

COUNCIL

7 DECEMBER 2006

LOCAL DEVELOPMENT FRAMEWORK: ADOPTION OF STATEMENT OF COMMUNITY INVOLVEMENT

Portfolio Holder: Councillor Jane Chitty, Strategic Planning and Economic Growth

Report From: Robin Cooper, Director of Regeneration and Development

Author: Brian McCutcheon, Local and Regional Planning Manager

1. Summary

- 1.1 This report recommends adoption of the Statement of Community Involvement (SCI) following a short public examination and receipt of an inspector's report.

2. Decision Issues

- 2.1 The SCI is the first of a portfolio of documents comprising the local development framework for Medway and as such requires the approval of Council before it can be formally adopted.

3. Background

- 3.1 Under the new development plans system all local authorities are required to prepare and keep under review a local development framework (LDF). One component of the LDF is the Statement of Community Involvement and this sets out, in a formal way, the processes that will be used to guide community involvement in all subsequent LDF documents and in relation to major Planning Applications.
- 3.2 The SCI has undergone three rounds of public consultation resulting in only minor amendments to the original draft. The SCI was reported to the Cabinet meeting on 10 January 2006 and Council on 19 January 2006, where approval was given to submit it to the First Secretary of State for its formal examination.
- 3.3 A short formal hearing was held on 15 September 2006, following a request from the Medway Countryside Forum. The appointed Inspector has now sent his binding report (see appendix A) dated 17 October 2006.

- 3.4 The Inspector's report finds the SCI sound in all aspects apart from two minor amendments relating to soundness Test 9¹, which have been incorporated into the document. He concurs with the additional minor editorial amendments suggested by officers and intended to improve clarity and accuracy.
- 3.5 The Medway Countryside Forum instigated the formal hearing on two grounds. First that the Council's Core Values (reproduced as a matter of record in the SCI) fail to give sufficient prominence to environmental considerations and second that local decision making is constrained by 'outside influences' in the form of national policy. Neither of these views relates to the soundness of the SCI and consequently the Inspector has not recommended any amendments. The draft SCI is attached at appendix B.
- 3.6 Once the SCI has been adopted by Council, final copies will be available at the Council's main receptions, all Councils Libraries and on the Council's website via <http://www.medway.gov.uk/index/environment/9995.html/32182/35239.htm>

4. Cabinet – 28 November 2006

- 4.1 The Cabinet considered this report on 28 November 2006 and recommended to Council that the Statement of Community Involvement as amended by the Planning Inspectors report be adopted (decision no. 230/2005 refers).

4. Financial and Legal Implications

- 4.1 There are no direct financial or legal implications arising from this report but the inspector's report is binding and the Council is now required to adopt the SCI in accordance with that report. Authority to do this can be found in Section 23 of the Planning and Compulsory Purchase Act 2004 and in PPS12 the section titled 'The Binding Report' para. 4.27 - 4.29.

5. Recommendation

- 5.1 That Council adopts the Statement of Community Involvement as amended by the Planning Inspectors report, dated 17 October 2006.

Lead Contact

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¹ The Planning Inspectorate (December 2005) Development plans Examination – A guide to the process of assessing the Soundness of Statements of Community Involvement pp15

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Background Documents

1. Planning Policy Statement 12 Local Development Frameworks
2. Town and Country Planning (Local Development) (England) Regulations 2004
3. Creating Local Development Frameworks: A Companion Guide to PPS12
4. Development Plan Examination – A guide to the Process of assessing the Soundness of Statements of Community Involvement
5. Report to Cabinet 11 May 2004
6. Report to Cabinet 10 January 2006
7. Report to Cabinet 28 November 2006

(Appendix A)

INSPECTOR'S REPORT

MEDWAY COUNCIL

STATEMENT OF COMMUNITY INVOLVEMENT

Inspector: D L J Robins BA PhD FRTPI
Date: 17th October 2006

Medway Council – Statement of Community involvement (September 2006)

INSPECTOR'S REPORT

Introduction

1.1 An independent examination of the Medway Council Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004. Following paragraph 3.10 of Planning Policy Statement 12: Local Development Frameworks the examination has been based on the 9 tests set (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 the tests in PPS 12.

1.2 32 representations were received, of which two were the subject of a hearing held on 15 September 2006. I have taken account of those representations, together with those which were the subject of written objections, and the Council's responses made under regulation 31. The Council has added additional bodies/persons to its database and has amended the identification of others in response to certain representations.

Test 1

2.1 Paragraphs 2.10 – 2.20, Figure 1 (Paragraph 3.1) and Figure 2 (Paragraph 3.7) describe the sequence of consultation for Local Development Documents. The omission of parish councils from the identified consultation bodies is rectified in the Section 31 statement.

Conclusion

2.2 This test has been met.

Test 2

3.1 Paragraphs 1.12 -14 *Our Vision for Medway* and 1.16 *Core Values* identify the relation of the LDF to the range of community initiatives and policies through which the Council expresses its core values. Notwithstanding an objector's view that the *Core Values* should be expanded to recognise the range, quality and planning significance of the natural heritage and countryside of the Council's area it is not appropriate for the examination of the SCI to include changes to established community strategies. It will be appropriate for the Council to consider this when the *Core Values* fall to be reviewed at a future date.

Conclusion

3.2 This test has been met.

Test 3

4.1 A list of consultative bodies is appended to the SCI in Appendix A. While it includes those with statutory rights of consultation the long list of others reflects on the part of the Council a commendably intimate knowledge of community organisations in its area. It is appropriately stated not to be exhaustive.

Conclusion

4.2 This test has been met.

Tests 4 and 5

5.1 A satisfactorily inclusive range of methods of community consultation appropriate both to the types of persons and bodies with an interest in planning proposals and to the stages of the planning process is identified in *Dissemination, Participation and Response* (2.14 – 2.20). It is more precisely detailed in references to the tiered approach in paragraphs 3.19 – 22 and Figure 5. The varied range and nature of planning documents militates against a more precisely detailed identification of all types of group and site and the Council must use its discretion as to the suitability of the mode of consultation in any particular case.

Conclusion

5.2 These tests have been met.

Test 6

6.1 Paragraph 2.21 details the council's LDF team staff resources and identifies other teams of Council officers whose work will feed into the preparation of LDF documents in an inclusive manner taking account of community participation in the forms identified in Paragraphs 2.14 – 2.20. External consultants are proposed to be employed in specific cases of a lack of expertise or in-house capacity. So far as concerns the duty of submitting a consultation method statement, to be produced in collaboration with the Council, I note that, while aiming to secure significant community involvement with local stakeholders, it is nevertheless expected to be brief and not impose a significant burden on the Council's staff resources.

Conclusion

6.2 This test has been met.

Test 7

7.1 Paragraphs 2.10 -20 comprehensively describe the outreach of community involvement and the detailed scope of the dissemination of information, participation, and Council response.

Conclusion

7.2 This test has been met.

Test 8

8.1 Paragraph 1.9 states the intention to keep the SCI under constant review. Paragraph 2.17 identifies how amendments will be considered after each stage of community consultation and agreed as part of the annual monitoring report on the LDF process.

Conclusion

8.2 This test has been met.

Test 9

9.1 Paragraph 3.25 embeds the Council's policy for consultation in the national advice and embraces notification to neighbours, the display of site notices, and press notices. While the SCI therefore meets the minimum requirements for consultation no mention is made, however, of a time limit for the receipt of representations on planning applications, nor of the extended statutory time that may be applicable in certain circumstances. That should be clarified by the insertion in Paragraph 3.25 of the following;

In most circumstances representations about planning applications are restricted to a period of 21 days from notification. However, such bodies as English Nature will be allowed a longer period of time to comment of applications where this is prescribed by legislation.

9.2 While Paragraph 3.24 states that evidence of consultation by developers with the community at the pre-application stage will be sought, the SCI is not explicit on how the results of consultation at the application stage between applicants, interested persons and bodies and the Council will be made public and used to inform the decision-making process. A formal undertaking to publish the developer's report would be more appropriately transparent. An additional sentence should therefore be added to paragraph 3.24:

The results of any such consultation will be publicly reported and taken into account in decisions made by, and on behalf of, the Council.

9.3 Paragraphs 3.19 – 21 and Table 5 differentiate between different types and scales of application and accordingly identify appropriately different procedures for consultation. It is not practicable to specify the categories in other than general terms and I agree that Figure 5 should be treated as indicative only. Paragraph 3.24 sets out a suitable policy on pre-application consultations and the rôle which applicants are expected to play. Paragraphs 3.25 and 3.26 identify means of publicity for formal planning applications.

Conclusions

9.4 Subject to the above recommendations this test has been met.

Other Matters

Changes suggested by the Council

10.1 I concur with the Council's representation that on the front cover of the SCI 'Submission Document' be replaced by '**Adopted Document**' and that 'April 2006' be replaced by the **month of adoption**.

10.2 I concur with the Council's representation that the preface of the submitted document be replaced by the following:

This document is the adopted version of the statement of Community Involvement (SCI) for Medway. It has been through all the requisite statutory stages as described in the Town and Country Planning (Local Development) (England) Regulations 2004.

A public independent examination was held on 15 September 2006 by the appointed inspector, David Robins BA PhD FRTPI. Subsequent to the examination the SCI has ben amended in accordance with the inspector's report.

If you require any assistance or would like to discuss any aspects of the SCI or the new planning framework please feel free to cocntact and speak to one of our planners in the Development Plans and research section:

Wendy Lane	Development Plans and Research Manager ext 331533
Bob Enderson	Senior Planning Officer ext 331
Morgan Slade	Senior Planning Officer ext 331
Brian Geake	Senior Planning Officer ext 331

Any procedural observations or complaints about the consultation exercise should be sent to brian.mccutcheon@medway.gov.uk

10.3 I support the Council's suggested updating amendment of Paragraph 3.7 from the 3rd sentence onwards as below:

This final draft of the SCI was submitted to the Secretary of State on 12 April 2006 and an independent examination of its soundness was held on 15 September 2006. Following receipt of the inspector's report the SCI was amended and adopted on (date of adoption).

10.4 Footnote 14 (page 31) should be amended from 'page 11-12' to **pages 16-17.**

10.5 Footnote 15 (page 31) should be amended from 'page 13-15' to **pages 17-18.**

10.6 A new paragraph 3.11 referring to the publicity for representations about site allocations is suggested. I support it as under: all subsequent paragraphs should be renumbered accordingly:

3.11 Medway Council will make site allocations representations available for inspection at public libraries and all council offices. It will publish such representations on its website and advertise them in a local newspaper stating that the site allocations representations are available for inspection and the places and times at which they can be inspected. Medway Council will also send DPD bodies the addresses of the sites to which the site allocations representations relate and details of the times and places where the representations can be inspected. Copies of all site allocation representations will be sent to the Secretary of State before the independent examination takes place.

10.7 I support the suggested change updating paragraph 3.17:

3.17 A copy of the most up to date Local Development Scheme that shows the programme and timetable for the preparation of Medway's Local Development Framework can be found at http://www.medway.gov.uk/medway_local_development_scheme-phase1_mar2005-2.pdf. This should be read in conjunction with the paragraphs above.

Objector's suggested additions

10.8 In the course of the hearing I was invited to consider 3 further tests proposed by an objector. They challenge the relationship of the SCI and Development Plan Documents to the Regional Strategy Statement. However, in the light of Sections 6, 18, 19, and 24 of the 2004 Act it does

not fall to me to consider matters outside the scope of the tests identified in PPS12.

David L J Robins

David L J Robins

Inspector