

WYRE FOREST DISTRICT COUNCILCABINET MEETING
28th July 2005Wyre Forest Local Development Framework:
Statement of Community Involvement (SCI)

| OPEN | |
|----------------------------------|--|
| COMMUNITY STRATEGY THEME: | A Better Environment |
| CORPORATE PLAN THEME: | Managing the Local Environment |
| KEY PRIORITY: | Forward Planning |
| CABINET MEMBER: | Councillor James Dudley |
| RESPONSIBLE OFFICER: | Head of Planning, Health and Environment |
| CONTACT OFFICER: | Rebecca Mayman – Ext. 2554 Rebecca.Mayman@wyreforestdc.gov.uk |
| APPENDICES: | <p>Appendix 1: Responses to Pre-Submission Informal Consultation on Draft SCI. (Page 1-4)</p> <p>Appendix 2: Responses to Pre-Submission Public Participation on SCI. (Pages 1-42)</p> <p>Copies of these appendices along with the amended SCI, which tracks the recommended changes from the consultation Draft document are available in Members group rooms for reference and public inspection copies are available on request.</p> <p>(The resulting amended SCI appendices 2b, 3 & 4 are attached to this report for direct reference).</p> |

1. PURPOSE OF REPORT

- 1.1 To inform Members of the comments and responses received on the Draft SCI during the 6-week Pre-Submission Public Participation Stage, which ended on the 9th June.
- 1.2 To seek Members' approval of the proposed schedule of changes to the Draft SCI, resulting from the comments received, for submission to the Secretary of State.

2. RECOMMENDATION

2.1 The Cabinet is asked to recommend to Council:

- To approve the Schedule of Responses set out at Appendix 2 to the report to Cabinet and the resulting changes to the Draft Statement of Community Involvement for submission to the Secretary of State.
- To authorise the Head of Planning Health and Environment to make the appropriate arrangements to submit the Statement of Community Involvement to the Secretary of State on 27th September to commence the 6-week submission stage of consultation.

2.2 The Cabinet is asked to DECIDE that:

- The Local Development Scheme for Wyre Forest District be revised to reflect the revised timetable for the preparation of the Statement of Community Involvement as set out in paragraph 4.2 of the Report.
- That subject to not receiving any notification from the Secretary of State, under Regulation 11 (3b or 3c) of the Town and Country Planning (Local Development) (England) Regulations 2004, the submitted revised Local Development Scheme shall have effect from 30th August 2005.

3. BACKGROUND

- 3.1 Members will recall the Cabinet report of the 14th April, which outlined details of the Draft SCI and of the timetable for its development. The report referred to the Pre-submission Informal Consultation period undertaken during early March (required by Regulation 25 of the Town and Country Planning (Local Development) (England) Regulations 2004). It also outlined details of arrangements for the 6-week Pre-Submission Participation stage in the preparation of the SCI (required by Regulation 26 of the Town & Country Planning (Local Development) (England) Regulations 2004); which commenced on 28th April ending on 9th June 2005.
- 3.2 The informal consultation, which sought comments on an initial draft of the SCI, was undertaken in early March and involved all the Parish Councils within and directly adjoining the District; all local authorities adjoining the District; the West Midlands Regional Assembly and the Highways Agency. A number of responses were received during this early stage and these were generally incorporated into the Draft SCI. The response schedule, detailing how these comments were addressed, is detailed at Appendix 1 for Members' information.

- 3.3 Extensive consultation was undertaken for the six-week Pre-Submission participation stage in order to publicise the Draft SCI and to obtain the local communities' views on it. A public notice was published in the Kidderminster Shuttle which formally commenced the consultation period and press releases were published in the local newspapers to advertise the Draft SCI. The document, summary leaflet and an interactive response form were placed on the website and also on deposit at Council offices and local libraries. Over 400 notification letters were sent out along with informative summary leaflets. These were generated from the database of statutory, general and individual consultees. In addition, Forward Planning Officers gave a presentation to the Better Environment working group of the Local Strategic Partnership on 11th May. This outlined the background to the SCI and the new planning system and encouraged LSP Members to submit their responses on the draft document.
- 3.4 159 individual responses were received from 42 respondents and these are outlined in the response schedule detailed at Appendix 2, which also sets out Officers' comments and the resulting recommendations for changes to the Draft SCI before its submission. Of the responses, 118 were comments, 20 were objections and 20 were supporting statements. Most were general comments in relation to the document; a number of respondents outlined groups and individuals for inclusion in the list of consultees at Appendix 1 of the SCI and made comments concerning the proposed methods of consultation.
- 3.5 The Council's Environment and Economic Regeneration Policy and Scrutiny Panel are due to consider the comments on the Draft SCI at their meeting on 21st July, any suggested amendments will be reported verbally.

4. **TIMETABLE FOR SCI DEVELOPMENT**

- 4.1 The remaining stages for the development of the SCI as included in the Local Development Scheme are outlined below:
- Submission of SCI to Secretary of State – August 2005
 - Independent Examination – November 2005
 - Adoption – February 2006
- 4.2 Recently GOWM have advised that the Office for the Deputy Prime Minister (ODPM) is of the firm view that the Regulations require submission SCIs to be formally approved by full Council. Your Officers consider the Regulations on this issue appear ambiguous, however in order to avoid a potential subsequent legal challenge to the SCI, it is recommended that the submission SCI be reported to next full Council for formal approval. Currently, the next full Council is scheduled for 21st September 2005, this would result in the following revised timetable:
- Submission of SCI to Secretary of State –September 2005
 - Independent Examination –January 2006
 - Adoption – April 2006
- 4.3 The Local Development Scheme will need to be the subject of a minor revision to incorporate this revised timetable.

5. **SUBMISSION TO THE SECRETARY OF STATE**

- 5.1 It is intended that following Council approval, the SCI will be submitted, along with a Statement of Pre-Submission Consultation on the SCI undertaken by the District Council, for independent examination in January 2006. A notice will be published in the local press and representations will be invited on the submitted statement for a specified 6-week period commencing on 27th September 2005, in accordance with Regulation 28 of The Town and Country Planning (Local Development) (England) Regulations 2004.

6. **TESTING THE SOUNDNESS OF THE SCI**

- 6.1 Planning Policy Statement 12 (Paragraph 3.10), sets out nine tests of soundness with which SCI's should comply. The Planning Inspector will use these to assess whether or not the SCI is sound. These are as follows:
- i) Local Planning Authority (LPA) has complied with the minimum requirements for consultation as set out in the Regulations.
 - ii) LPA's strategy for community involvement links with other community involvement initiatives e.g. the community strategy.
 - iii) Statement identifies in general terms which local community groups and other bodies will be consulted.
 - iv) Statement identifies how the community and other bodies can be involved in a timely and accessible manner.
 - v) Methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents
 - vi) Resources are available to manage community involvement effectively
 - vii) Statement shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents.
 - viii) Authority has mechanisms for reviewing the statement of community involvement
 - ix) Statement clearly describes the planning authority's policy for consultation on planning applications.
- 6.2 The Planning Inspectorate's document "A Framework for Assessing Soundness and Focusing Representations on Development Plan Documents and Statements of Community Involvement" states that LPA's should seek to submit SCIs, which they are satisfied are sound having regard to the nine tests set out above. Officers are of the opinion that the SCI, along with the incorporated recommended amendments resulting from the pre-submission consultation, does meet the tests of soundness set out above.

7. **THE EXAMINATION PROCESS**

- 7.1 Since the SCI is a document concerned with process rather than policy, it is anticipated that most SCIs will be examined by means of written representations rather than hearings. The Planning Inspectorate has stated that most deficiencies identified in SCIs should be capable of remedy by a change to the document subject to the evidence being made available to the Inspector. Should a hearing be required, this would be dealt with informally through round table discussions and joint hearings.

8. **FINANCIAL IMPLICATIONS**

- 8.1 The costs of preparing and publishing the SCI can be met from within existing budget.

9. **LEGAL AND POLICY IMPLICATIONS**

- 9.1 The Draft SCI has been prepared to accord with the necessary legal requirements.

10. **RISK MANAGEMENT**

- 10.1 The failure to adhere to the key milestones set out in the Local Development Scheme for the preparation of the SCI could have adverse financial implications for the future level of Planning Delivery Grant received. It will also indicate less than satisfactory performance when the related BVPI is reported.

11. **CONCLUSION**

- 11.1 The Pre-Submission consultation arrangements undertaken by the District Council for the SCI have been undertaken in accordance with Regulations 25 and 26 of The Town and Country (Local Development) (England) Regulations 2004.
- 11.2 A reasonable response to the consultation on the Draft SCI has been received and all comments and objections have been taken into account by Officers when developing the list of proposed amendments to the Draft SCI for submission.

12. **CONSULTEES**

CMT

Environment and Economic Regeneration Policy & Scrutiny Panel (21st July 2005)
Development Control Manager
Strategy, Partnerships and Communications Manager

13. **BACKGROUND PAPERS**

Draft Statement of Community Involvement (April 2005)

Local Development Scheme (February 2005)

Cabinet Report 14th April 2005 – Statement of Community Involvement

The Town & Country Planning (Local Development) (England) Regulations (Sept 2004)

A Framework for Assessing Soundness and Focusing Representations on Development Plan Documents and Statements of Community Involvement – The Planning Inspectorate (Draft, March 2005).

APPENDIX 2b – Consultation Matrix for the Local Development Framework (LDF)

| LDF Document | Proposed Consultees (Refer to Appendix 1) | Proposed Consultation Methods | Stages of Involvement |
|---|--|--|--|
| Statement of Community Involvement | <ul style="list-style-type: none"> • Specific Consultation Bodies • Government Departments • General Consultation Bodies • Other Consultees • Hard to Reach Groups • General Public | <ul style="list-style-type: none"> • Statutory Notice • Press Releases • Notification letters/e-mails • Summary leaflets • Publication on website • Deposit venues | <ul style="list-style-type: none"> • Informal Consultation • Presubmission • Public Participation • Submission to Secretary of State/Deposit Period • Independent Examination |
| Core Strategy | <ul style="list-style-type: none"> • Specific Consultation Bodies • Government Departments • General Consultation Bodies • LSP Members • Other Consultees • Hard to Reach Groups • General Public | <ul style="list-style-type: none"> • Statutory Notice • Press Releases • Notification letters/e-mails • Publication on website • Deposit venues • Summary leaflets • Exhibitions | <ul style="list-style-type: none"> • Evidence Gathering • Early Stakeholder Involvement • Consultation on Preferred Options Report • Sustainability Appraisal • Submission to Secretary of State/Deposit Period • Binding Report and Adoption |
| Development Control Policies | <ul style="list-style-type: none"> • Specific Consultation Bodies • Government Departments • General Consultation Bodies • Other Consultees • Hard to Reach Groups • General Public | <ul style="list-style-type: none"> • Statutory Notice • Press Releases • Notification letters/e-mails • Publication on website • Deposit venues • Summary leaflets • Exhibitions • Workshops | <ul style="list-style-type: none"> • Evidence Gathering • Early Stakeholder Involvement • Consultation on Preferred Options Report • Sustainability Appraisal • Submission to Secretary of State/Deposit Period • Site Allocation Representations • Binding Report and Adoption |
| Site Allocation Policies | <ul style="list-style-type: none"> • Specific Consultation Bodies • Government Departments • General Consultation Bodies • Other Consultees (inc local landowners and farmers and local businesses and developers) • Hard to Reach Groups • General Public | <ul style="list-style-type: none"> • Statutory Notice • Press Releases • Notification letters/e-mails • Publication on website • Deposit venues • Summary leaflets • Exhibitions • Workshops • Site notices | <ul style="list-style-type: none"> • Evidence Gathering • Early Stakeholder Involvement • Consultation on Preferred Options Report • Sustainability Appraisal • Submission to Secretary of State/Deposit Period • Site Allocation Representations • Binding Report and Adoption |

| LDF Document | Proposed Consultees (Refer to Appendix 1) | Proposed Consultation Methods | Stages of Involvement |
|--|--|--|--|
| Kidderminster Central (Area Action Plan) | <ul style="list-style-type: none"> • Specific Consultation Bodies • Government Departments • General Consultation Bodies (inc Kidderminster Civic Society and Town Centre Partnership) • LSP Members • Other Consultees (inc Local Residents Associations) • Hard to Reach Groups • General Public | <ul style="list-style-type: none"> • Statutory Notice • Press Releases • Notification letters/e-mails • Publication on website • Deposit venues • Summary leaflets • Exhibitions • Workshops • Public Meetings • Planning for Real © Exercises • Site notices | <ul style="list-style-type: none"> • Evidence Gathering • Early Stakeholder Involvement • Consultation on Preferred Options Report • Sustainability Appraisal • Submission to Secretary of State/Deposit Period • Site Allocation Representations • Binding Report and Adoption |
| SPD: Affordable Housing | <ul style="list-style-type: none"> • Specific Consultation Bodies • Government Departments • General Consultation Bodies • LSP Members • Other Consultees (inc. Housing Associations and the Home Builders Federation & Oldington & Foley Park Neighbourhood Management Pathfinder Team) | <ul style="list-style-type: none"> • Statutory Notice • Press Releases • Notification letters/e-mails • Publication on website • Deposit venues • Summary leaflets • Workshops | <ul style="list-style-type: none"> • Evidence Gathering • Consultation on Draft SPD Proposals • Sustainability Appraisal • Adoption of SPD |
| SPD: STC.4 Bridge Street, Stourport-on-Severn | <ul style="list-style-type: none"> • Specific Consultation Bodies • Government Departments • General Consultation Bodies (inc Stourport-on-Severn Civic Society and Stourport Forward) • LSP Members • Other Consultees (inc. British Waterways, local landowners, developers and businesses) • General Public | <ul style="list-style-type: none"> • Statutory Notice • Press Releases • Notification letters/e-mails • Publication on website • Deposit venues • Summary leaflets • Workshops • Public Meetings • Exhibition • Planning for Real © Exercise • Site notices. | <ul style="list-style-type: none"> • Evidence Gathering • Consultation on Draft SPD Proposals • Sustainability Appraisal • Adoption of SPD |

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APPENDIX 3: CONSULTATION METHOD MATRIX FOR PLANNING APPLICATIONS

| | | NATURE OF APPLICATION | | |
|------------------------------------|---|-----------------------------------|-----------------------------|--|
| Consultation Method | All Applications | Significant Planning Applications | Major Planning Applications | |
| Media (advert) | As per Article 8 of TCP (General development Procedure) Order 1995. | ✓ | ✓ | |
| Site Notice | As per Article 8 of TCP (General development Procedure) Order 1995. | ✓ | ✓ | |
| Neighbour Notification | As per Article 8 of TCP (General development Procedure) Order 1995. | Discretionary | Discretionary | |
| Pre-application Advice | | ✓ | ✓ | |
| Public Exhibition | | ✓* | ✓* | |
| Public Meetings | | ✓* | ✓* | |
| Consultation with Community Groups | | ✓* | ✓* | |

NB. ✓* The consultation method adopted will be dependent on the scale and nature of the planning application, and the characteristics of the site.

APPENDIX 4

Further Guidance and Background Reading.

The list below provides background information for those people wishing to find out more about Statements of Community Involvement and the new Local Development Framework System.

Background Reading

"A Framework for Assessing Soundness and Focusing Representations on Development Plan Documents and Statements of Community Involvement" (Draft March 2005) The Planning Inspectorate. (www.planning-inspectorate.gov.uk)

"Creating Local Development Frameworks: A Companion Guide to PPS12" (2004): Office for the Deputy Prime Minister (ODPM). The Stationary Office (www.odpm.gov.uk)

"Planning Policy Statement (PPS) 12: Local Development Frameworks" (2004) Office for the Deputy Prime Minister (ODPM). The Stationary Office (www.odpm.gov.uk)

"The Town & Country Planning (Local Development) (England) Regulations 2004." Crown Copyright 2004. ISBN 0110497481 (www.legislation.hmso.gov.uk)

"Wyre Forest District Local Development Scheme February 2005." Available from Forward Planning Section (01562 732549) and from website www.wyreforestdc.gov.uk

Useful Websites

www.communityplanning.net/index.htm – Informative website outlining all details around community planning, including an index of consultation methods.

www.odpm.gov.uk – Official website of the Office for the Deputy Prime Minister outlining new planning policy and guidance documents on the new system.

www.planning-inspectorate.gov.uk – The Planning Inspectorate's website

www.planningportal.gov.uk – One stop shop for planning information and services on line.

www.wyreforestdc.gov.uk – Wyre Forest District Council's website. Contains details of the emerging Wyre Forest District Local Development Framework.