

Leicester
City Council

WARDS AFFECTED: ALL

Cabinet
Council

5th September 2006
28th September 2006

**Local Development Framework
Adoption of Statement of Community Involvement**

Report of the Corporate Director for Regeneration and Culture

1 Purpose of Report

- 1.1 This report sets out the recommendations of the Planning Inspector following examination of the Statement of Community Involvement and presents a revised document for adoption by the City Council.

2 Summary

- 2.1 Cabinet approved a draft Statement of Community Involvement (SCI) on 14th November 2005 for submission to the Secretary of State. Under the new planning legislation the submission SCI was examined by a Planning Inspector to assess whether it was 'sound'. The Inspector has found the SCI sound, subject to recommendations for minor amendments to improve the clarity rather than the substance of the document. These recommendations are binding on the City Council.
- 2.2 The revised SCI is attached at Appendix 3. When adopted it will become part of the Council's Local Development Framework (LDF).

3 Recommendations

- 3.1 Members of Cabinet are recommended to agree the Statement of Community Involvement as a document to be recommended for adoption by Council.
- 3.2 Council is recommended to adopt the Statement of Community Involvement

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
Martin Judson, 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 approach to the development plan process introduced by the Planning and Compulsory Purchase Act 2004. As the report makes clear the inspector's report is binding on the authority, although it is pleasing to note that in approaching his task the inspector was satisfied that the Council's approach was "sound". The inspector has assessed the S.C.I. against the

nine statutory tests and as appropriate, officers are recommending changes/modifications in the light of the inspector's recommendations.

- 4.3 Under the local authority's functions and responsibilities regulations, adoption of the S.C.I. requires formal approval by full Council. Following Council approval the formal adoption process prescribed by the Town and Country Planning (Local Development)(England) Regulations 2004 will be complied with.

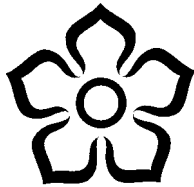
A.J. Cross, Head of Legal Services Ext 6362

- 5 Report Author

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DECISION STATUS

Key Decision	Yes
Reason	Part of the budget and policy framework
Appeared in Forward Plan	Yes
Executive or Council Decision	Council



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Adoption of Statement of Community Involvement**

Report of the Corporate Director for Regeneration and Culture

Report

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 sets 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. So far production of the SCI has met the key dates in the Local Development Scheme and the final key date is for adoption of the SCI by October 2006.
- 1.4 Consultation on the SCI has taken place in accordance with the statutory regulations. The first public consultation on a Pre-Submission draft SCI took place for a period of six weeks beginning on 29th July 2005. In November 2005 Cabinet approved an SCI for submission to the Secretary of State and for examination by an independent planning inspector.
- 1.5 A further six week public consultation on the Submission SCI started on 28th November 2005. We received representations from 12 respondents. 6 respondents supported the SCI or had no comment to make and 6 respondents made a total of 9 objections to the SCI or part of the SCI. In addition the Government Office for the East Midlands (GOEM) made some comments for the inspector to take into account. All the objections and GOEM's comments were on matters of detail. A schedule of the objections and our response to each of them is attached at Appendix 1.
- 1.6 None of the respondents wanted to present their case at a public examination. Therefore the Planning Inspector considered all the objections as written representations. The examination focuses on the issue of whether the document

is sound and this is assessed against nine tests of soundness which are prescribed in national planning policy.

- 1.7 A draft report was received from the Inspector in June 2006. He recommended fifteen changes, including ten that we had proposed in response to the representations made on the submission document. Nearly all the recommended amendments were minor and but we sought clarification on one that we considered to be unreasonable. The Inspector originally recommended that we should make all LDF documents and supporting literature available, on request, in alternative formats e.g. in ethnic minority languages, large print or Braille etc., whereas the submission SCI makes a commitment that we will provide, on request, copies of LDF documents or summaries.
- 1.8 We made a case that the resource implications of undertaking to provide, on request, copies of every document and all related literature in any of Leicester's community languages would be extremely onerous. Translations on this scale would have to be undertaken outside the Council and, apart from the financial cost; it would be difficult to check accuracy, particularly of technical documents.
- 1.9 The Inspector responded that other authorities had made the same point and therefore the Planning Inspectorate was changing its requirement. His final report was received on 7th July and recommends that the SCI includes a commitment to make summaries available, on request, in the alternative formats. A copy of the Inspector's report, is attached at Appendix 2.
- 1.10 Under the provisions of the Planning and Compulsory Purchase Act 2004 the Inspector's report is binding on the local planning authority. Therefore, if the City Council wishes to have an adopted SCI it must incorporate the changes required by the inspector and then adopt the revised document. If this revised SCI is not adopted then one of the key dates in the Local Development Scheme would not be met.
- 1.11 The Council is required to comply with the adopted SCI when preparing Local Development Documents in the future. Like the SCI, these documents will be examined for soundness and the Inspector will be required to test whether they comply with the SCI. If there is non-compliance then the Inspector might recommend that the document be withdrawn.
- 1.13 The effectiveness of the SCI will be monitored as part of the Annual Monitoring Report. Where this highlights the need for revisions to the SCI, the same procedures will be followed as those taken for the preparation of the SCI.

2. Conclusion and Recommendations

- 2.1 The revised SCI is attached at Appendix 3. It is recommended that the City Council adopt this document as part of the Local Development Framework.

7. 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	Paragraphs 4.10-4.12 and Appendix 2 of the document
Crime and Disorder	Yes	Paragraph 8.7 and Appendix 2 of the document
Human Rights Act	Yes	Throughout the document
Older People on Low Income	Yes	Throughout the document

7.2 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	L	M May affect future level of Planning Delivery Grant	<ul style="list-style-type: none"> • Adopt revised SCI
Not meeting the commitments to public consultation set out in the SCI	L	M May result in Development Plan Documents being unsound	<ul style="list-style-type: none"> • Ensure adequate resources are assigned to preparation of the Local Development Framework and in particular community involvement.

L - Low
M - Medium
H - High

8. Background Papers – Local Government Act 1972

Report to Cabinet - Statement Of Community Involvement In The Planning Process – 14th November 2005

9. Consultations

R&C Head of Finance
Head of Legal Services
All statutory consultees for the preparation of an SCI,
representatives of community organisations and other
interested parties

Date Consulted

26 July 2006

26 July 2006

APPENDIX 1

A summary of the main issues raised during consultation on the Submission SCI, with the City Council's response

Respondent	Representation	City Council's Response
Leicestershire County Council	The SCI does not mention specific consultation approaches for people with learning disabilities	The City Council proposes an addition to paragraph 5.10 to read as follows: 'Advice on consultation will be sought from the Leicester Disability Information Communications Network where appropriate. This innovative project is run by the Council using ICT to enable people who have limited communication and understanding skills to access information and make their own contribution to any consultation process.'
The Theatres Trust	We are not included in the list of Consultation bodies at Appendix 2 of the SCI	This is an omission. The Council accepted that The Theatres Trust should be listed in Appendix 2 following the representation made under Regulation 26
Wm Morrison Supermarkets plc	Paragraph 8.14 should be amended in line with paragraph 7.7 of the Companion Guide to PPS 12. It should state that the Council will encourage developers to undertake pre-planning application discussions and consultation with the public and other interested bodies.	The Council wishes to be proactive in this matter. It is proposed that the first sentence of 8.14 be amended to read: 'For major development schemes the Council expects developers to undertake pre-planning application discussions and consultation with the public and other interested bodies unless they can demonstrate that it would not be appropriate to do so.'
Homebuilders Federation	Pre-application consultations are not mandatory. Paragraph 8.14 should be amended to make this clear	Accepted. As above
Planning Aid	The SCI should include Planning Aid's contact details	Agreed. The contact details can be added to paragraph 6.25
	Paragraph 5.6 should make reference to Lesbian, Gay, Bisexual and Transgender groups and to small/medium businesses.	These references are included in paragraph 5.6 of the Submission SCI
	Paragraph 5.9 should refer to the Sex Discrimination Act	Agreed.
Andrew Granger & Co	The opportunity to speak at committee helps applicants to put forward their case and gives councillors an opportunity to question the applicant.	The Council is considering how the right to speak at Committee could be organised. At present no decision has been reached.
	A new dedicated planning reception would encourage more sectors of the public to become involved in the process.	The Council is considering whether to provide a dedicated planning reception. At present no decision has been reached.

A Summary of the comments made by GOEM, with the City Council's response is set out below

GOEM's Comment	City Council's Response
The wording of paragraph 3.8 could be amended to more accurately reflect the tests of soundness set out in paragraph 3.10 of PPS12	The Council considers that the tests of soundness are summarised in paragraphs 3.8 and 3.9 in a way that will be better understood by readers of the SCI. The precise tests of soundness were set out in the Reg. 28 Representation Form.
It is not clear why matters referred to in paragraph 4.5 could not be progressed as SPD	The Council agrees and proposes that paragraph 4.5 should be deleted. In future site development guidance will be either SPD or informal pre-application advice.
Paragraph 4.9 should make it clear that regard will also be given to national planning policy guidance	<p>Agreed. The Council proposes an amendment to paragraph 4.9 as follows: '...national planning policy statements (PPS) and planning policy guidance (PPG), the provisions of the Leicestershire, Leicester and Rutland Structure Plan 2005 and...'</p> <p>Also an addition to the Glossary to explain PPGs and PPSs as follows: ' These are subject specific Government advice and policies on planning issues. PPSs are being phased in to supersede PPGs. They can be viewed on line at www.odpm.gov.uk.'</p>
The statutory period for consultation on draft SPD is 4-6 weeks	Agreed. Although the City Council aims to provide the maximum period for consultation, there may be occasions when the consultation period for SPDs under Regulation 17 is less than 6 weeks. Paragraph 7.3 of the SCI should be amended to replace 6 weeks with 4 -6 weeks.
A site notice should be posted for all major applications	After further discussion GOEM has agreed that the statement in the SCI is correct.
Amendments to paragraph 8.18	Agreed. These are drafting errors. The reference to paragraph 8.12 should be changed to 8.14 and the box deleted.

APPENDIX 2

Leicester City Council Statement of Community Involvement (November 2005)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of the Leicester City 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 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.
- 1.2 A total of 14 representations were received all of which have been considered. The Council proposed a number of amendments to the SCI in response to representations received, and these have been taken into account in the preparation of this report. Further information was requested from the Council in relation to Test 7 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, and I am satisfied that this test is met.
- 2.2 Having regard to "DPD matters" and "proposals matters", see (Regulation 24 (4)), the Council should have included a statement regarding notification requests in earlier documentation, including the advertisements. Due to this omission, I make the following recommendation.

Recommendation

- R1** The Council are to notify all those who made a representation on the submission SCI of the publication of the Inspectors Report and the subsequent adoption of the SCI.

Test 2

- 3.1 Paragraphs 5.11-5.15 recognise the links between the LDF, the SCI, the Community Strategy and other community network mechanisms within Leicester. These paragraphs outline the structure of the Leicester Partnership and other networks and explain how these existing groups will be used in the consultation on the DPDs. I am satisfied that the Council recognises the links between the Community Strategy, the production of LDDs and the associated consultation exercises.
- 3.2 This test is met.

Test 3

- 4.1 The Council has set out in Section 5 and 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 5.5 of the SCI that the Council will hold a database of consultee details. Furthermore, it is clear from the SCI that the Council intend to consult with additional local stakeholders where appropriate.
- 4.2 The re-organisation of certain consultation bodies should be acknowledged in the SCI and I recommend an additional sentence be added to this effect.

Recommendation

R2 Insert the following as a footnote to Appendix 2:

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

Test 4

- 5.1 Section 7 shows that the Council will involve and inform people from the early stages of DPD preparation and Section 6 sets out the range of methods the Council will employ to do this. The Council clarify in the table in Section 7 the stages at which consultation will take place and who will be consulted at those stages. It shows that consultation will take place with the key stakeholders during the issues and options stage of DPD production; this is in accordance with Regulation 25. I am satisfied that providing these stages are followed the consultation proposed will be undertaken in a timely and accessible manner.
- 5.2 This test is met.

Test 5

- 6.1 Section 6 sets out the methods that the Council propose to use to involve the community and stakeholders. These cover a range of recognised consultation techniques that will present information via a range of different media. The table in Section 7 indicates at what stages of LDD preparation the various methods might be employed.
- 6.2 The SCI acknowledges in paragraphs 5.6-5.10 that the Council may have to provide extra support to facilitate consultation with certain groups or individuals, and proposes how they might do this. Paragraph 5.9 sets out how the Council will meet the requirements of the Race Relations Act 2000 and the Disability Discrimination Act 1995.
- 6.3 The inside front cover of the SCI contains a statement informing the public where to obtain large print versions of the SCI and assistance in writing comments. This is translated into several languages. Reference should also be made in this statement to the availability of the SCI in other languages and other formats. The SCI should also indicate that other LDF documents can on request also be made available in other languages and other formats and provide contact details. I have recommended accordingly.

- 6.4 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.
- 6.5 Subject to the following recommendations this test is met.

Recommendation

- R3** On page 4 replace "a large print version" with "this document in large print, audio cassette, Braille or languages other than English,"
- R4** Insert the following paragraph into Section 5

"We will make summaries of the SCI and all LDF documents available on request in large copy print, audio cassette, Braille or languages other than English within a reasonable timetable. If you require documents in another format please telephone (0116) 2527233 or email development.plans@leicester.gov.uk"

Test 6

- 7.1 Paragraphs 6.35-6.37 of the SCI explain how the Council will seek to ensure that sufficient resources are put in place to achieve the scale of consultation envisaged. It is anticipated that existing staff resources across the Council will be used to produce LDDs and that community involvement will be resourced from the Council's Development Plans and Urban Design Budgets. 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 6.29-6.34 explain how the results of community involvement will be taken into account by the Council and used to inform decisions. The Council also propose to prepare reports at the end of the consultation period explaining how views have been considered and taken into account in the production of LDDs. These paragraphs explain where summaries of representations, reports and emerging LDD documents can be viewed. Clarification was sought from the Council with respect to paragraph 6.32 (see Appendix B), which suggests that the Council will provide individual written responses to all those who have made representation on an LDD at all stages. The Council's response has clarified that this will only apply to the Preferred Options Stage and that this level of feedback was achieved at both the Deposit and Modifications Stages for the Local Plan.
- 8.2 Despite only applying to the Preferred Options Stage this could represent a significant workload. Notwithstanding the resource implications the Council appears confident that it is able to achieve this level of feedback and has, in fact, commissioned a new LDF Consultation Database with this in mind.
- 8.3 I therefore agree to the proposed changes. Subject to the following recommendation this test is met.

Recommendation

- R5** Insert the following at the end of the first sentence in paragraph 6.32:

“made at the Preferred Options stage.”

Test 8

- 9.1 Paragraphs 3.14 -3.16 explain that the Council will continuously monitor and review the SCI which will be formally reviewed and reported as part of the Annual Monitoring Report. Triggers for review are briefly stated in paragraph 3.15.
- 9.2 This test is met.

Test 9

- 10.1 The SCI at Section 8 clearly describes the Council's policy for consultation on planning applications. Paragraph 8.3 meets the minimum requirements and provides additional methods of consultation. The table on pages 31 and 32 distinguishes between procedures appropriate to different types and scale of application. Paragraph 8.8 includes information on how the consultation results will be reported and inform the decision making process.
- 10.2 The SCI does not address the longer statutory time period for consultation that may be applicable in certain circumstances.
- 10.3 Subject to the following recommendation this test is met.

Recommendation

- R6** Insert the following paragraph into Section 8:

“Bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.

Changes proposed by the Council

- 11.1 The Council have set out in their Regulation 31 Statement (May 2006) a number of 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 agree that they be included.

Recommendation

- R7** Add to following to paragraph 5.10:

“Advice on consultation will be sought from Leicester Disability Information Communications Network where appropriate. This innovative project is run by the Council using ICT to enable people who have limited communication and understanding skills to access information and make their own contribution to any consultation process.”

- R8** Add The Theatres Trust to Appendix 2.

- R9** Modify the first sentence of paragraph 8.14 to read:

“For major development schemes the Council expects developers to undertake pre-planning application discussions and consultation with

the public and other interested bodies unless they can demonstrate that it would not be appropriate to do so."

R10 Add Planning Aid contact details to paragraph 6.35.

R11 Include reference to the Sex Discrimination Act 1975 in paragraph 5.9.

R12 Delete paragraph 4.5

R13 Modify paragraph 4.9 to read "national planning policy statements (PPS) and planning policy guidance (PPG),"

R14 Add the following to the Glossary in Appendix 1:

"PPGs and PPSs These are subject specific Government advice and policies on planning issues. PPSs are being phased in to supersede PPGs. They can be viewed on line at www.communities.gov.uk."

R15 Modify paragraph 7.3 to replace 6 weeks with 4-6 weeks.

R16 Modify paragraph 8.18 to read 8.14 and delete duplicated box below paragraph 8.18.

Conclusions

11.2 Whilst I have attempted to identify as many consequential amendments as possible that may follow from my recommendations, it seems inevitable that issues of consistency may arise. In the event of any doubt, please note that I am content for such matters, plus 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 The Council should remove all references to previous stages of this document and replace any preface containing such references with a statement of adoption.

Recommendation

R17 Remove all reference to previous stages of the SCI.

11.4 Subject to the recommendations set out in this report, the Leicester City SCI (November 2005) is sound.

Keith Holland

Keith Holland

Inspector