

REPORT TO COUNCIL

30 June 2006

REPORT OF DIRECTOR OF NEIGHBOURHOOD SERVICES

Portfolio: Planning and Development

Sedgefield Borough Local Development Framework – Adoption of the 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.
- 1.3 The Submission Draft Statement of Community Involvement was subject to a Public Examination by written representations between January and March this year. The Planning Inspectorate has concluded that, subject to some minor amendments, that the Statement of Community Involvement is "sound". The Planning Inspector's report, and its recommendations, are binding upon the Council and must be adopted.

2 RECOMMENDATION

- 2.1 The Council adopts the Statement of Community Involvement.

3 THE ADOPTED STATEMENT OF COMMUNITY INVOLVEMENT

- 3.1 Following the publication and consultation on the Submission Draft Statement of Community Involvement last year, the document was subject to a Public Examination by written representations at the beginning of 2006. The purpose of the Public Examination process was to consider the 'soundness' of the Statement of Community Involvement.
- 3.2 Planning Policy Statement 12 sets out nine tests that a Statement of Community Involvement should meet if it is 'sound'. The Inspector concluded that the Statement of Community Involvement would meet the tests of "soundness" subject to some minor amendments. Planning Inspector's report and recommendations is attached as Appendix 1. This report, and its recommendations, identifies how the Borough Council will meet the tests of soundness. These recommendations are binding upon the Council and must be adopted.

4 RESOURCE IMPLICATIONS

- 4.1 The publication costs associated with adopting the Statement of Community Involvement will be met through the Local Development Framework budget.

5 CONSULTATIONS

- 5.1 The Planning Inspectorate's recommendations are binding upon the Council and must be adopted.

6 OTHER MATERIAL CONSIDERATIONS

Links to Corporate Objectives / Values	The adoption of the Statement of Community Involvement will help the Council to meet Corporate Plan Aim 25
Legal Implications	Regulation 36 of the Town and Country Planning (Local Development) (England) Regulations 2004 states that the Borough Council must publish the adoption statement in the Council Offices, on the website and in the Northern Echo, and send a copy of the document and statement to the Government Office for the North East.
Risk Management	There are no risk management issues associated with this report
Health and Safety Implications	No additional implications have been identified.
Sustainability	There are no sustainability issues associated with this report.
Equality and Diversity	The Statement of Community Involvement sets out how the Planning Authority will engage with its community.
Social Inclusion	The Statement of Community Involvement sets out how the Planning Authority will engage with its community.
Procurement	No additional implications have been identified.

7 OVERVIEW AND SCRUTINY IMPLICATIONS

7.1 None.

8 LIST OF APPENDICES

Appendix 1 – Planning Inspector’s Report dated 23rd March 2006

Contact Officers: Chris Myers
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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

	Yes	Not Applicable
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"/>

Appendix 1



The Planning Inspectorate

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Glyn Hall
Forward Planning Team
Sedgefield Borough Council
Council Offices
Spennymore
Durham DL16 6JQ

Your Ref:

Our Ref: PINS/M1330/429/3

Date: 23rd March 2006

Dear Glyn,

SEDGEFIELD BOROUGH COUNCIL STATEMENT OF COMMUNITY INVOLVEMENT EXAMINATION – INSPECTOR’S REPORT

I am pleased to enclose two copies the draft report prepared by Inspector Keith Holland BA(Hons) Dip TP MRTPI ARICS following the written representations examination to consider the soundness of Sedgefield Borough Council’s Statement of Community Involvement.

On behalf of the Inspector I would like to thank your Authority for its assistance. I feel sure that this has helped the Inspector minimise the time taken to produce this report that in turn has made an effective contribution towards achieving the Inspectorate’s objective of expediting its part of the overall Plan-preparation process.

Your Authority should now carry out a factual check of the draft report. Local Planning Authorities may request an amended report within 10 working days from the date of receipt of the Inspector’s draft report, although such amendments must be confined to matters of clarification, or omissions, which need to be resolved. The final report, with amendments from the draft where necessary, will be issued to you without additional charge to the LPA, within 20 working days of the Inspector being asked to consider any amendments. If you do not require clarification, would you please inform the Planning Inspectorate by the end of the 10 day period that you are prepared to accept the draft report as the final version.

The report will be binding upon the Local Planning Authority and will give specific recommendations as to how the Statement of Community Involvement must be changed. I would be grateful if you could notify the Inspectorate beforehand of the date on which the Inspector’s final report is to be published. I also welcome, in due course, 2 copies of the adopted Statement of Community Involvement.

Yours sincerely

Steve Carnaby
Local Developments Framework Team

Sedgefield Borough Council Statement of Community Involvement (September 2005)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of the Sedgefield Borough Council's Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act. 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.
- 1.2 A total of 22 representations were received all of which have been considered. Further information was requested from the Council in relation to tests ii, iv, v and ix and this information is contained in Appendix B to 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 with one exception.
 - 2.2 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.
 - 2.3 Subject to the following recommendation this test is met.
- (R1)** The Council are to notify all those who made a representation on the submission SCI of the publication of the Inspectors Report and the subsequent adoption of the SCI.

Test 2

- 3.1 Section 2 recognises that the SCI is an essential part of the Community Strategy for Sedgefield. However, the SCI does not indicate sufficiently clearly however how these strategies and groups will be linked to and involved in the production of Development Plan Documents. The Council has proposed changes which address this matter and I recommend that the replacement text given below be added to the SCI as paragraph 2.2.2
 - 3.2 Subject to the following recommendation this test is met.
- (R2)** Add the following text as paragraph 2.2.2

"The Sedgefield Borough Local Strategic Partnership has recently undergone a structural review. This new LSP structure means that Officers preparing the Local Development Framework will report directly to the Thematic Policy Leads Co-

Ordinators Group (which is a strategic group) to discuss performance management and other emerging issues on a quarterly basis. Specific Local Development Framework Action Group meetings will be convened during each stage of Development Plan Document consultation. These time-limited action group meetings will draw representation from each of the Thematic Groups (Healthy, Prosperous, Attractive and Strong Communities) together with the Children & Young People Partnership, and the Crime & Disorder Reduction Partnership. Further representation would be sought from the five Sedgefield Borough Council Community Area Forums, each will have an Area Framework describing the spatial element (LDF) of the Community Strategy for that area of the Borough".

Test 3

- 4.1 The Council has set out in Appendix 1 of the SCI those groups which will be consulted. This list includes the statutory bodies from PPS12 Annex E. It also states in Appendix 1 of the SCI that the Council will hold a database of consultees details.
 - 4.2 Section 2.8 of the SCI sets out how the Council propose to meet the consultation requirements set down in the Planning and Compulsory Purchase Act 2004.
 - 4.3 However, I have several recommendations relating to this Appendix which are set out below.
 - 4.4 Subject to the following recommendations the test is met.
- (R3)** The list in Appendix 1 provides no clear indication that it can be expanded as necessary. Add at the beginning of Appendix 1:
- "This is not an exhaustive list, and will be updated as necessary"
- (R4)** Add to the list of Specific Consultation Bodies:
- "Parish Councils both within and adjoining the Local Authority area."
- (R5)** Given the impending abolition of the Strategic Rail Authority, references to the Strategic Rail Authority as a consultee should be removed from Appendix 1 of the SCI. As a consequence of this abolition consultations should be carried out with Network Rail in place of the Strategic Rail Authority.
- (R6)** There is a reference to Post Office Property Holdings in Appendix 1 of the SCI. Royal Mail Property Holdings is now the correct consultee and references to Post Office Property Holdings should be deleted.

Test 4

- 5.1 Chapter 2 details community involvement during the production of the LDF. However, the chapter is insufficiently detailed with regard to the precise stages where consultation will occur. The Council were asked to provide clarification with regard to this matter and their response, a table which details the stages of community involvement in the process is attached in Appendix B of this report. I

recommend below that this is inserted into Chapter 2 of the SCI. This new table also explains that informal consultation will take place with the key stakeholders at the issues and options stage of DPD production in accordance with Regulation 25.

5.2 Subject to the recommendation below, this test is met.

(R7) Insert the table "Development Plan Documents (DPD) – Preparation Stages and Consultation Bodies" after Paragraph 2.9.2 in the SCI.

Test 5

6.1 Section 2.8 and Appendix 2 of the SCI 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.

6.2 The SCI acknowledges that the Council may have to provide extra support to facilitate consultation with certain groups or individuals, and proposes (at Paragraph 2.8.15) how they might do this. Section 2.3 explain how the Council will make their information accessible to all members of society

6.3 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.

6.4 This test is met.

Test 6

7.1 Paragraph 1.8 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.

7.2 This test is met.

Test 7

8.1 Paragraph 2.10 explains how the results of community involvement will be taken into account by the Council and used to inform decisions. The Council also propose to prepare reports at the end of the consultation period explaining how views have been considered and documents changed in light of the community involvement.

8.2 However, the SCI should state at the end of Paragraph 2.10 where these reports will be made publicly available.

8.3 Subject to the following recommendation, this test is met.

(R8) Add at the end of Paragraph 2.10 details of where this information will be available, including the Council's website.

Test 8

9.1 Paragraph 1.9 explains that the SCI will be formally reviewed after a period of 3 years in accordance with the LDS. In addition Paragraph 1.9.1 sets out a checklist

for evaluating the methods of involvement and consultation exercises and states that feedback forms will be used to evaluate the success or otherwise of consultation activities. This information will be used to refine the Council's approach to community involvement within the three years. Though Paragraph 1.9.2 makes reference to the role of the Annual Monitoring Report (AMR) I recommend that this paragraph is strengthened by the addition to that paragraph given below:

9.2 Subject to the following recommendation the test is met.

(R9) Paragraph 1.9.2: insert the following text, "The Annual Monitoring Report, prepared by the Council to monitor progress in preparing the LDF, will reflect on and evaluate the community involvement process."

Test 9

10.1 The SCI at Chapter 3 clearly describes the Council's policy for consultation on planning applications. This Chapter meets the minimum requirements and provides additional methods of consultation. Chapter 4 distinguishes between procedures appropriate to different types and scale of application.

10.2 The SCI does not adequately deal with the question of how the results of consultation will be reported and how the results will be used to inform the decision making process.

10.3 Subject to the following recommendation this test is met.

(R10) Add to 3.2.3 "The results of any such consultation will be reported and taken into account in decisions made by, and on behalf of, the Council."

(R11) As a point of clarification insert the following at the end of Paragraph 3.2.3:

"For further details of the types of applications which the Borough Council considers to be 'Major', and which will subsequently receive a greater degree of community consultation, please refer to Paragraphs 4.3.1 – 4.3.2 of Chapter 4 (Recommended Community Involvement to be undertaken by Developers and Agents)".

10.2 The SCI section on Planning Matters contains no reference to the issue of planning applications and SSSI's In the case of SSSI's the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) provides for English Nature to have 28 days to respond to applications for development potentially affecting a SSSI.

(R12) Add to paragraph 3.4.1:

"Notify consultees by letter giving them 21 days, or for English Nature 28 days in the case of a planning application potentially affecting a SSSI or in a SSSI consultation area¹, in which to comment."

Add the following as a footnote to paragraph 3.4.1 : ¹ "in accordance with Section 28 of the Wildlife and Countryside Act 1981 as amended by Section 75 and Schedule 9 of the Countryside and Rights of Way Act 2000."

Conclusions

11.1 The Council should ensure that all 'historic' references to the submission SCI are deleted and the document amended to reflect the document's status upon adoption.

(R13) The Council should remove all references to previous stages of this document and replace any preface containing such references with a statement of adoption.

(R14) Add the Woodland Trust to Appendix B "Other Consultees"

(R15) Amend Paragraph 2.7.1 by inserting a further bullet point to read: "children and young people"

11.2 Subject to the recommendations listed above the Sedgefield Borough Council SCI (September 2005) is sound.



K Holland BA(Hons) Dip TP MRTPI ARICS
Inspector

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