

Agenda Item

Executive Board

14 March 2007

JFM



East Devon Local Development Framework: Draft Statement of Community Involvement

Summary

This report sets out the background to the requirement for the Council to produce a Statement of Community Involvement (SCI) as part of the East Devon Local Development Framework and a first draft of the proposed SCI to be published for public consultation.

Recommendation

The draft Statement of Community Involvement be approved for public consultation.

a) Reasons for Recommendation

As part of the Local Development Framework the Council has to submit to the Secretary of State a Statement of Community Involvement.

b) Alternative Options

Not applicable

c) Risk Considerations

The Council would be in breach of the statutory requirement of Planning and Compulsory Purchase Act 2004 if a Statement of Community Involvement were not produced.

d) Policy and Budgetary Considerations

The Local Development Framework (LDF) will progressively replace policies in the East Devon Local Plan and with the Regional Spatial Strategy will form the statutory Development Plan. The production of the Statement of Community Involvement will be carried out by the Policy Team from existing budgets.

e) Date for Review of Decision

Not applicable. The SCI will be kept under review, and revised where necessary, following the same procedures as for the preparation of the first statement. However, it should only be necessary to revise it when significant changes have occurred in the types of groups which the authority wishes to engage, or different techniques for engagement are to be employed.

1.0 Introduction

- 1.1 The statement of community involvement (SCI) sets out a local planning authority's policy for involving communities in the preparation and revision of local development documents and considering planning applications. The statement is not an end in itself but a means of improving the quality of the planning process. Preparing the statement will ensure authorities consider how to involve communities and benefit from their knowledge and expertise.
- 1.2 Government guidance indicates that in its SCI, authorities should address the following questions:
- What are they seeking community involvement upon? As well as planning applications, possible documents include the range of development plan documents, supplementary planning documents and sustainability appraisal reports identified in the local development scheme.
 - How and when will community involvement be sought? Possible forms of involvement include receiving and disseminating information, participating in the development of policies, proposals or options for an area, responding to consultation and receiving feedback.
 - Who will be involved? Authorities should ensure they involve the widest possible range of interests, particularly hard-to-reach groups who do not usually participate in the planning process.
- 1.3 The guidance acknowledges that there is no single 'right answer' to these questions. Appropriate responses will vary, given that statements are intended to reflect local circumstances. The SCI should be 'fit for purpose', recognising the limits of an authority's resources. Authorities should ensure that they propose appropriate types and scales of involvement in relation to the type of development or the aims of the local development document in question. It would be counterproductive for SCIs to specify particularly complex processes of community involvement. Instead, authorities will need to achieve appropriate balances in terms of their content. Too general a statement will fail to provide communities with sufficient guidance as to what type of involvement they can expect. Alternatively, over-prescription may have considerable resource implications for all parties involved in the planning process, as well as requiring the statement to be reviewed frequently.

2.0 Statement of Community Involvement Principles

- 2.1 In the SCI, authorities should set out their main principles for community involvement, including:
- Access to information. Documents should be available in a variety of formats, to encourage the widest possible readership. This is likely to include paper and electronic versions of key documents, and should include languages other than English where appropriate.
 - The opportunity to contribute ideas. Community groups and the wider public should have the opportunity to put forward their own ideas and feel confident that there is a process for considering and responding to their concerns.
 - The opportunity to take an active part in developing proposals and options. Where

appropriate, there should be opportunities for people to actively engage with planning professionals.

- The opportunity to be consulted and make representations on formal proposals. This is a statutory requirement as set out in Regulations and represents the minimum in terms of community involvement.

- The opportunity to get feedback and be informed about progress and outcomes. Keeping local communities and stakeholders informed will foster interest in planning issues. In time, this will enable authorities to benefit from local knowledge and experience which will in turn result in better planning outcomes.

2.2 It must be demonstrated to all sections of the community that the process of community involvement is legitimate and timely with outcomes in the public interest. Processes should be simple to follow, and delivered in a fair, transparent and efficient manner. This will require authorities to identify the limits to community involvement as well as the forms it will take.

2.3 The Council will need to develop a good understanding of the make up, needs and interests of all the different groups in East Devon and their capacity to engage in planning. The resource requirements of this should not be underestimated

3.0 Community Involvement Requirements as set out in Regulations

3.1 The Regulations require the following stages of community involvement in preparation of Local Development Framework documents :

- Informal pre-submission consultation as required by Regulation 25.

- Formal pre-submission participation as required by Regulation 26.

- In terms of development plan document preparation, pre-submission consultation (Regulation 25) must take place with each of the specific and general consultation bodies (specified in Regulation 2) that the authority considers appropriate.

- For the statement of community involvement, pre-submission consultation must take place with the bodies specified in Regulation 25(2).

- When an authority submits a development plan document to the Secretary of State (Regulation 28), it must also make a copy available for public inspection and send a copy to the bodies referred to above.

- Consultation on supplementary planning documents is a formal requirement before they can be adopted although there will be no independent examination. They should, however, be subject to rigorous procedures of community involvement. Supplementary planning documents should be subject to public participation as required by Regulation 17. Authorities must consult with the specific and general bodies that are appropriate to the document in question.

- Consultation on an initial sustainability appraisal report during the consultation required by Regulation 25 for development plan documents and during the preparation of the draft document for supplementary planning documents.

- Consultation on the sustainability appraisal report in the case of development plan documents concurrently with Regulation 26, and in the case of supplementary planning documents concurrently with Regulation 17.

3.2 For planning applications, statutory consultation requirements are set out in Article 8 of the Town and Country Planning (General Development Procedure) order (as amended). This requires authorities to publicise applications, either by a site notice or notification to neighbours. In addition, local advertisements may be required as defined in Article 8 of this order. Similar arrangements exist for applications requiring listed building or conservation area consent.

4.0 Preparation of the Statement of Community Involvement

4.1 The stages involved in preparing the SCI are set out in Appendix 1.

4.2 The process concludes with representations made on the submitted SCI being considered at an independent examination. The purpose of the examination is to consider the soundness of the statement of community involvement. The presumption will be that the statement of community involvement is sound unless it is shown to be otherwise as a result of evidence considered at the examination. In assessing whether the statement of community involvement is sound, the inspector will determine whether the:

i. local planning authority has complied with the minimum requirements for consultation as set out in Regulations;

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 mechanisms for reviewing the statement of community involvement; and

ix. statement clearly describes the planning authority's policy for consultation on planning applications.

4.3 After the examination, the inspector will produce a report with recommendations which will be binding upon the authority. The report will set out precise recommendations for how the statement of community involvement must be changed. The local planning authority must incorporate the changes required. The Local Government White Paper 2006 proposes refashioning the Statement of Community Involvement into a corporate 'comprehensive engagement strategy' along with removal of the need for independent examination.

5.0 Draft Statement of Community Involvement

5.1 A draft of the East Devon SCI is attached to this report as Appendix 3 together with a questionnaire (Appendix 2) which is proposed to widely circulate at the start of the process seeking to establish the methods by which organisations and individuals would prefer to be consulted.

Legal Implications

The statutory framework for preparation of the SCI is set out in the report. No further legal observations.

Financial Implications

Any financial implications contained in this report can be covered by existing budgets.

Consultation on Reports to the Executive

An early draft version of the Statement of Community Involvement was considered by the Corporate Overview Committee on 31 August 2006 and suggested amendments have been incorporated in the draft SCI. The Committee resolved that the Executive Board be requested to ask the Local Government Association and the two local MP's, to make representations to the Government that the Local Development Framework process was too complicated and inflexible and a simpler, more flexible and less centralised system was required. There should also be greater recognition of the role of elected members to represent the views of the community. As mentioned above the Local Government White Paper 2006 proposes the removal of the need for independent examination of the SCI. The report elsewhere on this agenda about the revised Local development Scheme draws attention to other recommendations by Kate Barker in her review of land use planning to simplify the LDF process.

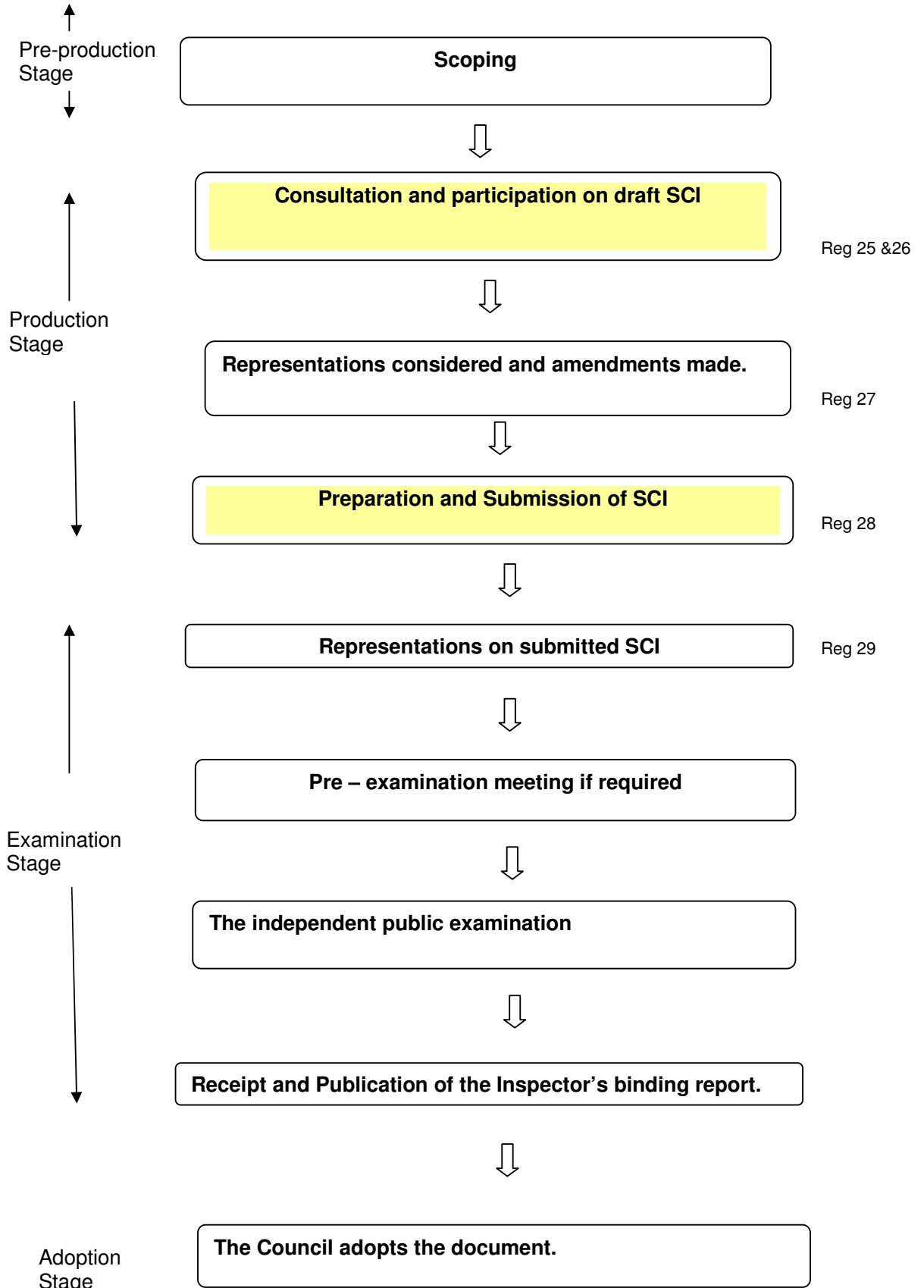
Background Papers

- ❑ Planning and Compulsory Purchase Act 2004.
- ❑ Planning Policy Statement 12: Local Development Frameworks.
- ❑ The Town and Country Planning (Local Development) (England) Regulations 2004.
- ❑ Creating Local Development Frameworks – A Companion Guide to PPS 12.
- ❑ East Devon Local Development Scheme.
- ❑ Local Government White Paper 2006
- ❑ The Barker Review of Land Use Planning Final Report – Recommendations. December 2006

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Executive Board
14 March 2007

PREPARING A STATEMENT OF COMMUNITY INVOLVEMENT



QUESTIONNAIRE – Community Involvement in Planning

Q1: Please give your contact details

Name	<input type="text"/>
Organisation (If appropriate)	<input type="text"/>
Contact address	<input type="text"/>
	<input type="text"/>
Postcode	<input type="text"/>
Telephone Number	<input type="text"/>
E-mail address	<input type="text"/>

Q2: Which of the following do you consider best describes you or the group/organisation to which you belong or the interests of which you are representing?

- | | |
|---|---|
| <input type="checkbox"/> Individual/local resident | <input type="checkbox"/> Disabled people |
| <input type="checkbox"/> Local interest group/residents association | <input type="checkbox"/> People under 25 |
| <input type="checkbox"/> Developers/agents/landowners | <input type="checkbox"/> Ethnic groups |
| <input type="checkbox"/> Central/Regional/Local Government Bodies | <input type="checkbox"/> Business |
| <input type="checkbox"/> Town and Parish Councils | <input type="checkbox"/> Voluntary Sector |
| <input type="checkbox"/> People over 55 | |

Other – please add

Q3: What is your preferred way of being informed about what is going on at different stages of the planning process? (Please rank up to 3 with 1 being your most preferred method).

- | | |
|--|--|
| <input type="checkbox"/> Letter | <input type="checkbox"/> Workshops/focus groups |
| <input type="checkbox"/> Public meetings | <input type="checkbox"/> Through Town/Parish Councils |
| <input type="checkbox"/> Email | <input type="checkbox"/> Council's Partners Magazine |
| <input type="checkbox"/> Exhibitions/displays/road shows | <input type="checkbox"/> Meeting with existing panels/forums etc |
| <input type="checkbox"/> Council website | <input type="checkbox"/> Local radio/television |

Other – please add

Q4: What is your preferred way of being involved in planning issues? (Please rank up to 3 with 1 being your most preferred method).

- Direct email consultation – using the email address provided
- Direct consultation by letter – using the address provided
- Council website using online forms
- Exhibitions/roadshows
- Focus or discussion groups/workshops
- Daytime public meetings
- Evening public meetings
- Meetings with selected stakeholders
- Commenting on published consultation documents at Council Offices/libraries
- Through the Council's existing forums/partnerships or the Local Strategic Partnerships (LSP)*

Other – please add

Q5: Have either you or your organisation been involved in the planning process in this District before, either as part of the Local Plan process or in commenting on other planning related documents such as development briefs and supplementary planning guidance? (please tick).

- Yes – Local Plan process
- Yes – Development briefs/Supplementary Planning Guidance (SPGs)
- No involvement (Please go to Q6)

a) Did you consider that the level and type of consultation was appropriate?

- Yes No

Comments

b) Did you consider that we kept you or your organisation well informed during the consultation process?

- Yes No

Comments

* The LSP is a partnership which works towards the aims and objectives set out in the East Devon Sustainable Community Plan .

c) In your experience, do we provide sufficient feedback on the outcomes of our consultation?

Yes No

Comments

d) What changes would you like to see, if any, to improve the existing arrangements e.g. different methods used, increased feedback etc?

Comments

Q6: Which of the following types of document would you like to be consulted upon in the future? (Please tick all that are relevant).

- The overall vision and key strategic principles for the future of the District (Core Strategy Development Plan Document).
- More detailed plans, covering land use planning policies relevant for making planning decisions e.g. future housing and employment allocations (other Development Plan Documents).
- More specific planning proposals which cover a particular area, perhaps close to where you live or work (Area Action Plans).
- Guidance on how a particular planning policy will be put into effect (Supplementary Planning Documents).
- None of the above.

Q7: Annexe 1 shows a list of the various groups and organisation we will consult on planning issues. Are there any we have left out? Please provide a contact for your suggestion.

PLANNING APPLICATIONS

Q8: Annexe 2 outlines the present actions taken by the Council to inform and consult on planning applications.

a) Are these measures appropriate? Yes No

b) If no, what else should we do to keep you better informed about planning applications?

Q9: How should applicants/developers be encouraged to involve the community when they propose a development? (Please tick the relevant boxes).

(Please note that developers are not legally obliged to undertake these methods of consultation. However, we will use responses to devise best practice guidance and to inform developers of how people can best be involved in the process).

	Public Meeting	Discussion group/workshop	Local Exhibition	Meeting with Town or Parish Council	Notice in Press/website
Major development or development proposal requiring press notice:					
Large* scale development					
Application accompanied by an Environmental Impact Assessment					
Departure from Development Plan					
Major** Development					
Development affecting the setting of a listed building					
Development affecting the character or appearance of a conservation area					
Minor development of those not requiring a press notice:					
Minor Development (e.g. 1-10 dwellings, commercial or retail up to 1,000 m ² sites up to 0.5ha)					
Tree Preservation Orders					
Agricultural determination as to whether prior approval of LPA is required					
Agricultural prior approval					

***Large Scale Development**

- Residential schemes over 50 units.
- Employment and warehouse/distribution schemes over 5,000m².
- Retail schemes totalling over 2,500m².
- Leisure schemes totalling over 2,000m²
- All applications for telecommunication development.

**** Major Development**

- Erection of 10 or more dwellings or site area of 0.5ha or more.
- In other cases where floorspace to be created is more than 1,000m² or more, or the site area is 1ha or more.
- Winning and working of minerals or use of land for mineral working deposits.
- All waste developments (treating, storing, processing or disposing of refuse or waste materials).

Statutory Consultees

Government Officer for the South West (GOSW)
Regional Planning Body – South West England Regional Assembly (SWRA)
Regional Development Agency – South West England Development Agency (SWRDA)
Devon County Council
Environment Agency
Countryside Agency
Highways Agency
English Nature
English Heritage (Historic Buildings and Monuments Commission for England)
Adjoining Local Authorities (Counties and Districts)
Strategic Health Authority
Network Rail
Relevant Telecommunications companies
Relevant gas and electricity companies
Relevant sewerage and water undertakers
Equal Opportunities Commission
Central Government Departments

Other Key Stakeholders and Consultees

All East Devon Councillors (and relevant officers)
Relevant Devon County Councillors (and officers)
All Town and Parish Councils within the District
Adjoining Parish Councils
Bodies which represent the interests of different national, racial or ethnic groups in the area
Bodies which represent the interests of different religious groups in the area
Bodies which represent the interest of disabled persons in the area
Bodies which represent the interests of business in the area
Bodies which represent the interests of young people in the area
Bodies which represent local interest groups
Commission for Architecture and the Built Environment (CABE)
Emergency Services
Environmental and Conservation groups at national, regional and local level
Housing Associations
Local Residents Associations
Local Strategic partnership
Local Transport Operators
Members of Parliament
Voluntary Bodies

Annexe 2

Actions currently taken by the Council to inform and consult on planning applications.

TYPE OF DEVELOPMENT	TYPE OF CONSULTATION UNDERTAKEN BY COUNCIL			
	Press	Website	Site Notice	Neighbour Notification**
Major development or development proposal requiring press notice:				
Application accompanied by an Environmental Impact Assessment	✓	✓	✓	✓
Departure from Development Plan	✓	✓	✓	✓
Development affecting right of way	✓	✓	✓	✓
Major* Development	✓	✓	✓	✓
Development affecting the setting of a listed building	✓	✓	✓	✓
Development affecting the character or appearance of a conservation area	✓	✓	✓	✓
Applications which also need a higher degree of consultations:				
Telecommunications				
Minor development or those not requiring a press notice:				
Minor Development (For e.g. 1-10 dwellings, commercial or retail up to 1,000m ² , sites up to 0.5 ha)		✓		✓
Tree Preservation Orders		✓		✓
Agricultural determination as to whether prior approval of LPA is required		✓		✓
Agricultural prior approval		✓		✓

*Major Development:

- Erection of 10 more dwellings or site area of 0.5ha or more.
- In other cases where floorspace to be created is more than 1,000m² or more, or the site area is 1ha or more.
- Winning and working of minerals or use of land for mineral working deposits.
- All waste developments (treating, storing, processing or disposing of refuse or waste materials)

**Neighbour Notification includes those properties immediately surrounding the site and affected by the development.