

INSPECTOR'S REPORT

EAST STAFFORDSHIRE BOROUGH COUNCIL

STATEMENT OF COMMUNITY INVOLVEMENT

Inspector: Ben Linscott BSc MRTPI

Date: July 2007

East Staffordshire Borough Council Statement of Community Involvement (April 2007)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of East Staffordshire Borough Council's Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (the Act), as applied by s18(4) of the Act.
- 1.2 Section 20(5) indicates the two purposes of the independent examination in parts (a) and (b). With regard to part (a) I am satisfied that the SCI satisfies the requirements of the relevant sections of the Act, in particular that its preparation has accorded with the Local Development Scheme as required by s19(1) of the Act.
- 1.3 Part (b) is whether the SCI is sound. 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.
- 1.4 A total of 12 representations were received, all of which have been considered. Further information was requested from the Council in relation to Test iv and v 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.
- 2.2 This test is met.

Test 2

- 3.1 Paragraphs 2.15 – 2.16 acknowledge that the Local Development Framework (LDF) is a way of delivering the aims of the Community Strategy and states that the Council will work with East Staffordshire Together, the Local Strategic Partnership, to deliver the land use elements of the Community Strategy. Paragraph 2.16 also states that the Council will co-ordinate its activities to ensure that the two processes are linked in terms of objectives and consultation.
- 3.2 This test is met.

Test 3

- 4.1 The Council has set out in Appendix 2 of the SCI those groups which will be consulted. This list includes the statutory bodies from PPS12 Annex E. It is

stated at Paragraph 3.7 of the SCI that the Council holds a database of consultee details and that this will be updated as necessary.

- 4.2 The re-organisation of certain consultation bodies, such as the Strategic Rail Authority, should be acknowledged in the SCI and I recommend an additional sentence be added to this effect.

(R1) Insert the following to the beginning of Appendix 2:

"Please note, this list is not exhaustive and also relates to successor bodies where re-organisations occur."

Additionally, remove the Strategic Rail Authority from Appendix 2 and replace with Network Rail.

- 4.3 Subject to the recommendation above, this test is met.

Test 4

- 5.1 Paragraphs 3.12 – 3.14 of the SCI show that the Council will involve and inform people from the early stages of Local Development Document (LDD) preparation and Paragraph 3.11 sets out the range of methods the Council will employ to do this. The Council clarifies in Paragraphs 3.12 – 3.14 the stages at which consultation will take place.

- 5.2 However, the SCI should clearly show that consultation will take place with the key stakeholders (including the statutory consultees) during the issues and options stage of Development Plan Document (DPD) production, in accordance with Regulation 25. The Council was asked to amend the table within Paragraph 3.13 so that it shows who will be consulted at each stage.

- 5.3 Additionally, the SCI has omitted a key stage in the DPD process (advertising representations suggesting site allocation changes), if a document is concerned with allocations of land. The Council was, therefore, asked to amend Figure 4 and the table within Paragraphs 3.13 to take the alternative site consultation requirements (under Regulation 32) into account. The Council's response to these two requests is given in Appendix B to this report and I recommend accordingly below:

(R2) Replace the table within paragraph 3.13 with the version supplied in Appendix B to this report.

Also replace the submission version of Figure 4 with the version supplied in Appendix B to this report.

- 5.4 There is an error in figure 2 of the SCI that needs correction and I recommend accordingly below:

(R3) Amend Figure 2 by removing reference to the Regulation 25 stage of the process from the line 'Consultation on Participation' and replace it against the 'Scoping' stage.

5.5 As a result, I am satisfied that providing these stages are followed the consultation proposed will be undertaken in a timely and accessible manner.

5.6 Subject to the recommendations above, this test is met.

Test 5

6.1 The table within Paragraph 3.11 sets out the methods that the Council proposes to use to involve the community and stakeholders. These cover a variety of recognised consultation techniques that will present information via a range of different media. The Council indicates through the table within Paragraph 3.14 at what stages of LDD preparation the various methods might be employed.

6.2 The SCI acknowledges in Paragraphs 3.5 – 3.6 that the Council may have to provide extra support to facilitate consultation with certain groups or individuals and proposes in Paragraph 3.6 how it might do this.

6.3 In order that the SCI is clear that the Council will make its information accessible to all members of society and will meet the requirements of the Race Relations Act 2000 and the Disability Discrimination Act 1995 I have the following recommendation to make:

(R4) Add the following as a final bullet point to Paragraph 3.10:

“The Council will make its best endeavours to meet the requirements of the Race Relations Act 2000 and the Disability Discrimination Act 1995.”

6.4 LDF documentation should be made available in alternative formats where requested and the SCI should explain how these can be obtained. The Council was asked to provide such a statement for the inside front cover of the SCI and I recommend accordingly below:

(R5) Insert the statement relating to the availability of the document in alternative formats as supplied in Appendix B to this report.

6.5 As a result of these amendments 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.

6.6 Subject to the recommendations above, this test is met.

Test 6

7.1 Paragraphs 5.3 – 5.4 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. I am satisfied that the Council is alert to the resource implications of the SCI.

7.2 This test is met.

Test 7

- 8.1 Paragraphs 5.1 -5.2 of the SCI explains how the results of community involvement will be taken into account by the Council and used to inform decisions. The Council also proposes 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. The SCI states in Paragraph 5.2 where these will be made publicly available.
- 8.2 However, the over reliance on electronic dissemination of this information is potentially exclusive. These reports should be made more widely available and I therefore have the following recommendation to make.

(R6) Amend the second sentence of Paragraph 5.2 to read as follows:

“Summary documents will be prepared and posted on the Council’s website and be made available at the Town Hall and Midland Grain Warehouse, Burton-upon-Trent and at public libraries in Burton, Uttoxeter and Barton-under-Needlewood.”

- 8.3 Subject to the recommendation above, this test is met.

Test 8

- 9.1 Paragraph 5.5 explains that the Annual Monitoring Report will be the main mechanism for the monitoring and review of the SCI.
- 9.2 I am satisfied that the Council has mechanisms for reviewing the SCI and has identified potential triggers for the review of the SCI.
- 9.3 This test is met.

Test 9

- 10.1 Paragraphs 4.1 – 4.15 and Appendix 3 of the SCI describes the Council’s policy for consultation on planning applications. The table within Paragraph 4.12 and information within Appendix 3 meets the minimum requirements and provides information on additional methods of consultation. The footnote to this table also 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 and I recommend a change to rectify this.

(R7) Insert the following to the end of Paragraph 4.10:

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

- 10.3 Subject to the recommendation above, this test is met.

Conclusions

11.1 The Council has provided a schedule of typographical errors in the submission document that require correction and I recommend accordingly below:

(R8) Implement the typographical errors as detailed in Appendix B to this report.

11.2 In the event of any doubt, please note that I am content for such matters as any minor spelling, grammatical or factual matters to be amended by the Council, so long as this does not affect the substance of the SCI.

11.3 Subject to the implementation of the recommendations set out in this Report, the East Staffordshire Borough Council SCI (April 2007) is sound.

Inspector

Ben Linscott

Ben Linscott BSc MRTPI

APPENDIX A
TESTS OF SOUNDNESS

Examination of the soundness of the statement of community involvement

3.10 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. A hearing will only be necessary where one or more of those making representations wish to be heard (see Annex D). 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;¹
- 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.

From: Planning Policy Statement 12: Local Development Frameworks

¹ The Town and Country Planning (Local Development) (England) Regulations, 2004.

APPENDIX B
RESPONSE TO INSPECTOR REQUEST FOR FURTHER INFORMATION
TYPOGRAPHICAL CHANGES



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Your Ref:

Our Ref: PINS/B3410/429/2

Date: 21st June 2007

EAST STAFFORDSHIRE BOROUGH COUNCIL- STATEMENT OF COMMUNITY INVOLVEMENT

Dear Mr.Somerfield,

As the appointed Inspector for your Authority's Statement of Community Involvement I am requesting comments from the Council on the following points in order to assist in assessing the soundness of East Staffordshire Borough Council's Statement of Community Involvement.

Test iv

The SCI should clearly show that consultation will take place with the key stakeholders (including the statutory consultees) during the issues and options stage of Development Plan Document (DPD) production, in accordance with Regulation 25. Could the Council, therefore, amend the table within Paragraph 3.13 so that it shows who will be consulted at each stage?

Additionally, the SCI has omitted a key stage in the DPD process, if a document is concerned with allocations of land. Could the Council, therefore, amend Figure 4 and the tables within Paragraphs 3.13 and 3.14 to take the alternative site consultation requirements (under Regulation 32) into account?

Test v

LDF documentation should be made available in alternative formats where requested and the SCI should explain how these can be obtained. Could the Council, therefore, provide such a statement for insertion on the inside front cover of the SCI?

Other Matters

Could the Council provide a schedule of typographical errors that need amending?

Additionally, if the Council proposes any specific amendments to the SCI as a result of representations received on the submission document, could they provide the exact wording of any such changes?

These answers are to assist in the production of a binding report. Once you have submitted your response to these questions, the report will be produced as quickly as possible. Please reply to Albert Tyson whose details are given above. Thank you for your assistance in this matter.

Yours sincerely,

Keith Holland

Keith Holland BA(Hons) Dip TP MRTPI ARICS

Proposed Minor Amendments to East Staffordshire Borough Council's Submission SCI

Change Reference	Paragraph	Soundness Test	Proposed Change
IC 001	3.13 (Table)	IV	Amend the table within para 3.13 so that it shows who will be consulted at each stage and references the alternative sites consultation as required under Regulation 32.
IC 002	3.13	IV	Amend figure 4 to include the consultation requirements for alternative sites, if submitted.
IC 003	Contents	V	Add reference to the availability of alternative formats inside the front cover.
IC 004	-	-	Provide a schedule of typographical errors that need amending.

Description of Proposed Change

Amend the table within para 3.13 so that it shows who will be consulted at each stage.

Proposed Change

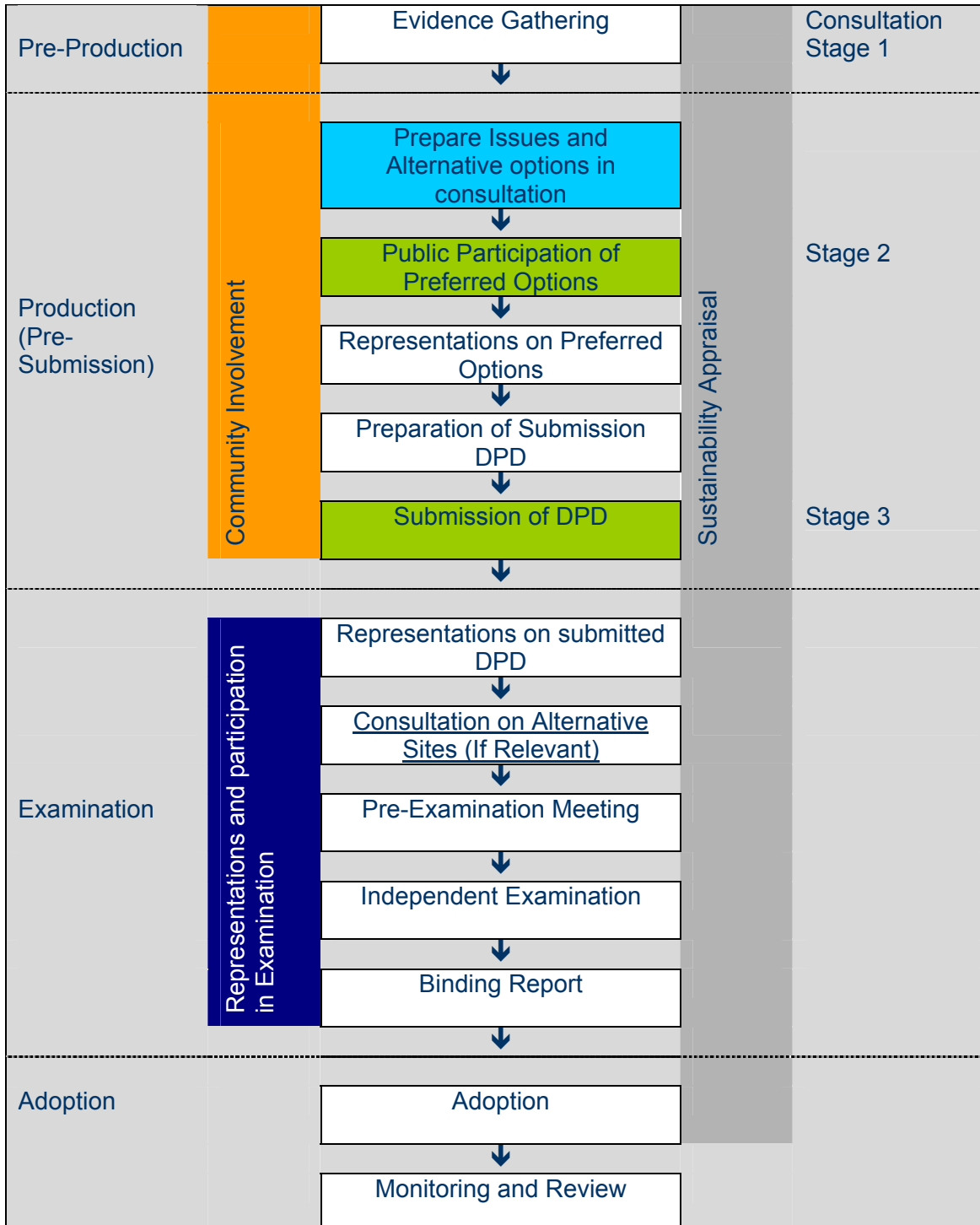
Stage	Action	Who will be Consulted
Stage 1 – Pre Production (Research and evidence gathering)	Evidence gathering to inform the production of issues and options for issues such as housing, employment and retail to identify specific needs. At this time we may involve the community through specific types of involvement.	<u>Statutory Consultees;</u> <u>Relevant business, community and interest groups;</u>
Stage 2 – Pre Submission (Preparing the document)	Building on the evidence base and initial consultation exercises the council must prepare a document setting out the various options with the Council’s preferred option indicated. Comments will be sought during a six-week consultation period on these options and considered along with those already received at Stage 1.	<u>Statutory Consultees;</u> <u>All groups and individuals on the LDF Database;</u>
Stage 3 – Submission and Examination	Following stage 2, the Council must prepare a Submission Document which will build on the previous stages taking into account any comments received. This document will be submitted to the Secretary of State for independent examination. There will be a further six-week consultation period for the community to make formal comments (representations). <u>If the document involves the allocation of sites, a further period of consultation will be required if alternative sites are put forward.</u> These representations are then considered by an independent Planning Inspector and he will decide whether changes are needed to the document as a result of the representations.	<u>Statutory Consultees;</u> <u>All groups and individuals on the LDF Database;</u>
Adoption	The Inspector’s decision is final and, if necessary the Council will make amendments to the document as recommended by the Inspector.	

Description of Proposed Change

Amend figure 4 to include the consultation requirements for alternative sites, if submitted.

Proposed Change

Figure 4: Stages of the Preparation of a Development Plan Document



Change Reference
Paragraph

IC 003
3.13

Description of Proposed Change

Add reference to the availability of alternative formats inside the front cover.

Proposed Change

1	Introduction	1
	- Statement of Community Involvement	
	- Borough Profile	
2	The New Development Plan System	3
	- The Local Development Framework	
	- How does the SCI fit in?	
	- Links with other Strategies	
3	ESBC Approach to Community Involvement	9
	- Types of Community Involvement	
	- Stages of Consultation in a Development Plan Document/ Supplementary Planning Document	
	- ESBC approach	
	Planning Applications and Development Proposals	17
	- Community Involvement for Planning Applications	
	- Who We Will Involve	
	- How We Will Involve the Community	
	- Permitted Development	
5	Reporting Back, Resources and Review	21
6	Contact Details	23
Appendices		
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Alternative formats of this publication are available upon request.
Please contact us to discuss an appropriate format.

Change Reference
Paragraph

IC 004
N/A

Description of Change

Compile schedule of typographical errors

Proposed Change/s

Schedule of Typographical Errors

- Para 3.4 'LDDs' should be 'DPDs'
- Para 3.8 'DPD' to be replaced with 'LDD'
- Para 3.12 The first sentence could be amended by adding 'Supplementary Planning Document' after 'Development Plan Document' in the first sentence.
- App 1 Local Development Document – LDP needs to be amended to LDD
- App 2 Add the Home Office to the list of departments that can now be contacted through GOWM.
- App 2 Remove Department of Constitutional Affairs from the group of departments that can be consulted through the Government Office.