

Statement of Community Involvement

APPENDIX 2 – PLANNING INSPECTORATE INSPECTOR'S REPORT & RECOMMENDED CHANGES



Rochford District Council Statement of Community Involvement (June 2006)

INSPECTOR'S REPORT

INTRODUCTION

- 1.1 An independent examination of the Rochford District Council Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (the Act), as applied by s18(4) of the Act.
- 1.2 Section 20(5) indicates the two purposes of the independent examination in parts (a) and (b). With regard to part (a) I am satisfied that the SCI satisfies the requirements of the relevant sections of the Act, in particular that its preparation has accorded with the Local Development Scheme as required by s19(1) of the Act.
- 1.3 Part (b) is whether the SCI is sound. Following paragraph 3.10 of Planning Policy Statement 12: Local Development Frameworks, the examination has been based on the 9 tests set out (see Appendix A). The starting point for the assessment is that the SCI is sound. Accordingly changes are made in this binding report only where there is clear need in the light of tests in PPS12.
- 1.4 A total of 7 representations were received all of which have been considered. The Council proposed a number of amendments to the SCI in response to representations received, and these have been taken into account in the preparation of this report.

TEST 1

- 2.1 The Council has undertaken the consultation required under Regulations 25, 26 and 28 of the Town and Country Planning (Local Development) (England) Regulations 2004.
- 2.2 This test is met.

TEST 2

- 3.1 Section 11 of the SCI sets out the relationship between the SCI and other council strategies. It notes that the SCI, as with the Local Development Framework in general, does not sit in isolation but integrates with other Council strategies, in particular the Community Strategy and the Social Inclusion Policy. The Council also notes the importance of collaborative working with the Local Strategic Partnership to ensure that the spatial aspects of the Community Strategy are implemented to best effect for the district in the preparation of Development Plan Documents (DPDs).
- 3.2 This test is met.

TEST 3

- 4.1 The Council has set out in Table 5 of the SCI those groups which will be consulted. The list includes the statutory bodies from PPS12 Annex E and other stakeholders. However, although this refers to “adjacent District Councils” to correct reference is “adjoining local planning authorities” and I recommend accordingly.
- 4.2 Section 13 of the SCI states that not all those listed in Table 5 will necessarily be consulted on all aspects of the Local Development Framework. The Council will consult the groups listed when relevant. The list of consultees is not exclusive and the Council may also involve other groups in the decision making process if appropriate. Anyone can request to be included on the database of interested parties.
- 4.3 Table 2a on page 10 of the SCI sets out how the Council proposes to meet the consultation requirements set down in the Planning and Compulsory Purchase Act 2004.
- 4.4 However, the reorganisation of certain consultation bodies should be acknowledged in the SCI and I recommend that an additional sentence should be added to Appendix 1 to this effect.

RECOMMENDATIONS

- (R1) Amend the reference in Table 5 to adjacent District Councils to “adjoining Local Planning Authorities”.
- (R2) Add the following text to the end of the first paragraph in Section 13 of the SCI “The list relates to successor bodies where reorganisation has occurred.”
- 4.5 Subject to the implementation of the above recommendations, this test is met.

TEST 4

- 5.1 It is clear from Section 5 of the SCI that the Council intends to involve and inform people from the early stages of DPD preparation. Table 2a on page 10 of the SCI sets out the range of methods that the Council will employ to do this. The Table shows that consultation will take place with the key stakeholders during the each stage of DPD production in accordance with regulations 25 and 26. I am satisfied that providing these stages are followed the consultation proposed will be undertaken in a timely and accessible manner.
- 5.2 However, there is a requirement in Regulation 32 for consultation on any representations seeking the inclusion of additional site allocation(s) in a DPD. This is not covered by Table 2a and I recommend the addition of a footnote to refer to this as an additional stage.

RECOMMENDATION

- (R3) Insert the following as a footnote to Table 2a:-
“Any representations on a submitted DPD which seek the inclusion of additional site allocations will be advertised for a 6 week period for public comment.”
- 5.3 Subject to the implementation of the above recommendation, this test is met.

TEST 5

- 6.1 Section 5 of the SCI sets out how the Council intends to involve the community in the Local Development Framework. Table 2a on page 10 of the SCI identifies consultation techniques to be employed by the Council. Proposed arrangements are suggested for involving the community in each of the documents that make up the LDF at each stage of the process. Consultation methods to be employed cover a range of recognised consultation techniques that will present information via a range of different media. Table 2b on page 11 of the SCI lists which techniques will be aimed at the various sections of the community and interested parties.
- 6.2 The Council recognises an inclusive approach, stating on page 2 of the SCI that it will endeavour to give all sections of the community, from individuals to representative organisations, an opportunity to participate.
- 6.3 Section 2 of the SCI deals specifically with participation. The Council recognises that not everyone finds it equally as easy to participate in the planning process. Box 2 on page 4 of the SCI sets out perceived barriers to involvement. The Council states that it will place special attention on trying to engage with people and groups who may have felt excluded from the process in the past. This will be achieved through a range of methods outlined in Box 3 on page 5 of the SCI.
- 6.4 Information will be available in a variety of formats including large print, audio and languages other than English. Section 14 and the inside cover of the SCI provides contact details at the Council and states that the document can be made available in large print, Braille or another language on request.
- 6.5 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.
- 6.6 This test is met.

TEST 6

- 7.1 Section 12 of the SCI relates to resources. The Council recognises that implementation of the SCI will require the use of council resources - human, financial, time and assets. Consultation exercises will be undertaken primarily by the Planning Department, in conjunction with other departments when relevant.
- 7.2 I am satisfied that the Council is alert to the resource implications of the SCI. This test is met.

TEST 7

- 8.1 Section 6.1 of the SCI sets out how the Council intends to provide feedback to the public on consultation matters. The Council will keep those involved in the process up to date and will explain how their views have contributed to the final decision reached, as well as at the various stages of consultation. This will usually be done by producing a compilation of all comments received and stating how the Council has reacted to each one (pre-submission). Feedback will be provided primarily by electronic correspondence, and also through written methods and the Council's newspaper. The Council's website will also be updated regularly.
- 8.2 However, it should be made clear in the SCI that comments made will be taken into account in reaching decisions on DPD and SPD content. There is no requirement

for the Council to “consider” representations made on a submission DPD. I set out my recommendation below.

RECOMMENDATION

(R4) Delete the words “reacted to each one” at the end of the first paragraph in section 6.1 of the SCI and substitute: “taken these into account in the production and review of DPDs and SPDs.”

8.3 Subject to the implementation of the above recommendation, this test is met.

TEST 8

9.1 Section 12 of the SCI relates to review mechanisms. The effectiveness of the SCI will be measured by monitoring the level of community participation that it generates, the degree to which the views of those participating translate into actual planning outcomes and the level of feedback received by those participating from the Council.

9.2 The Council will monitor the effectiveness of the various community participation exercises that it carries out as part of the review of the SCI. This monitoring will be used to ensure that the SCI is revised appropriately.

9.3 This test is met.

TEST 9

10.1 Sections 7 and 8 of the SCI deal specifically with the Council’s policy for consultation on planning applications, meeting the minimum requirements set out in legislation. The SCI should however, contain further information on statutory consultation periods for development that affects SSSI’s. I set out a recommendation below.

10.2 Section 7.1 of the SCI sets out a variety of techniques that the Council may use to publicise planning applications depending on the circumstances of the application. Table 3 on page 15 of the SCI sets out methods to be used to seek the views of the public, distinguishing clearly between the different types and scales of planning application. It is clear from section 8.1 of the SCI how the results of the consultation will be reported and how they will inform decisions on planning applications. A diagram illustrating the decision making process for planning applications is set out in Appendix A of the SCI.

10.3 Section 9 of the SCI sets out the Council’s policy on pre-application consultations.

RECOMMENDATION

(R5) Insert the following text at the end of the paragraph ‘Statutory Consultees’ on page 14 of the SCI: “In addition bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.”

10.4 Subject to the implementation of the above recommendation, this test is met.

CONCLUSIONS

11.1 The Council has prepared a table of Proposed Changes to the Submission SCI (Table of Pre-Inquiry Changes, Appendix E of the Representation Statement) in response to representations to the Submission SCI. This is given as Appendix B to

this report. These changes do not affect the substance of the SCI but they do improve the clarity and transparency of the submission SCI. I therefore recommend that they be included.

- 11.2 Whilst I have attempted to identify as many consequential amendments as possible that may follow from my recommendations, it is possible 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, formal, grammatical or factual matters to be amended by the Council, so long as this does not affect the substance of the SCI.
- 11.3 The Council should include a statement of adoption in the SCI.
- 11.4 I set out appropriate recommendations below.

RECOMMENDATIONS

(R6) The SCI should be amended as set out in the Table of Pre-Inquiry Changes (Appendix B to this report).

(R7) Include a statement of adoption in the SCI.

- 11.5 Subject to the implementation of the above recommendations the Rochford District Council SCI (June 2006) is sound.

John R Mattocks

INSPECTOR