

Leicester
City Council

ALL WARDS

Strategic Planning and Regeneration Scrutiny
Committee
Cabinet

9th November 2005

14th November 2005

STATEMENT OF COMMUNITY INVOLVEMENT IN THE PLANNING PROCESS

Report of the Corporate Director Regeneration and Culture

1 Purpose of Report

To report on the results of the public consultation on the Pre Submission Statement of Community Involvement and for Cabinet to approve the revised Statement of Community Involvement (SCI) for further public consultation and for submission to the Secretary of State.

2 Summary

The new planning system requires involvement of the community throughout the various stages of the planning process. The new Local Development Framework must include a SCI setting out the way in which the City Council intends to engage with the public and community organisations. The Development Framework will ultimately replace the City of Leicester Local Plan and other Development Plan and Supplementary Planning Documents.

2.1 The SCI, attached to this report as Appendix 2, describes briefly the new planning system and lists the documents that will be the subject of public consultation and involvement. It sets out the range of groups and individuals who should be involved in the planning process and summarises the types of consultation methods that will be used. Chapter 8 of the SCI describes the Council's policy on community involvement in planning applications.

2.2 A six-week consultation period started on 29th July. Officers have taken into account comments received in the preparation of the Submission Draft Statement of Community Involvement. The draft Statement will be published for a further six week period of public consultation on 28th November. Any comments made at that stage would be subject to examination by an independent Planning Inspector.

3 Recommendations

- 3.1 That Members of Scrutiny Committee consider the responses to the comments made on the Pre Submission SCI.
- 3.2 That Cabinet approves the Draft Submission SCI for six weeks public consultation and submission to the Secretary of State.

4 Financial & Legal Implications

Financial Implications

- 4.1 The Statement of Community Involvement is required to set out the resources necessary for community involvement. Costs associated with community involvement will be met from existing budgets

Graham Aitken, Head of Finance, R&C, extension 7390

Legal Implications

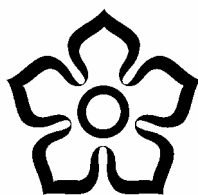
- 4.2 The Statement of Community Involvement is a statutory part of the new Local Development Framework. The preparation of the draft SCI complies with the statutory provisions of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development)(England) Regulations 2004.

Anthony Cross, Head of Legal Services Ext 6362.

5 Report Author

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Key Decision	No
Reason	N/A
Appeared in Forward Plan	No
Executive or Council Decision	Cabinet



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SUPPORTING INFORMATION

1. Background

- 1.1 As part of the new planning system brought in under the Planning and Compulsory Purchase Act 2004 the City Council must produce a Statement of Community Involvement (SCI). This has to set out the Council's policy for engaging with and involving the community in the preparation of documents in its Local Development Framework, and in deciding planning applications.
- 1.2 The Government has published guidance on the contents of Statements of Community Involvement and statutory regulations specify the minimum standards for access to information and public consultation.
- 1.3 The timetable for the production of the SCI and other planning documents is set out in the Council's Local Development Scheme, which was approved by Cabinet on 13th June 2005. This establishes the key stages in the production of the SCI.
- 1.4 Consultation on the Pre- Submission SCI is a key stage and began, on schedule, in July 2005. The key date for Submission of the SCI is November, with the examination by an independent Planning Inspector scheduled for April 2006.

2. Content of the SCI

- 2.1 The SCI states which forthcoming Local Development Documents (LDD) will be the subject of public consultation. The Council will produce a Core

Strategy in the next 3 years and Development Plan Documents (DPD) which form part of the Waste Development Framework will be produced jointly with the County Council.

- 2.2 Supplementary Planning Documents (SPD) are included in the Local Development Scheme and are in progress, but all are scheduled to be adopted before adoption of the SCI. Therefore, at this stage the SCI cannot be specific about the consultation that it will undertake for future SPDs that are not yet identified.
- 2.3 The SCI identifies the categories of people that the Council wants to engage in the planning process and, in particular, the hard to reach groups. More targeted consultation methods will be required to engage with these groups.
- 2.4 Officers propose a range of methods of consultation and engagement. The optimum consultation method will depend on the document being prepared and its range and likely consultees. A variety of methods are likely to be used.
- 2.5 Paragraphs 7.1 and 7.2 of the SCI set out the various stages in the preparation of DPDs and SPDs to indicate when public consultation and participation exercises will be carried out.
- 2.6 The final chapter of the SCI sets out the minimum requirements for consultation on planning applications and what the Council does or is committed to doing in addition to that. Some actions are identified for future implementation or consideration.

3. Consultation on Pre-Submission SCI

- 3.1 During the preparation of the Pre Submission SCI officers undertook informal consultation, in accordance with the statutory regulations, with;
 - Leicester Partnership,
 - Leicester Economic Partnership
 - Organisations representing ethnic minority and faith groups, voluntary groups, people with disabilities and businesses in the city.
- 3.2 As a result of this consultation the Centre for Integrated Living provided guidance on suitable formats for documents and ways of involving people with disabilities in the planning process. The Leicester Partnership provided information on the community networks that might be used for consultation.
- 3.3 Public consultation on the Pre Submission SCI was held for six weeks between 29th July and 9th September in accordance with the statutory regulations on consultation at this stage of the SCI preparation.
- 3.4 36 individuals or organisations commented on the Pre Submission SCI. Of these 19 made comments to which the Council must respond. The other 17 respondents were supporting the SCI; making no further comments or

requesting that they be added to the list in Appendix 2 of the SCI or included on the Local Development Framework Consultation Database. Details of all the respondents; their comments and the proposed Council response are attached at Appendix 1.

- 3.5 This paper proposes that additions are made to the Pre Submission SCI in response to some of the comments. These are set out in Appendix 1.
- 3.6 Paragraphs 7.1 and 7.2 now include a commitment that Area Committees will be consulted at key stages of the preparation of Development Plan Documents and Supplementary Planning documents.
- 3.7 The Government Office made comments on the Pre Submission SCI. After discussion all their concerns have been overcome by minor additions to the document.
- 3.8 Leicestershire County Council were concerned that the SCI did not provide sufficient guidance on exactly how the City Council will enable young people to make a real contribution to its consultation exercises. In response amendments have been made to paragraph 5.8 of the SCI, referring to the role of the Young People's Council and Youth Area Forums.
- 3.9 The Regional Assembly commented that the SCI provides an excellent summary of the new planning system and the associated procedures, requirements and issues.
- 3.1 In response to comments made by Scrutiny Committee on 14th September, paragraph 6.4 has been amended by the addition of a statement that the Council will aim to avoid main holiday periods for public consultation if possible.

4. Conclusion

- 4.1 A draft Submission SCI is attached at Appendix 2. The additions to the Pre Submission SCI, as a result of the comments made during the public consultation are shown underlined.
- 4.2 There will be a further period of formal consultation on the Submission Draft SCI. Comments made at that stage will be examined by an Inspector appointed by the Planning Inspectorate. The examination will not be a formal Planning Inquiry and is most likely to take the form of written representations.

5 Other Implications

OTHER IMPLICATIONS	YES/NO	PARAGRAPH REFERENCES WITHIN SUPPORTING PAPERS
Equal Opportunities	Yes	Throughout the document
Policy	Yes	Throughout the document
Sustainable and Environmental	Yes	Paragraph 8.5 and Appendix 2 of the

		document
Crime and Disorder	Yes	Paragraphs 5.8, 8.5 and Appendix 2 of the document
Human Rights Act	Yes	Throughout the document
Older People on Low Income	Yes	Throughout the document

Risk Assessment Matrix

Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/or appropriate)
Not keeping to timetable in the approved Local Development Scheme	M	M May affect future level of Planning Delivery Grant	<ul style="list-style-type: none"> • Ensure adequate resources are assigned to preparation of the Local Development Framework and in particular community involvement. • Ensure SCI is realistic.

4. **Background Papers – Local Government Act 1972**

The Planning and Compulsory Purchase Act 2004

The Town and Country Planning (Local Development) Regulations 2004

Planning Policy Statement 12: Local Development Frameworks

Creating Local Development Frameworks: A Companion Guide to PPS12

5 **Consultations**

Consultee

Legal Services

Finance

Cllr. Farmer

Date Consulted

13 October

13 October

APPENDIX 1

A Comments made by Respondents

Respondent name	Comments	Council Response	Action Taken
Trading Times	It is not clear why the SPDs consultation will depend on the subject or the document.	The range of consultees and the style of consultation will depend on the subject of the document.	None
	Six weeks is not long enough for good consultation at each stage.	Statutory regulations allow six weeks as the maximum period for public consultation	None
Leicester Disabled Peoples Access Group	I hope documents will all be available in alternative formats	This is the intention as stated in the SCI	None
Leicester Electricity Sports Cricket Club	Why is site development guidance 'less formal', what does this mean? Surely it should have the same status as site-specific allocations!	Site development guidance is the detailed guidance on site layout for sites that are allocated for development	Amend 4.5 to clarify
Leicestershire Constabulary	Plans on-line can be covertly accessed and give information to the criminal and terrorist.	Making Planning applications available on line is a Pendleton criterion.	None
	For stakeholders add- 'and recommended non-statutory consultees as appropriate'	Such bodies are covered by paragraph 5.4	None
Cllr Farmer	Area Committees to be consulted on SPD in their areas, any relevant planning strategy documents and major planning applications.	Area committees can be consulted at key stages in the preparation of DPD and SPD. Para. 8.16 indicates the potential for consultation with Area committees on planning applications.	Amend Para.s 6.8, 7.1 and 7.2 by the addition of a commitment to consult Area Committees.
Mr G Tangen	It is imperative that consideration be given as to the impact any plan has on individual residents and that those should be consulted.	This is an issue for implementation of the SCI but para. 5.10 could be expanded to provide more guidance.	Amend 5.10 by the addition of a reference to residents who are likely to be affected by proposals.

Respondent name	Comments	Council Response	Action Taken
	The individual public notices must be a lot larger than the current 1"x 1" buried in the local paper	A standard template, provided by the Leicester Mercury is used for public notices and the Council does not determine the size of the published notice by the Council. A large format can be requested but this carries significant extra costs. The Council does not rely only on the public notice to promote consultation.	None
Leicestershire County Council	We would welcome more clarification in section 6 on exactly how the council will enable young people to make a real contribution to its consultation exercises, and we would hope that a future draft might include specific methods to engage children and young people in the planning process. We would also hope that that the list of consultees could be amended to include organisations representative of people's views e.g. the Youth Council or its equivalent. Given the City Councils excellent track record of consulting young people it seems unfortunate that appendix 2 does not contain any reference to a young peoples group.	There is a general statement in 5.8 about use of venues frequented by young people but this can be expanded to be more specific. 6.14	Include Young Peoples' Council as consultee in Appendix 2 Amend Paras 5.8 and 6.15 by reference to specific venues eg. schools and sports clubs.
British Waterways	British Waterways welcome the use of e-mail in respect of paragraph 6.6. We do however consider that it would be useful to use this method to alert everyone on the list of all documents. Some organisations have varied interests, which may not be apparent to the LPA. In these cases the organisation may wish to be made aware of all documents so it can decide if they are relevant.	Agreed. New database to be set up to enable this	Amend 6.6

Respondent name	Comments	Council Response	Action Taken
	Specific reference should be made to encouraging developers to speak with relevant statutory consultees at pre-application stage.	8.12 makes that reference	None
East Midlands Planning Aid Service	Might be clearer if documents were listed together, perhaps tabulated.		None
	Gay, Lesbian, bisexual and transgender, small & medium business, people with low literacy and environmental organisations should be included.	Agreed	Amend 5.3
	Would be helpful to set out which techniques will be used at which stage of consultation.	7.1 and 7.2 does this in broad terms	None
	We would like you to include how you consult on planning applications and give an opportunity to comment back.	This is set out in para. 8.3	Amend 8.6 to state that representations should be made in writing or by email.
	It might be useful to include a 'what do we mean by planning' section.	Agreed that an explanation of planning could be helpful	Include definition of 'planning' in the Glossary
	Consultation, involvement, participation and inform all used but it is not made clear what each term means or when, for example consultation will be used rather than participation. Will applicants be encouraged to undertake community consultation at all? What about consultation with statutory consultees on applications?	The various terms are used in accordance with government policy. Paragraphs 8.12 and 8.16 suggest greater encouragement for applicants to undertake community consultation on major schemes. It should be clear that there are certain applications for which there are statutory consultees.	Make it clear in 8.12 and 8.16 that for major development schemes it is the responsibility of applicants to carry out pre-application consultation. Amend 8.5 to refer to statutory consultees.
	Could be helpful to set out that there is no third party right of appeal in the Development Control system, but include Ombudsman details in case of a complaint.	Agreed that the SCI should state that there is no third party right of appeal. However providing details of the Ombudsman could give a false expectation that decisions can be overturned	Amend Para. 8.11 by the addition of a reference to the absence of a third party right of appeal. Also refer to the Council's complaints procedure for objections to the process of decision making.

Respondent name	Comments	Council Response	Action Taken
	Capacity building may be required so that people have the right skills and knowledge to comment on LDF consultations, so this could be a useful addition to the SCI.	This is a role for Planning Aid as described in paragraph 6.8. Council officers will assist in public consultation exercises to facilitate participation	None
	Consultation should not be based on previous interest in a particular issue, as this will immediately exclude some people.	Agreed but the SCI includes wider publicity methods so that consultation will not be so limited	None
	Will people have to pay for consultation documents and adopted documents? Will there be any system for hiring out documents.	Available in Libraries and internet. The Council could have 'loan' system	Amend 6.2 to refer to a loan system.
	Written methods of communication could exclude people with low literacy levels.	Use will be made of local radio/TV and other non-written means of communication. However regulations state that formal representations on LDDs must be made in writing.	None
	It might be helpful to add a column stating what techniques will be used at each stage of consultation to split up the text. It might also be helpful to add in the stage of production a simple statement of what consultation is for.	Too specific when we do not know the details of the LDDs yet. But this will be covered in individual LDF documents and consultation phases.	None
Sport England	Sport England is a statutory consultee on planning applications affecting playing fields. This needs to be included in the types of planning applications, perhaps by amending the text in the second box down.	There are many statutory consultees who should be consulted in certain circumstances. They are also contacted informally at pre-application stage on emerging schemes	Amend 8.5 by addition of statement that statutory guidance prescribes consultation with specific organisations eg. Sport England for applications involving playing fields.
Barton Willmore	We consider that paragraph 5.3 should specify Landowner, Developer and Business interests. These groups have a particularly important role in the planning process.	It covers representatives of the business, property and developer interests but not landowners.	Amend 5.3 to include landowners

Respondent name	Comments	Council Response	Action Taken
Leicester College	There is too much jargon in there for members of the public. You have not included the Gay community or asylum seekers/refugees.	The document provides a simplified description of the planning system.	Amend 5.3 by addition of These groups
The Home Builders Federation	The draft SCI refers to some of the specific types of evidence gathering that the council will be undertaking in order to provide a sound basis for its new planning documents. With regard to this and in order to comply with recent government guidance, the HBF believes that mention should also be made to Housing Market Assessments.	Agreed	Add Housing Market Assessments to 4.6
	Hopefully landowners, planning agents and developers are considered as important stakeholders and will be directly consulted in relation to new documents.	See 5.3. Apart from mention of landowners ll other interests are covered.	Amend 5.3 to include landowners
Leicester City Football Club	We suggest that 6.10 comment on local radio stations include ethnic media	Agreed. That was the intention but it could be made clearer	Amend 6.10 to include ethnic media
Green Party	We believe that consultation with relevant organisations should be ongoing, not just at the early stage. We are also concerned how much notice will be taken or whether the consultation exercises is merely a paper exercise.	Ongoing consultation is at the heart of the new system.	None
	Public consultation is a specific skill and should be dealt with by a specialist section, possibly within the Regeneration and Culture department	There are specialist sections in R&C and at Corporate level. Facilitator Training is being given to officers	None
Government Offices for the East Midlands	It would be helpful to include a diagram to explain the different documents to be produced within the LDF.	Discussed with GOEM. This is optional. It would not add to the information already set out in the SCI.	None

Respondent name	Comments	Council Response	Action Taken
	Paragraph 7.1 provides information on the key stages for community involvement in DPD and SPD. However the SCI could expand on this by identifying the steps the Council must take in progressing such documents.	Discussed with GOEM. It will be enough to make a x-ref to the Regulations as a footnote to 7.1 and 7.2	Add footnote to para.s 7.1 and 7.2 referring to the regulations that apply at each stage
	If the Council has signed a local compact with voluntary and community sector make a reference to it	Reference can be made to the emerging Local Area Agreement.	Add new paragraph 5.12 about the Local Area Agreement
	Section 6 does not discuss resource implications	Discussed with GOEM. Add new sentence to 6.36 giving information on the numbers of staff who could be involved, as set out in the LDS.	Amend 6.36.
	The SCI fails to indicate how the principles of community involvement will apply to the different types of LDD or how involvement will be undertaken for different subjects.	In paragraphs 4.1 to 4.5, 5.1, 7.1 and 7.2 the SCI sets out general guidance for different types of LDD. More detailed guidance on involvement will be contained in individual LDD documents. However the SCI can be strengthened in response to this objection.	Amend paragraphs 7.1 and 7.2 to give more detail on how community involvement will apply to the different types, subjects and stages of LDD.
	Information is not provided on LDD revision.	Discussed with GOEM.	Add new paragraph 4.6a to say that consultation on revisions to LDDs will follow the same procedures
	The SCI does not indicate that people will have an opportunity to take an active part in the development of proposals and options and actively engage with planning professionals	Paragraph 8.16 explains how communities can be involved in the development of major planning applications.	Add to paragraph 8.16 to make the point clear.

Respondent name	Comments	Council Response	Action Taken
	The SCI does not show how the results of community involvement will feed into the preparation of sustainability appraisal reports associated with LDDs.	Discussed with GOEM.	Add sentence to 4.11 to state that SA report will be prepared alongside LDD and consulted on at the same time
Leicester Friends of the Earth	Consultation with the local community will require going beyond 'local organisations with an interest in planning matters', since often a community does not express its interest in planning matters until a planning application is being made and then it can be too late. Interest in planning matters needs to be generated at the earliest possible stage. Communities need to be aware of the potential for development in their area created by the Local Development Framework. The council can only be confident it knows the opinion of a community if it is sure it has raised that community's awareness.	This is a helpful point and will be more appropriately dealt with in future consultations relating to LDDs.	None at this stage
	Para 5.8, We would like to see Leicester introduce the planning system to secondary schools.	Schools can be notified about plans. Offer to talk to classes	Amend 5.8 to refer to schools
	Section 6, there should be no charge for basic planning information and maps. For complex applications the Council should provide community groups with free copies of the environmental statement.	The documents within the LDF will be available in libraries, customer service centres and on the Council's website. In the future planning applications, including the Environmental Statement, will be available to view on line and at the Customer Service Centre	None

Respondent name	Comments	Council Response	Action Taken
	<p>Para 8.12 the Council needs to set standards for pre-application consultation, since developers are not likely to be impartial in how they approach such exercises. The SCI needs to promote the use of roundtable and individual discussion with objectors by the Council and developers and include a process of effective mediation.</p>	<p>Mediation may not be appropriate but pre-application consultation will need to be tailored to the development proposed. As more of these consultations are carried out guiding standards will be developed. See 8.12</p>	<p>Minor changes to 8.12 and 8.16</p>
	<p>Section 8, headline information on proposed Section 106 agreements should be published on the planning register prior to final signature. The SCI needs to make all possible efforts to encourage effective rights of redress.</p>	<p>Key requirements of S106 agreements are included in the recommendation report and committee minutes. Only decisions can be included on the Planning Register and these cannot be issued until S106 has been concluded.</p>	<p>None</p>
<p>Miss S. Williams</p>	<p>Internet submission of representation forms needs to work if it is to be of any value. Public notices in a newspaper are a statutory requirement but are inaccessible to many due to the size of print.</p>	<p>A standard template, provided by the Leicester Mercury is used for public notices and the Council does not determine the size of the published notice by the Council. A large format can be requested but this carries significant extra costs.</p>	<p>None</p>
	<p>Neighbouring properties should not just be those adjoining but to include for example those that share drains or rear access via alleyways.</p>	<p>If a neighbouring property separated from a site by an alleyway is likely to be affected by a proposal it would normally be included in the consultation. The effect of development on shared drainage is not a material factor for planning applications.</p>	<p>Amend 8.3 and add new paragraphs 8.3a and 8.3b to clarify the definition of neighbouring properties.</p>

Respondent name	Comments	Council Response	Action Taken
	Where a planning application is the result of action by the enforcement team following a complaint, the complainant should be informed of the application and its outcome.	This is a procedure that could be undertaken in future. The Council will investigate ways of cross-referencing planning applications with previous enforcement on the site.	Include new paragraph 8.17 to state that, in future, the Council may inform a complainant of an application where it is the result of action by the enforcement team following a complaint
The Gypsy and Traveller Law Reform Coalition	We hope you will be visiting Traveller sites and be inclusive in your involvement of Gypsies and Travellers	Appendix 2 includes organisations representing gypsies and travellers as consultees. <u>Visits could be made to sites as a method of consultation.</u>	None
The Theatres Trust	The SCI should explain about your free standing register and how you intend to keep it up to date.	Para. 6.5 refers to the Consultation database which is the free standing register. It will be updated regularly.	Amend paragraph 6.5 by stating that the database will be updated by regular review and individual requests to be included on it.

B Respondents requesting to be added to list of consultees in Appendix 2

The Woodland Trust
The Victorian Society, Leicester Group
Leicester Local Access Forum
National Offender Management Service
The Theatres Trust
Leicester College
Campaign for Real Ale Ltd
Local Residents and Tenants Associations

C Respondents requesting inclusion on the Consultation Database

Malcolm Judd and partners
Peacock and Smith (On behalf of WM Morrison)
Leicestershire and Rutland Sport.
Braunstone Town Council
Highfields Association of Residents and Tenants

D Respondents who have no comments or support the SCI

East Midlands Regional Assembly
University of Leicester
Network Strategy- East Midlands
NCHA
English Nature
DPDS Consulting Group
Environment Agency