

# STATEMENT OF COMMUNITY INVOLVEMENT

Report By: Forward Planning Manager

## 1. Wards Affected

Countywide

## 2. Purpose

- 2.1 To seek adoption of the Council's Statement of Community Involvement (SCI) and be informed of the Inspectors report into the soundness of the document. This document is required as part of the new planning system and will set out how the Council will consult on planning matters.

## 3. Background

- 3.1 Reports were presented to Planning Committee on the 30<sup>th</sup> September 2005, 20<sup>th</sup> January 2006 and 21<sup>st</sup> April 2006 which provided information on the new planning system and the need to prepare a Statement of Community Involvement (SCI). The reports provide information on the progress being made with the production of the SCI document.

- 3.2 The purpose of the SCI is to:

- Identify who will be consulted on particular types of documents and applications and when they will be actively involved in plan making and in reaching decisions on planning applications;
- Set out transparent, accessible and meaningful approaches to community involvement in plan preparation and decision making on planning applications;
- Encourage early involvement in decision making between the community, interest groups and stakeholders. This can help to resolve any initial conflicts and can generate a sense of ownership early in the process and on agreed outcomes.
- Recognise and understand the different needs of all sections of the community and stakeholder interests and establish the most effective means of enabling all sections of the community to make their views known and help shape planning decisions in their areas;
- Explain how the results of the consultations will be fed into preparation of local development documents and how those involved will be kept informed;
- Set out standards for the Council to achieve and explain how the process will be resourced and managed and how the new planning process will be co-ordinated with other community involvement and consultation initiatives undertaken by the Council.
- To ensure that the Council complies with the adopted Statement of Community Involvement when preparing its Local Development Documents and this compliance must be kept under review and revised where necessary.

3.3 The process by which an SCI is prepared is laid down by Government in the Town and Country Planning (Local Development)(England) Regulations 2004. The following provides a summary of some of the key regulations:

- Reg 25 – Initial consultation
- Reg 26 – Draft SCI for public consultation
- Reg 27 – Consider and amend SCI as appropriate
- Reg 28 – Submit SCI to Secretary of State
- Reg 34 – Possible public examination
- Reg 35 – Binding Inspectors report
- Reg 35 – Publish Inspectors report
- Reg 36 - Adopt the SCI with any revisions

3.4 The Regulations require a Consultation Statement to be published to provide background information on the way Herefordshire Council has involved the community in the preparation of its SCI. This statement sets out in detail the consultation methods used to engage the wider community at each stage, a summary of the main issues raised and how they have been addressed. The statement which has been previously submitted to this Committee has now been updated to include reference to the final stages and the Inspectors report and will be published alongside the adopted SCI.

3.5 The last Committee report provided information on the representations that were made at the submission stage of the SCI (Regulation 28). The consultation at the submission stage was about gaining support or otherwise to a document that had been submitted to the Secretary of State for consideration. There were 11 objectors resulting in 31 individual objections to various parts of the SCI and 32 supports with one organisation not commenting. In line with Regulation 33 copies of all representations that were received at this stage, which relate to the nine tests of soundness of the document and could not be met by the Council, were submitted to the Secretary of State for consideration. The Inspector has now given consideration to these and the Council is now in receipt of the Inspector’s report which is binding on the authority.

3.6 The nine tests of soundness are identified below and can be found at paragraph 4.24 of PPS 12:

1	Does the SCI comply with the minimum requirements for consultations as set out in the Town and Country Planning (Local Development) (England) Regulations 2004?
2	Does the SCI’s strategy for community involvement link with other community involvement initiatives (eg the community strategy)?
3	Does the SCI identify in general terms which local community groups and other bodies will be consulted?
4	Does the SCI identify how the community and other bodies can be involved in a timely and accessible manner?

	and accessible manner?
5	Are the methods of consultation to be employed suitable for the intended audience and for the different stages in preparation of local development documents?
6	Are the Resources available to manage community involvement efficiently?
7	Does the SCI show how the results of the community involvement will be fed into the preparation of development plan documents and supplementary planning documents?
8	Does the SCI set out a mechanism for reviewing the SCI?
9	Does the SCI clearly describe the policy for consultation on planning applications?

## 4 Inspector's Report

- 4.1 The Inspector dealt with the representations through the written representation procedure.
- 4.2 Appendix 1 provides an extract from the Inspectors report and includes his 12 recommendations.
- 4.3 These are all binding on the authority.
- 4.4 The Inspector found that subject to the 12 recommendations set out in his report, the Herefordshire SCI is sound.

## 5 Next stage

- 5.1 In line with Regulation 35 the Council is required to publish the Inspectors report. The report needs to be made available at all deposit locations throughout the County, on the Council's website and a letter needs to be sent to all those who made a representation at the submission stage notifying them of the publication of the Inspectors report.
- 5.2 In line with Regulation 36 the Council also needs to formally adopt the SCI with the revisions identified in the Inspectors report and issue an adoption statement. A copy of the revised SCI is provided at appendix 2 of this report.

## RECOMMENDATION

**THAT the Cabinet member receives the Inspectors Report and submits the revised SCI to Cabinet for adoption as the Council's policy in respect of consultation on planning matters in line with the Town and Country Planning (Local Development)(England) Regulations 2004.**

### Background papers

SCI Pre-Submission Draft (January 2006)  
 SCI Submission Draft (June 2006)  
 SCI Inspector's report (February 2007)  
 SCI Consultation Statement (February 2007)  
 The Planning and Compulsory Purchase Act 2004  
 Town and Country Planning (Local Development)(England) Regulations 2004.  
 Planning Policy Statement 12

**APPENDIX 1: SUMMARY OF THE INSPECTORS REPORT**

The following provides an extract of the Inspector's report into the soundness of Herefordshire Council's SCI.

**Test 1: Does the SCI comply with the minimum requirements for consultations as set out in the Town and Country Planning (Local Development) (England) Regulations 2004?**

- The Council has undertaken the consultation required under Regulations 25, 26 and 28 of the Town and Country Planning (Local Development) (England) Regulations 2004 and I am satisfied that this has been conducted satisfactorily.
- Having regard to "DPD matters" and "proposals matters", see Regulation 24 (4), the Council should have included a statement regarding notification requests in earlier documentation, including the advertisements.
- This test is met subject to the following recommendation:

**Recommendation**

**(R1)** The Council are to notify all those who made a representation on the submission SCI of the publication of the Inspector's report and adoption of the SCI.

**Test 2: Does the SCI's strategy for community involvement link with other community involvement initiatives (eg the community strategy)?**

- Section 6 recognises the links between the LDF, the SCI and the Community Strategy. Paragraph 6.6 acknowledges that the LDF is a way of delivering the aims of the Community Strategy, and states that the Council will utilise existing strategies in the consultation on LDDs. The SCI also makes reference to other community strategies (in Paragraph 6.2), such as the Local Transport Plan, Economic Development Strategy and Housing Investment Strategy and states that consideration will be given to how these will be linked in terms of objectives and consultation.
- This test is met.

**Test 3: Does the SCI identify in general terms which local community groups and other bodies will be consulted?**

- The Council has set out in Section 5 and Appendix 2 of the SCI those groups which will be consulted. This list includes the statutory bodies from PPS12 Annex E. It is stated at Paragraph 5.3 of the SCI that the Council hold a database of consultees' details and that this will be updated as necessary.
- In the interests of clarity, the title of Appendix 2 should be amended and I recommend accordingly.

- The re-organisation of certain consultation bodies, such as Post Office Property Holdings, should be acknowledged in the SCI and I recommend an additional sentence be added to this effect.
- This test is met subject to the following recommendations:

### Recommendations

**(R2)** In Appendix 2 at the top of Page 41, the word 'Proposed' should be deleted from the title.

**(R3)** In Appendix 2 at the top of Page 41, replace the introductory paragraph with the following sentence:

"Please note, this list is not exhaustive and also relates to successor bodies where re-organisations occur. An up to date consultation list is available from the Forward Planning section of Planning Services."

### **Test 4: Does the SCI identify how the community and other bodies can be involved in a timely and accessible manner?**

- The first section of the table in Paragraph 10.1 at Page 23 shows that the Council will involve and inform people from the early stages of DPD preparation. Table 1 on Pages 19 - 21 sets out the range of methods the Council will employ to do this. The Council clarify in the table on Pages 23 - 28 the stages at which consultation will take place and who will be consulted at those stages. It shows that consultation will take place with the key stakeholders during the issues and options stage of DPD production in accordance with Regulation 25. I am satisfied that providing these stages are followed the consultation proposed will be undertaken in a timely and accessible manner.
- For the sake of completeness, the diagram on Page 11 should contain a reference to the additional period of consultation for site allocation representations under Regulations 32 and 33.
- This test is met subject to the following recommendation:

### Recommendation

**(R4)** In the diagram on Page 11, within the third circular text box on the second row, add an asterisk referring to an explanatory note within the diagram to read as follows:

"An additional period of 6 weeks consultation is allowed after submission but before the examination in the event of site allocation representations being made."

### **Test 5: Are the methods of consultation to be employed suitable for the intended audience and for the different stages in preparation of local development documents?**

- Table 1 on Pages 19 - 21 sets out the methods that the Council propose to use to involve the community and stakeholders. These cover a range of recognised consultation techniques that will present information via a range of different media. The Council acknowledge the benefits and disadvantages of the different methods and indicate at what stages of LDD preparation the various methods might be employed.
- Section 7 of the SCI acknowledges that the Council may have to provide extra support to facilitate consultation with certain groups or individuals, and proposes (in Part 9) how they might do this. Paragraphs 7.1 – 7.3, 7.12 – 7.16, 9.9, 9.11 and 9.13 – 9.16 explain how the Council will make their information accessible to all members of society.
- The notice on the inside front cover should contain full contact details for obtaining documents in alternative formats and I provide a recommendation to this effect.
- Contact details for obtaining LDF documents in alternative formats should also be provided at an appropriate point in the body of the SCI and I provide a recommendation accordingly.
- Explicit reference should be made within the SCI to the Race Relations Act and Disability Discrimination Act.
- I am satisfied that the methods of consultation proposed in the SCI are suitable for the intended audiences and for the different stages in LDD preparation.
- This test is met subject to the following recommendations:

### **Recommendations**

**(R5)** Replace the notice on the inside front cover with the following statement:

“This and other Local Development Framework documents can be made available on request in large copy print, audio cassette, Braille or languages other than English. If you require the document in one of these formats please contact: Emma Lawrence, Herefordshire Council, Forward Planning, P.O. Box 4, Plough Lane, Hereford, HR4 0XH Tel: 01432 383357 E-mail: elawrence@herefordshire.gov.uk”

**(R6)** In Paragraph 9.11, replace the words ‘will be considered’ with a new sentence to read:

“Documents in other formats may be obtained from: Emma Lawrence, Herefordshire Council, Forward Planning, P.O. Box 4, Plough Lane, Hereford, HR4 0XH Tel: 01432 383357 E-mail: elawrence@herefordshire.gov.uk”

**(R7)** A new numbered paragraph should be added following Paragraph 9.11 as follows:

“The Council will make every effort to meet the requirements of the Disability Discrimination Act 1995 and the Race Relations Act 2000.”

**Test 6: Are the Resources available to manage community involvement efficiently?**

- Paragraph 9.12 of the SCI explains how the Council will seek to ensure that sufficient resources are put in place to achieve the scale of consultation envisaged.
- In response to my request for additional information, the Council have proposed an amendment to the SCI. This provides greater clarity and I recommend this amendment be made to the SCI.
- This test is met subject to the following recommendation:

**Recommendation**

**(R8)** Following Paragraph 9.12, insert a new numbered paragraph to read as follows:

“The budget for Local Development Framework preparation will meet the costs of the legal requirements for community involvement in plan-making. The Council's Local Development Scheme sets out a phased programme for the preparation of Local Development Documents, ensuring that consultation activities are staggered and that the SCI's requirements can be met without undue pressure on resources. Resources for the Local Development Framework are assessed through the Council's budget review process, which will include consultation requirements. Where possible, consultations will be coordinated with other departments, external stakeholders and local communities to lever in more resources.”

**Test 7: Does the SCI show how the results of the community involvement will be fed into the preparation of development plan documents and supplementary planning documents?**

- Paragraphs 9.14 and 9.5 and Section 10 provide information on how the results of community involvement will be taken into account by the Council and used to inform decisions. It is clear from Section 10 that the Council also propose to report on consultation processes and that this material will be publicly available. However, the SCI provides insufficient detail on decision-making processes and how the results of consultation inform the content of the LDDs.
- In response to my request for further detail on how decisions are taken with regard to consultation, the Council have proposed additional text for the SCI. In the interests of clarity, I recommend that this be included.
- This test is met subject to the following recommendation:

**Recommendation**

**(R9)** At the end of Section 10, add a final numbered paragraph headed “Decision Making Processes” to read as follows:

“The Council will maintain a record of consultation responses received during the preparation of planning documents and will present a transparent decision-making process

to the community. Consultation responses are one of the matters to be taken into account by Councillors when making decisions on plan-making. A Statement of Compliance will be produced for every planning document which will include summaries of all consultation responses received as well as officers' responses which will identify where the document has been amended in light of responses received. The Statement of Compliance will be reported to members no later than the date that they consider making decisions on planning documents. The comments received will be made publicly available so they can be viewed by others with an interest in the matter.

When a DPD is submitted to the Secretary of State, the Regulations require that a Statement of Compliance is also provided. The Inspector when testing the soundness of the DPD at examination will use the Statement of Compliance to determine whether the SCI has been correctly followed. If there has been a failure to comply with the SCI or the Regulations, in a way that undermines the DPD, the Inspector can recommend that the document be withdrawn."

**Test 8: Does the SCI set out a mechanism for reviewing the SCI?**

- Section 12 of the SCI provides information on monitoring and explains that the SCI will be formally reviewed in accordance with the LDS. Paragraphs 2.9 and 12.3 confirm the Council's intent to review the SCI on an annual basis through the Annual Monitoring Report.
- I am satisfied that the Council has mechanisms for reviewing the SCI and have identified potential triggers for the review of the SCI.
- This test is met.

**Test 9: Does the SCI clearly describe the policy for consultation on planning applications?**

- The SCI at Section 11 clearly describes the Council's policy for consultation on planning applications. This section meets the minimum requirements and provides additional methods of consultation. Section 11 also distinguishes between procedures appropriate to different types and scale of application, and includes information (Paragraphs 11.27 – 11.39) on how the consultation results will inform decisions.
- It would be useful if the SCI made specific reference to the longer statutory time period for consultation that may be applicable in certain circumstances, and I recommend a change to acknowledge this.
- Subject to the following recommendations this test is met.

**Recommendation**

**(R10)** In Paragraph 11.18 at the fourth sentence add the following sentence to the text in parentheses:

"Some bodies, such as Natural England, are allowed a longer period of time to comment on applications where this is prescribed by legislation."



### Conclusions

- 11.1 The Council have set out in Appendix 17 of their Consultation Report (October 2006) a number of proposed changes to the SCI in response to representations received on the submission document. These suggested amendments do not affect the substance of the SCI but they do improve the clarity and transparency of the submission SCI. I therefore agree that they be included and they are listed in Appendix C of this Report.
- 11.2 Whilst I have attempted to identify as many consequential amendments as possible that may follow from my recommendations, it seems inevitable that issues of consistency may arise. In the event of any doubt, please note that I am content for such matters, plus any minor spelling, grammatical or factual matters to be amended by the Council, so long as this does not affect the substance of the SCI.
- 11.3 Subject to the recommendations set out in this Report, the Herefordshire Council SCI (June 2006) is sound.

### **Recommendations**

**(R11)** The Council should implement their proposed changes as listed in Appendix C of this Report except where covered by a Recommendation in the body of this Report.

**(R12)** The Council should remove Appendix 9 and all other references to previous stages of this document.

The proposed changes in appendix C include:

- Delete the old Appendix 9 and replace with a new appendix 9 which provides guidance notes on how to make a representation at submission stage.
- Amend appendix 2 into the categories of 'Specific', 'General' and 'Other' to reflect the advise Annex 5 of PPS12
- Delete Hereford Charter Trustees and Strategic Rail Authority from Appendix 2
- Include the following LDF consultees to Appendix 2 – Museums, Libraries and Archives – West Midlands, Tourism West Midlands, Midlands Architecture and Designed Environment.
- Replace reference to ODPM with the Department for Communities and Local Government
- Delete Tetlow King from appendix 2 and replace with West Midlands RSL Planning Consortium
- Amend Hereford and Worcester Ambulance Service NHS Trust to West Midlands Ambulance Service NHS Trust in Appendix 2.

**Appendix 2: Statement of community Involvement (Final version for adoption)**