

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM 15

REPORT TO CABINET

9 MARCH 2006

**REPORT OF
CORPORATE
MANAGEMENT TEAM**

CABINET DECISION/COUNCIL DECISION/KEY DECISION

Regeneration and Transport – Lead Cabinet Member – Councillor Cook

STATEMENT OF COMMUNITY INVOLVEMENT – LOCAL DEVELOPMENT FRAMEWORK

1. Summary

This item deals with the report of the Inspector following the independent examination of the Statement of Community Involvement (SCI), the changes required to the SCI and Member approval to adopt the SCI.

1. Recommendation

Members are recommended to: -

- i) note the Inspector's report and the required amendments to the SCI, and endorse the adoption of the amended SCI (including any amendments of a minor editorial nature) so that the SCI may be forwarded to Special Council in March 2006 for formal approval and adoption.

3. Reasons for the Recommendations/Decision(s)

There is a statutory duty for all local planning authorities to adopt and keep under review the development plan for their respective areas. Under the Planning and Compulsory Purchase Act 2004, the Statement of Community Involvement is a local development document and is a statement of the authority's policy as to the involvement in the exercise of the authority's functions in the preparation and revision of development plan documents.

The changes put forward by the Inspector are binding on the Authority, and must be incorporated into the Statement of Community Involvement prior to its adoption.

4. Members Interests

Members (including co-opted members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting is being held, whilst the matter is being considered; not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

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SUMMARY

1. This item deals with the report of the Inspector following the independent examination of the Statement of Community Involvement (SCI), the changes required to the SCI and Member approval to adopt the SCI.

RECOMMENDATION

2. Members are recommended to : -
 - i) note the Inspector's report and the required amendments to the SCI, and endorse the adoption of the amended SCI (including any amendments of a minor editorial nature) so that the SCI may be forwarded to Special Council in March 2006 for formal approval and adoption.

DETAIL

- 3.1 The Local Development Framework, which replaces the "old" system of local plans, puts great emphasis on achieving more effective community involvement. To help do this, all local authorities have to produce a Statement of Community Involvement (SCI).
- 3.2. SCIs formally set out how communities will be engaged in the preparation and revision of local development documents and consideration of planning applications. They must ensure the active, meaningful and continued involvement of local communities and stakeholders through out both processes¹.
- 3.3. The SCI sets out the main principles for community involvement, including:

¹ Creating Local Development Frameworks: A Companion Guide to PPS12, Section 7 Managing Community Involvement, page 65.

- Access to information
 - The opportunity to contribute ideas
 - The opportunity to take an active part in developing proposals and options
 - The opportunity to be consulted and make representations on formal proposals
 - The opportunity to get feedback and be informed about progress and outcomes.
- 3.4 Following Council endorsement of the draft, the SCI was submitted to the Planning Inspectorate for examination at the end of August 2005. A six-week period of consultation, when formal representations could be made, coincided with submission. These objections are considered by the Inspectorate as part of the examination into the “soundness” of the SCI. The date for adoption of the SCI, as set out in the Local Development Scheme, is March 2006. This date is a key milestone, and must be met in order to meet both the Council’s BVPI targets and qualify the Service for Planning Delivery Grant.

THE CURRENT POSITION

3.5. The Inspector’s report is at **Appendix 1**. Since adopting the Local Development Scheme on the advice of both Government Office and the Planning Inspectorate (PINs), it is now understood that PINs are operating a ‘just in time’ approach to submitting their report (i.e. if the Local Development Scheme specifies February for the Inspector’s Report, it will be towards the end of the month as opposed to the beginning). This obviously has ramifications for the Authority in that the Local Development Scheme specifies March for adoption. This has consequences for reporting through the normal committee cycles to meet this deadline (hence your recommendation at paragraph 3.7). Nevertheless, the Inspector’s report is now binding, and the Authority must make any changes to the SCI that are requested by the Inspector prior to adoption.

3.6. A report will be presented to Planning Committee in March, setting out the changes to the SCI in full.

THE NEXT STEP

3.7. In order to qualify for Planning Delivery Grant, the SCI needs to be adopted before the end of March 2006.

FINANCIAL IMPLICATIONS

4.1 Failure to meet the agreed deadlines for the SCI set out in the Local Development Scheme could impact adversely on the amount of Planning Delivery Grant received by the Council.

POLICY CONTENT

5.1 The Statement of Community Involvement takes into account one of the principles which is at the heart of the current national planning agenda – community engagement. Consultation and involvement of the community are at the heart of the Community Strategy. Once adopted, the Statement will form part of the Local

Development Framework, and will guide the way in which the Council involves the community in the preparation of development plan documents.

CONSULTATION

- 6.1 Planning Committee, Cabinet and Council were consulted on the draft Statement of Community Involvement on 6/4/05, 7/4/05 and 20/04/05 respectively. Following the public consultation and participation, comments were considered by Planning Committee, and Cabinet on 3/08/05, 11/08/ 05 respectively. In the absence of a Council meeting in August, the suggested amendments to the draft SCI were agreed under the delegated powers given to the Director of Development and Neighbourhood Services in consultation with the Chairman and Vice Chairman of Planning Committee and Lead Cabinet Member for Regeneration and Development².
- 6.2 In terms of public consultation undertaken in relation to the SCI, a summary is set out below:
- pre-submission consultation with the North East Assembly, the Highways Agency, adjoining Local Authorities, and Parish/ Town Councils (including those whose boundaries adjoin Stockton Borough). A key consultation event was organised for the evening of 23 May. However, only 6 Parish Council representatives attended this event, representing 4 parishes within Stockton, and one neighbouring parish.
 - pre-submission public participation, including
 - distribution of the draft SCI with response form to consultation bodies and other groups and individuals on the Council's Planning Consultees Database (about 160 organisations in total)
 - a summary leaflet was distributed to over 380 community and residents' groups, telling them where they could obtain a copy of the main document, and letting them know how they could become involved in the consultation process
 - documents were made available in the Planning reception at Gloucester House and in all libraries
 - notification that the Council was seeking public participation in the SCI was given in the Evening Gazette on 27 May 2005, and in the Herald and Post on 1 June 2005. A press release was also issued, and was used in the Herald and Post on both 1 June and 8 June, as well as in the Evening Gazette on 2 June 2005. Additionally, an item was included in the newsletter which was distributed to all members of Viewpoint, the residents' panel, in June
 - information relating to the preparation of the Local Development Framework and the SCI were posted on the Stockton Borough Council's website during the autumn of 2004. On 27 May 2005, the documents relating to public consultation on the SCI were posted on the development plan section of the web site <http://www.stockton.gov.uk>. An on-line response form which respondents could use to submit comments electronically was available from the middle of June
 - a public event was organised on Monday 27 June at 6:00 pm at the Central Library in Stockton. Members of the public were invited to

² Meeting of Cabinet 14/07/05 and Council 20/07/05 (Cabinet minute ref. 120).

attend this, through the Resident's Panel newsletter, and contact with community organisations. Additionally, representatives of stakeholder groups and those with an interest in planning matters, via the Business Forum, were also invited to attend. 23 people attended this meeting

- a series of other meetings were attended by officers of the development plans team, as indicated in the table below

Schedule of Consultation Meetings

Meeting	Venue	Date/Time
Parish Councils	Gloucester House	5:30 pm Monday 23 May
Western Area Partnership Board	Urlay Nook	6:00 pm Monday 23 May
Liveability Partnership Board	Education Centre, Norton	4:00 pm Tuesday 31 May
Northern Area Partnership Board	Resources Conference Centre, Billingham	5:30 pm Monday 13 June
Stockton Renaissance	Richard Hind Centre	5:00 pm Tuesday 14 June
Stockton Youth Assembly	Elmwood Youth and Community Centre, Hartburn	1:00 pm Sunday 26 June
Public Participation Event	Central Library Lecture Hall, Stockton	5:30 pm Monday 27 June
Eastern Area Partnership Board	Robert Atkins Centre, Thornaby	9:30 am Tuesday 28 June
BME Viewpoint	Ground Floor, Town Hall, Stockton	9:30 – 12:00 5:30 – 8:00 Wednesday 29 June
Neighbourhood Management Partnership Board	Salvation Army, Palmerston Street, Stockton	2:00 pm Wednesday 29 June
Central Area Partnership Board	Castlegate Quays Stockton	5:00 pm Thursday 30 June

- submission of the SCI to the Secretary of State coincided with a further six week consultation period when formal representations could be made. From August 31, SCI matters were made available at the Planning Department, local libraries, and on the website. Advertisements were placed in the Evening Gazette and the Herald and Post. Statutory consultees, interested parties and community groups were notified by letter. Representations received were forwarded on to the Planning Inspectorate for consideration as part of the independent examination into the “soundness” of the SCI.

RISK ANALYSIS

- 7.1 A Strategic Risk Assessment has been undertaken, and there are no known risks that would arise from its preparation.

Corporate Director of Development and Neighbourhood Service.

Contact Officer: Jane Elliott

Telephone No. 01642 – 52 6053

Environmental Implications N/A

Community Safety Implications N/A

Background Papers

Submission Statement of Community Involvement

Planning Policy Statement 12: Local Development Frameworks

Creating Local Development Frameworks: A Companion Guide to PPS 12.

Education Related Item No

Ward(s) and Ward Councillors: All

Property Implications N/A

Appendix

Stockton on Tees – Statement of Community Involvement (August 2005)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of the Stockton on Tees 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 in (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 a clear need in the light of PPS12.
- 1.2 A total of 20 representations were received from 13 respondents all of which have been considered. Clarification on one matter was sought from the Council and the response received has been taken into account in preparing this report (see Appendix B).

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 2.1 headed "Links with Stockton's Community Strategy" acknowledges that the LDF is a way of delivering the aims of the Community Strategy. It also states that consideration will be given to how these will be linked in terms of objectives and consultation.
- 3.2 This test is met.

Test 3

- 4.1 Section 2.5 on page 8 of the SCI clearly explains who will be involved in the decision making process. Also Appendix 4 on page 22 provides the list of the statutory consultee bodies and Appendix 1 lists the methods of community involvement at different stages of the plan preparation.

4.2 This test is met.

Test 4

5.1 Figure 2 on page 7 explains that the Council will involve and inform people from the early stages of LDD preparation. Appendix 1 describes the range of methods the Council will employ to do this. I am satisfied that the consultation proposed will be undertaken in a timely and accessible manner.

5.2 This test is met.

Test 5

6.1 Appendix 1 sets out in detail the consultation methods for different types of documents, and Appendix 6 lists the strengths and weaknesses of these methods. Heading 2.6, "Consultation Methods" lists some of the general consultation methods. Figure 3 provides a simplified version of the involvement process for Supplementary Planning Documents.

6.2 The SCI acknowledges, at paragraphs 2.4 and 2.5, that the Council may have to provide extra support to facilitate consultation with certain groups or individuals.

6.3 This test is met.

Test 6

7.1 Heading 2.9, "Resources and Management of the Process" provides sufficient information on the staff and fiscal resources necessary to carry out the consultation exercises.

7.2 This test is met.

Test 7

8.1 Although the SCI details the consultation methods to be used at various stages of LDD preparation, it does not indicate how the results from the community involvement exercises will be fed into the DPD and SPD content. The Council provided some additional information on the above matter and I recommend the SCI be amended accordingly.

8.2 Subject to the following recommendation this test is met.

Recommendations

(R1) Add the following text to final paragraph of 2.9: *Decisions on the content of development plan documents are made by Members, based on the advice and recommendations of officers. Involved in key decisions relating to the Local Development Framework process will be:*

Member Steering Group, as a consultee: *the role of the Member Steering Group is to work with officers to produce draft development plan documents, and to consider representations from the community in the process of developing these documents. The conclusions of the Group will be set out as part of reports to Planning Committee.*

Planning Committee, as a consultee: *Planning Committee acts in an advisory capacity when considering policy issues. The views of this Committee on emerging development plan documents and supplementary planning documents will be reported to Cabinet.*

Cabinet: *Cabinet will play a key role in making recommendations to the Council on development plan document and supplementary planning document content, in line with its executive function of promoting key policies and strategies, and making recommendations to Council on potential changes or amendments.*

Test 8

- 9.1 Section 2.10, "Monitoring and Review" provides sufficient detail as to when and how the SCI will be reviewed and how its progress will be monitored.
- 9.2 This test is met

Test 9

- 10.1 Section 3 provides details of how the community will be involved in consultation on planning applications. Section 3.2 also lists the different types of planning applications. However, the SCI is not clear on how the results of the consultation will be fed into decisions on planning applications.
- 10.2 Section 3.2 has identified different types and scales of applications which might come forward. Also the second paragraph in Section 3 makes reference to the pre-application discussions to be carried out between the developers and the Council.
- 10.3 Subject to the following recommendation this test is met.

Recommendations

(R2) Add at the end of paragraph 3.2 *"The results of any such consultation will be reported and taken into account in decisions made by, and on behalf of, the Council"*.

Conclusions

11.1 The Council have proposed changes to the SCI in response to representations received on the submission document. These suggested amendments 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 and I set out the recommendations below.

11.2 I conclude that the Stockton on Tees SCI is sound subject to the recommendations set out in this report.

Recommendations

(R3) Section 1.8 Following additional wording should be included after the first paragraph: *"The Royal Town Planning Institute is another organisation which can assist in providing information on where help is available for those wishing to be involved in the planning system"*

In second paragraph, second line change *"this service"* to **"these services"**

(R4) The second sentence in paragraph 2.1 should read *"Many elements of the Community Strategy **and its subsequent reviews** will have implications....." "Our **current** vision for the Borough is threefold...."*

(R5) Section 3.2, Amend fourth bullet point as follows:

- *Applications which involve residential development where*
 - *The number of dwellings to be provided is 30 or more; or*
 - *The demolition of existing residential property **is proposed to facilitate a more intensive redevelopment of the site; or***
 - *There is a site area of more than one hectare..."etc.*

(R6) Section 3.3, Add the following additional wording at the end of the 6th bullet point **"by genuinely seeking to resolve conflict before an application is submitted to the Authority for consideration"**.

(R7) Section 3.4

The heading should read *"What happens if a **pre-application** consultation is not carried out*

The second line should read *"...it has not been through a **pre application** consultation process.*

In the 9th line of the paragraph after *"...report on submitted proposals.* add the following wording **"In such cases, given the Government's demanding targets for speed in decision making, refusing an**

application in the light of significant adverse material planning considerations being identified by the Council and reflected by the public material objections being received will be an option, as opposed to deferring the application and seeking amendments”.

(R8) Appendix 2, paragraph 2, bullet point 1 should be reworded as:
*“Advertise by use of letters/leaflets/local press at least **21** days in advance of the event, with a follow up in the local press of at least 7 days in advance”.*

A handwritten signature in black ink, appearing to read 'KHolland', written in a cursive style.

Keith Holland BA(Hons) Dip TP MRTPI ARICS
Inspector.