

# Item 7

## REPORT TO COUNCIL

30 September 2005

### REPORT OF DIRECTOR OF NEIGHBOURHOOD SERVICES

#### Portfolio: Regeneration

#### Sedgefield Borough Local Development Framework – Submission Draft Statement of Community Involvement

#### 1 SUMMARY

- 1.1 The Planning and Compulsory Purchase Act 2004 represents a major reform of the planning system. The Government's objective is to produce a more flexible plan-making system; the Local Development Framework. The LDF will comprise of a Local Development Scheme which sets out the work programme; a Statement of Community Involvement; a range of Development Plan Documents; Supplementary Planning Documents; and, Annual Monitoring Reports. In terms of the preparation of documents, the Statement of Community Involvement is subject to public examination.
- 1.2 The Statement of Community Involvement explains how the Borough Council intends to engage those who have an interest in matters relating to development in their area and the preparation of documents. The Government sees the Statement of Community Involvement as very important in their aim of a more inclusive planning system. Whilst it has always been acknowledged as best practice, the Statement of Community Involvement will formally set out how Local Planning Authorities will engage their community in the planning system. The Submission Draft Statement of Community Involvement will be published for a statutory six-week consultation period. It will be required to undergo a Public Examination, if any objections are received to suggest that the Statement fails the tests of soundness. Following any examination, the Borough Council is legally required to formally adopt the Inspectors findings. Full Council will perform this role.

#### 2 RECOMMENDATION

- 2.1 That Council endorses the Cabinet recommendation made on 15 September 2005 to publish the draft Statement of Community Involvement for its statutory period for public consultation.

- 2.2 Council will receive a further report detailing responses received during the consultation exercise, together with information about the next steps to be taken.

### **3 THE SUBMISSION DRAFT STATEMENT OF COMMUNITY INVOLVEMENT**

- 3.1 Planning Policy Statement (PPS) 1 highlights that Planning must work as a partnership and engage with the community to deliver sustainable development in the right place at the right time. The planning system has the potential to affect everyone, and subsequently those involved in the system have a role to play in delivering effective and inclusive planning. Sustainable development requires the community to be involved with developing the vision for their areas. Communities should be able to contribute to ideas about how that vision can be achieved and have the opportunity to participate in the process for drawing up specific plans or policies and to be involved in development proposals.
- 3.2 The consultation period on the Draft Statement of Community Involvement ran from 11 April to 23 May 2005. This document identifies how the document was formulated, who was consulted and the method of consultation, the availability of the document, the publicity undertaken, the level of responses and how the Borough Council has taken these comments into account. The vast majority of the responses received were either in support of the document or required minor factual amendments.
- 3.3 A number of changes have been made to the Submission Draft SCI, and these are summarised below:
- Clarification has been provided to define what constitutes “medium and large scale” developments;
  - In addition to details of Sustainability Appraisals, Strategic Environmental Assessments have been mentioned in Chapter 2;
  - Additional methods of disseminating information suggested by the responses during the consultation period have been included;
  - Clarification provided of which ‘other’ types of planning applications require a press notice;
  - Changes made to Appendix 2 to include additional consultation methods suggested by numerous responses during the consultation period;
  - New paragraph introduced at the start of Chapters 2 & 3 to outline the roles of the Forward Planning and Development Control Team respectively;
  - Clarity provided that the document will only apply to Planning Services and not any other Council services (not a corporate document); and
  - Greater clarification provided as to the documents intentions;

The Submission draft incorporates all of these amendments in various sections of the document.

- 3.4 The Submission Draft Statement of Community Involvement will be published for a statutory period of six-weeks in accordance with Regulation 28 of The Town and Country Planning (Local Development) (England) Regulations, 2004 and submitted to independent examination. The purpose of the examination is to consider the ‘soundness’ of the Statement of Community Involvement. The presumption will be that

it is 'sound' unless it is shown to be otherwise as a result of evidence. The Planning Inspectorate's preferred method of dealing with representations on the Statement of Community Involvement is by written representations. A public hearing will only take place where one or more of those making representations wish to be heard. It is programmed that this examination will take place in December 2005. The Planning Inspectorate Costs in relation to this process is discussed in Section 4 of the report.

### Soundness

- 3.5 Planning Policy Statement 12 sets out nine tests that a Statement of Community Involvement should meet if it is 'sound'. The Inspector will need to determine whether the:
- i) Local Planning Authority has complied with the minimum standards for consultation, as set out in the Town and Country Planning (Local Development) (England) Regulations, 2004;
  - ii) Local Planning Authority'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 mechanism for reviewing the statement of community involvement, and;
  - ix) Statement clearly describes the planning authority's policy for consultation on planning applications.
- 3.6 Following the examination into the Submission Draft Statement of Community Involvement, the Planning Inspectorate will report its findings to the Borough Council. Under the Planning and Compulsory Purchase Act 2004, these findings will be binding upon the Council and must be adopted by Council.

## **4 RESOURCE IMPLICATIONS**

- 4.1 There are no direct implications at this stage in the consultation process, though there might be additional impacts for staff resources during the consultation exercise to attend evening meetings.
- 4.2 The Borough Council is responsible for the payment of the Planning Inspectorate costs for the independent examination of the Statement of Community Involvement. In June 2005, the Planning Inspectorate provided indicative costs for all types of examination. If the Statement of Community Involvement were examined by written representations, the estimated costs would be approximately £2,300. Alternatively, if a formal hearing

were required, the estimated costs would be approximately £7,700. These costs would be met by the Local Development Plan budget.

## **5 CONSULTATIONS**

- 5.1 Copies of the Statement of Pre-Submission Consultation together with the Submission draft and the prescribed tests of “soundness” (against which the draft will be judged) have been made available to members prior to the meeting since publication of the agenda:
- (a) by e-mail
  - (b) by posting to the Council’s website, and
  - (c) copies have been deposited in members’ rooms.
- 5.2 The current timetable for preparing the Statement of Community Involvement is as follows. The Submission Draft Statement of Community Involvement will be consulted upon in September and October 2005. Following the consideration of the issues put forward during this consultation period, an independent examination will be required by way of either written representations or a formal hearing. This is programmed for December 2005. Final approval by the Secretary of State of the Statement of Community Involvement is expected in the spring of 2006.

## **6 OTHER MATERIAL CONSIDERATIONS**

- 6.1 In terms of environmental sustainability, the Submission Draft Statement of Community Involvement is not required to undergo Sustainability Appraisal. There are no risk management issues associated with the report.

## **7 OVERVIEW AND SCRUTINY IMPLICATIONS**

- 7.1 None.

## **8 LIST OF APPENDICES**

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**Ward(s):** All

**Key Decision Validation:** This is a Key Decision, as the decision made by Cabinet will be put forward to develop the policy framework.

### **Background Papers**

Planning Policy Statement 1: Delivering Sustainable Development  
Community Involvement in Planning: The Government’s Objectives  
Planning Policy Statement 12: Local Development Frameworks  
Creating Local Development Frameworks: A Companion guide to PPS12

A Framework for assessing soundness and focussing representations on Development Plan Documents and Statements of Community Involvement, The Planning Inspectorate

**Examination by Statutory Officers**

|  | <b>Yes</b>                          | <b>Not<br/>Applicable</b> |
|--|-------------------------------------|---------------------------|
| 1. The report has been examined by the Councils Head of the Paid Service or his representative | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| 2. The content has been examined by the Councils S.151 Officer or his representative           | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| 3. The content has been examined by the Council's Monitoring Officer or his representative     | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| 4. The report has been approved by Management Team   | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |

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