

Babergh District Council Statement of Community Involvement (May 2006)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of the Babergh District Council's 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 Annex 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 23 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 Tests iii, iv, v, vi vii and ix and this information is contained in Annex B to this Report. (**Please note:** Annex B has not been reproduced here as the proposed changes made following the independent examination have been incorporated into the final version of the SCI).

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 This test is met.

Test 2

- 3.1 Paragraph 9.2 acknowledges that the LDF is a way of delivering the aims of the Community Strategy, and states that the Council will work with the Babergh East and Western Suffolk Local Strategic Partnership (LSP) to make sure that the content of the two documents complement each other and to give spatial expression to the Community Strategy. The SCI also makes reference to other community strategies (Paragraph 9.3), such as the Suffolk Compact and Parish / Community Plans, and states that consideration will be given to how these will be linked in terms of objectives and consultation.
- 3.2 As a result of representations received the Council have proposed an amendment to Paragraph 9.2 in order to more clearly state

where opportunities for joint consultation can occur. This amendment is a sensible improvement and I recommend that the replacement text provided, with minor revisions, should be inserted into the SCI.

(R1) Revise paragraph 9.2 as follows:

“The Babergh East and Western Suffolk Local Strategic Partnerships work to improve the quality of life and services across the District. They have each adopted a Community Strategy/Plan in order to co-ordinate the work of the partners against a number of commonly agreed objectives that aim to improve the quality of life for residents, businesses and visitors. The Council will work alongside the Local Strategic Partnerships involved in its area, on a wide range of matters including the LDF. It is the role of the LDF to give spatial expression to the Community Strategy/Plan where it involves the development or the use of land. Consultation under the LDF and Community Strategy/Plan will be combined in the future, where this is feasible. This will include placing LDF matters on the agendas of the working groups and forums where it is necessary to seek common agreement. Where public consultation takes place on the LDF, the LSPs will be involved as consultees as will the constituent partners. In some instances joint consultation may be more difficult to achieve due to the timetabling of the LDF process and the LSPs. Within the Council, links will be set up between officers involved in both the LDF and LPS processes in order to ensure that joint working is achieved. Further information on the strategies can be found on: www.babergh.gov.uk”

3.3 Subject to the recommendation above this test is met.

Test 3

4.1 The Council has set out in Paragraphs 6.6 – 6.8 and Appendix 2 of the SCI those groups which will be consulted. This list includes most of the statutory bodies from PPS12 Annex E. However, Consultee List B contains some omissions from Annex E of PPS12 and I recommend that the following are added to List B:

(R2) Add the following to List B:

“Home Office
Department of Constitutional Affairs
Department of Work and Pensions
Department for Culture, Media and Sport”

Remove Electricity and Gas undertakers from List B and place under List A.

4.2 The Council have proposed, in response to a representation on the submission document to remove the specific list (List C) from

Appendix 2 and replace this with a generic list of the types of groups who are included in the consultee database and I agree to this change though I wish to make one addition to this list to include gypsies and the travelling community. I also consider that the phrase 'Citizens and tenants issues' is potentially misleading and should be replaced by "Householder Issues"

(R3) Replace Appendix 2 List C with the following:

"Revised Consultee List C

The Council will involve the following types of groups or organisations representing the interests listed below. They are included in the detailed consultation database described in paragraph 6.5.

Groups and organisations representing:

- Agriculture and farming
- Community-based service providers
- Householder issues
- Conservation and environment
- Culture and history
- Faith issues
- Equality issues
- Ethnic minorities
- Disability and learning difficulties
- Gypsies and Travellers
- House builders and developers
- Landowners
- Business and commerce
- Local community action groups
- Local residents and community associations
- Registered social landlords
- Retired and elderly people
- Sport and recreation
- Transport providers
- Transport users
- Young people"

4.3 It is stated at Paragraph 6.5 of the SCI that the Council holds a database of consultee details and that this will be kept up to date and used to identify preferred means of consultation. The Council were asked to provide contact information so that any individual or organisation may be added to this database and I recommend accordingly.

(R4) Expand Paragraph 6.5 to read as follows and add as a new paragraph, Paragraph 6.6 which is also given below:

"6.5 The Council has prepared a detailed consultation database to assist with production of the Local Development Framework. It is

based on the results of previous consultations on planning and other matters, and on the work connected with the SCI. The database will be kept up to date and used to identify the preferred means of consultation with the organisations listed in it. Appendix 2 contains the statutory consultees and general descriptions of groups and organisations to be consulted, which are included on the consultation database”.

6.6 Although every effort will be made to check that details are correct, it is in the best interests of organisations to keep the Council informed of contact detail changes by getting in touch at the address below:

Planning Policy team, Babergh District Council, Corks Lane, Hadleigh, Ipswich, Suffolk, IP7 6SJ, tel.no: 01473 825872/825881, fax.no: 01473 825708, e mail: ldf@babergh.gov.uk.”

- 4.4 A number of representors seeking a change to the document request inclusion as consultees through inclusion in the lists contained at Appendix 2. I am content that by cross referencing the electronic database described at Paragraph 6.5 to the list in Appendix 2 then these concerns are overcome’.

(R5) Insert the following to the end of paragraph 6.5:

“These database entries include those which represent the categories of consultee identified at Appendix 2.”

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

(R6) Add to the beginning of Appendix 2 the following:

“Please note, this list relates to successor bodies where re-organisations occur.”

- 4.6 Subject to the recommendations above this test is met.

Test 4

- 5.1 The table ‘Development Plan Documents’ within Paragraph 11.1 shows that the Council will involve and inform people from the early stages of DPD preparation and Section 7 and this table set out the range of methods the Council will employ to do this. It shows that consultation will take place with the key stakeholders during the issues and options stage of DPD production in accordance with Regulation 25.

- 5.2 As a result of representations received the Council have proposed to revise this table and the following table that relates to Supplementary Planning Documents to make clearer which consultation methods will be used for differing groups at different stages of Local Development Document (LDD) preparation. This is a

suitable amendment. However, this amended table does not take into account the necessity for consultation on alternate sites, under Regulations 32 and 33, if the DPD is concerned with allocations of land. The Council were asked to amend this table to include this stage of the DPD process.

(R7) Replace the table Development Plan Documents within Paragraph 11.1 with the new version which is given in Annex B to this report. Also replace the table Supplementary Planning Documents which again is given as Annex B to this report.

5.3 Also, as the content of the LDF may change over time the Council should add the following statement to the end of Section 5.

(R8) Add to the end of Section 5 the following:

“As the content of our Local Development Framework may change over time please visit our website, www.babergh.gov.uk for the latest version of the Framework.”

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

5.5 Subject to the recommendations above this test is met.

Test 5

6.1 Section 7 of the SCI 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 Council indicate through the tables within Paragraph 11.1 at what stages of LDD preparation the various methods might be employed.

6.2 The Council have proposed to delete the table within Section 7 and to replace it with a more comprehensive table that details the methods of consultation the Council propose to use. This table also provides information on the advantages / disadvantages of the proposed methods and also discusses the resource implications of these methods. I agree that this revision is a suitable addition to the SCI.

(R9) Add after the new Paragraph 7.3 (discussed below) the table of consultation methods which is given as Annex B to this report.

6.3 The SCI acknowledges in Paragraph 6.7 that the Council may have to provide extra support to facilitate consultation with certain groups or individuals, and proposes (at Paragraph 6.8) how they might do this. Paragraph 6.7 explains how the Council will make their information accessible to all members of society, and sets out

how they will meet requirements of the Race Relations Act 2000 and the Disability Discrimination Act 1995.

- 6.4 As a result of representations on the submission document the Council have proposed a number of minor changes to the paragraphs that deal with the issue of engaging with the 'hard to reach' groups identified. I agree that the following amendments be made:

(R10) Add to the second sentence of Paragraph 6.7:

"... and consultation with these groups will take place as early as possible"

Add to the first sentence of Paragraph 6.8:

"If any of these consultation methods turn out to be unsuccessful, other ways of consulting Hard to Reach groups will be tried out."

Rename the last column of the table within Paragraph 6.8 to "Proposed Solutions"

Add to the end of Paragraph 11.1:

"The tables should be read in conjunction with paragraph 6.8 in order to clarify the methods of involvement."

- 6.5 The Council were asked to provide a clear statement of the alternate formats of the SCI that could be made available, upon request, for insertion on the front inside cover of the SCI and I recommend that the following be inserted here.

(R11) Insert on the inside front cover the following:

"This document explains how the Council intends to engage the community in future planning matters affecting the Babergh District.

If you would like the document in an alternative format, such as Braille, large print, audio or in a language other than English, the Council will do its best to help with your request.

Please contact the Planning Policy team at Babergh District Council, Corks Lane, Hadleigh, Ipswich, Suffolk, IP7 6SJ, telephone no. 01473 825872/825881, fax. no. 01473 825708 or e mail ldf@babergh.gov.uk"

- 6.6 Additionally the Council were asked to provide a similar statement relating to all LDF documents for insertion into Paragraph 6.7 of the SCI, which. The Council's response, with a minor amendment to advertise the availability of all LDF documents in alternate formats is given below and I agree it should be inserted into the SCI.

(R12) Insert at the end of Paragraph 6.7 the following:

“If an LDF document is required in an alternative format, such as Braille, large print, audio or in a language other than English, the Council will do its best to help with any request made.

Contact the Planning Policy team at Babergh District Council, Corks Lane, Hadleigh, Ipswich, Suffolk, IP7 6SJ, telephone no. 01473 825872/825881, fax.no.01473825708 or e mail ldf@babergh.gov.uk”

6.7 As a result 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.

6.8 Subject to the recommendations above this test is met.

Test 6

7.1 The Council were asked to expand upon Paragraph 7.1 of the submission document in order to clarify the resources that are available for community involvement. Their response is given below and I agree that it should be inserted to the SCI.

(R13) Add after the second sentence of Paragraph 7.1:

“The level of staff resources has been relatively constant for a number of years, including the use of consultants and staff on short term contracts at times of great pressure. Since the revision of the LDS in August 2005, the Council has secured funding for an extra post, taking the team complement up to 3.5 FTE professional staff from the current level of 2.5 FTE. In addition the Council has at least 1.6 FTE technical and/or administrative staff, who will work mainly on the consultation database, deal with general enquiries and other related work areas. Drawing upon assistance from other members of the Council’s staff is an option, when they are available and needs dictate. Community involvement can be managed effectively provided the most appropriate methods are chosen for each stage of a LDD. The table following paragraph 7.3 summarises the different methods of community involvement and considers their effectiveness.”

The remainder of Paragraph 7.1 should become Paragraph 7.2.
Delete the last sentence of new Paragraph 7.2.

Add after first sentence of the new paragraph 7.3:

“...in the production of Local Development Documents.”

Add a new paragraph, Paragraph 7.4 after the new table mentioned in (R9) above, to read:

"The table above scores the different types of community involvement as 1 (least effective), 2 (effective) and 3 (most effective). The website and e mail communications both score well, as do making documents available at public locations, the involvement of Babergh councillors and of Town and Parish Councils. These types of community involvement will form the main features in the production of LDDs, while the other types identified will also be used to a lesser extent. Section 11 details the different stages of LDD production, to which the methods of community involvement will apply."

7.2 Subject to the recommendation above this test is met.

Test 7

8.1 Paragraph 11.2 of the SCI gives some detail on 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 documents changed in light of the community involvement. However, this paragraph should provide more detail on how the results of consultations will inform the content of Development Plan Documents and with regard to the reports on these consultations it is overly reliant upon electronic means of disseminating this information. The Council were asked to provide additional text that addresses these issues and I recommend that the following text be inserted into the SCI.

(R14) Insert after the third sentence of Paragraph 11.2:

"Copies will also be available for free public inspection at the Council Offices, Corks Lane, Hadleigh; and at the following locations during normal opening hours, together with information on the timetable for production of the Development Plan or Supplementary Planning Documents:

- Sudbury Advice Centre, Town Hall, Sudbury
- Sudbury library, Market Hill, Sudbury
- Hadleigh Town Council, The Guildhall, Hadleigh
- Hadleigh library, High Street, Hadleigh.

The representation summaries will form part of reports to the Council where decisions are made on the production of Development Plan and Supplementary Planning Documents. The reports are considered by the Council's Strategy Committee, and ultimately by the Council itself. Further information on the programme of meetings of the Committee and the Council can be found on the Council's website at www.babergh.gov.uk see Council and Democracy > Council and Committee Papers".

8.2 Subject to the recommendation above this test is met.

Test 8

9.1 Section 13 of the SCI explains that the SCI will be formally reviewed after a period of 3 years in accordance with the LDS. As a result of representations received the Council have proposed additional text that gives details of how the community will be involved when the SCI is formally reviewed. Additionally as the submission SCI made no mention of the role of the Annual Monitoring Report but as a result of representations received the Council propose the following addition and I recommend accordingly.

(R15) Insert the following text to the end of Paragraph 13.2:

“The Annual Monitoring Report (AMR) will test the effectiveness of the SCI, while the following steps will be taken in the review process.”

(R16) Insert the table that details the preparation of a future review of the Statement of Community Involvement after Paragraph 13.2. This table is given in Annex B to this report.

9.2 Paragraph 13.2 also sets out a checklist for evaluating the methods of involvement and consultation exercises and states that feedback forms will be used to evaluate the success or otherwise of consultation activities. This information will be used to refine the Council’s approach to community involvement within the three years. To clarify this matter the Council also propose to make the following addition to the SCI.

(R17) Insert immediately after the table mentioned above:

“The Council encourages feedback from the general public on levels of customer satisfaction with its services and in involving the community, through the website and the use of comments forms. These will be used to gauge the effectiveness of the SCI. If the SCI is reviewed partially or selectively it may be necessary to target particular types of consultees where certain groups are affected by the review.”

9.3 As a result I am satisfied that the Council has mechanisms for reviewing the SCI and have identified potential triggers for the review of the SCI.

9.4 Subject to the recommendations above this test is met.

Test 9

10.1 The SCI at Section 12 describes the Council’s policy for consultation on planning applications. Paragraph 12.1 meets the minimum requirements and provides additional methods of consultation.

10.2 The Council propose as a result of representations received to revise this section in order to provide additional clarity on which consultation process will be used at each stage of the planning application process. As a result they have provided a replacement Section 12 which I recommend replaces the submission version. I have, however, made two minor changes to the text provided by the Council. One change is to the third paragraph of the text given below in order that it is clear that pre-application discussions are not mandatory. The second is a re-ordering of the text provided so that matters relating to speaking at the Development Committee are brought together in one paragraph.

(R18) Replace the submission version of Section 12 with the following:

“The submission of a planning application can often be the first time that many people come into contact with the planning system, either as applicants or as affected parties. The Council’s development control function exists to process applications that are made under the relevant Town and Country Planning and associated Acts. It deals with applications for planning permission, listed building and conservation area consents, advertisement consents and other similar forms of permission. The Council can provide general advice on the development control system and its procedures, and can also advise on the general acceptability of proposals before they are submitted.

The Council has a number of well-established procedures in place aimed at involving the community in the planning application decision-making process. All planning applications are publicised as soon as possible after receipt by :

- Display of a site notice
- Consultation letters to the occupiers of neighbouring properties
- Consultation letters to others considered likely to have an interest in the proposal
- Weekly list of planning applications received, which is published on the Council's website and sent to all libraries.
- Details of planning applications can also be viewed on the Council’s website.
- Those requiring advertisement are publicised in a regular panel in the East Anglian Daily Times which covers the whole District
- A copy of the application is sent to the relevant town and parish councils (including neighbouring ones if likely to have an interest in the proposal). An informal arrangement is in place where Town/Parish Councils make the application available for inspection locally. This practice is referred to in the Council’s publicity material.
- Consultation with local societies and organisations
- Consultation with specific organisations e.g. County Highways, Environment Agency
- No change in consultation methods used is made in relation to different types of application and the extent of neighbour

consultation is at the discretion of the case officer. Larger developments are normally publicised over a wider area.

- An individual or organisation does not need to be individually consulted on an application, but they can ask to be consulted if they so wish

Where a proposal is brought to the Council's attention before a planning application is made and is considered to be highly controversial or substantial, the Council will ask the developer to consider holding a public meeting or staging an exhibition to enable pre-application community involvement to take place. These are carried out with the co-operation and approval of the applicant, but they are not mandatory as the holding of them is subject to the applicant's discretion.

The Council encourages applicants to discuss their proposals with planning officers before submission, and qualified members of staff are available for this purpose. Appointments should be sought for such discussions, and the Council will keep a record of this advice. However, it is unable to provide detailed and extensive advice at pre-application stages, and potential applicants are recommended to seek independent advice. Applicants are also encouraged to discuss their proposals with neighbours. Except in the case of the major applications referred to above, publicity is not normally given at the pre-application stage

The minimum requirements for dealing with planning applications are set out in the Town and Country (General Development Procedure) Order 1995 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Comments on planning applications, either in writing or by email, should be submitted as soon as the consultation period starts. They can be considered up to the time of the decision being made, which is beyond the statutory 21 day period usually given for making representations. Comments will be filed with the application and made available for public inspection as they cannot be treated as confidential. Due to the large numbers of applications and comments received, individual acknowledgement is not possible. Similarly, the Council cannot enter into correspondence with respondents on planning applications. The majority of planning applications (almost 90%) are determined by the Head of Planning (Control) under delegated authority after full consideration of all comments.

In addition to details of planning applications, Committee reports, minutes and decision notices can be viewed on the Council's website at: www.babergh.gov.uk see Planning and Building Control. Information on the dates of Committee meetings, together with the agenda, can also be found on the Council's website.

Applications that are referred to Development Committee will be debated in public where applicants and objectors have the opportunity to speak under an ordered procedure. The Council publishes a leaflet entitled "Have Your Say" in respect of public speaking at Development Committee. It contains other information about the Committee, is posted on the Council's website and is referred to in other relevant publicity material.

Committee reports are made available at least 5 clear working days before the date of the meeting, and are posted on the Council's website.

Where amendments are submitted to the Council before and after a formal decision has been made, they will be publicised by neighbour letter and parish council consultation. The decision on whether this takes place will depend on the likely impact of the amendment and be at the discretion of the case officer.

The following table provides advice to applicants on how different types of applications can be progressed and advises how the Council will publicise them

Once a decision has been made on a planning application, the Town/Parish Council receives a paper copy of the decision notice. Neighbours and interested parties are informed of the decision by letter, but consultees are not advised of the outcome unless they ask the Council to do so. All decisions are posted on the Council's website."

10.3 However, the replacement text still does not distinguish between procedures appropriate to different types and scale of application and the Council were therefore asked to provide additional text that addresses this issue and I agree that the table dealing with the differing types and scales of planning applications be inserted into the SCI.

(R19) Insert the table dealing with the differing types and scales of planning applications (given in Annex B to this report) after Paragraph 12.12.

10.4 The SCI does not address the longer statutory time period for consultation that may be applicable in certain circumstances.

(R20) Add as a new paragraph, Paragraph 12.7 the following:

"The normal period for comment is 21 days, however, bodies such as English Nature will be allowed a longer period of time to comment on applications where this is prescribed by legislation."

10.5 Subject to the recommendations above this test is met.

Conclusions

11.1 The submission SCI contained some information that would become redundant once the document is adopted. The Council were asked to provide a schedule of changes to deal with this issue. This is given in Annex B to this report.

(R21) Implement the editorial changes listed in Annex 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 above the Babergh District Council SCI (May 2006) is sound.

David Robins

Inspector David Robins BA PhD FRTRI