for anyone without the time and motivation to plough through the many documents. Hence people cannot “see the wood for the trees” and are reluctant to comment.</p> <p>The above is not a problem where the developer engages directly with the community and presents a concise explanation of his planning application. Eg attached leaflet from Persimmon Homes re proposed development on the derelict Harpur Hill College Site.</p> <p>I suggest a requirement for a copy of the developer’s leaflet to be attached to the neighbour notification letter and where the developer refuses to provide one, this refusal is made clear and is taken into account when the application goes before the Development Control Committee.</p> <p>An example of the above problem is the application to develop Foxlow Farm, Harpur Hill. The developer did not produce an explanatory leaflet and failed to engage with the community in any way but argued at the November 2018 planning development committee meeting that the lack of feedback from the community indicated their approval of the planning application.</p>	<p>Publishing information online in an open data format is considered to aid transparency and help facilitate engagement with residents and other interested parties on planning applications. Should the Council help to distribute material prepared by a developer in support of their application, there is a risk of a perception that the Council endorses that information.</p> <p>The Council publishes guidance for developers on pre-application consultations.</p>	No

