

Penwith District Council – Statement of Community Involvement (April 2006)

INSPECTOR'S REPORT

Introduction

1.1 An independent examination of the Penwith District Council Statement of Community Involvement (SCI) has been undertaken 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 in Appendix A. The starting point for the assessment is that the SCI is sound. Accordingly, changes are made in this binding report only where there is a clear need in the light of the tests in PPS12.

1.2 15 representations were received, all of which have been considered. The Council proposed a number of amendments to the SCI in response to the representations received and these have been taken into account in the preparation of 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. However, to the list of specific consultation bodies at Appendix 1 should be added

(R1) Parish Councils of parishes in the District and bordering it
Network Rail
Natural England

and the following should be deleted

(R2) The Countryside Agency
English Nature
Strategic Rail Authority

with consequential changes in Appendix 3

Conclusion

2.2 Subject to the above recommendations this test is met.

Test 2

3.1 In Paragraph 1.8 the SCI is related to the Council's long term Vision and Community Strategy for the period to 2025. It is also related to the authority's series of Market and Coastal Town Initiatives and the Parish Plans devised by local communities and their pursuit of Quality and Charter Mark status. Issues

identified in these documents concerning the use and development of land will feed into the Issues and Options stage of the Local Development Framework. Within the Council the production of LDF documents will involve co-ordination of the work of officers in its community strategy, community regeneration, and planning policy teams.

Conclusion

3.2 This test is met.

Test 3

4.1 Appendix 3.1 identifies general consultee bodies, including those mentioned in Annex E3 of PPS12, and Appendix 3.2 includes business, community, environmental, and development interests whose representations may be relevant to the various stages of formulation of DPDs. Paragraph 3.8 enumerates the types of community group embraced by Appendix 3. A database is to be maintained, including details of representations by individuals, and will be updated as needed. The difficulty of consulting hard-to-reach groups is recognised. However, because this list is not exhaustive the SCI should provide specific contact details for any individual or organisation wishing to be added to the Council's list of consultees.

(R3) To assist organisations or individuals wishing to be placed on the Council's database of consultees a named Council officer and contact address should be printed inside the front cover of the SCI

4.2 The present list is not exhaustive and the renaming following the reorganisation of such consultation bodies as English Nature should be acknowledged in the SCI. I accordingly recommend an additional sentence be added below the list in paragraph 3.8:

(R4) It should be noted that the lists at Appendix 3 are not exhaustive and also relate to successor bodies when reorganisations occur.

(R5) In accordance with the advice in PPS12 the following Government Departments should be added to Appendix 1

- Department for Education and Skills (through Government Offices)
- Department for Environment, Food and Rural Affairs
- Department for Transport (through Government Offices)
- Department of Health
- Department of Trade and Industry (through Government Offices)
- Ministry of Defence
- Department of Work and Pensions
- Department for Culture, Media, and Sport

4.3 Paragraph 3.10 defines the difficulty of communication with various hard-to-reach groups with reference to types of group. In that context the SCI should clearly set out the Council's intention to meet the requirements of the

Disability Discrimination Act 1995 and the Race Relations Act 2000 and should add to paragraph 3.10:

(R6) The Council will make every endeavour to meet the requirements of the Disability Discrimination Act 1995 and the Race Relations Act 2000.

Conclusion

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

Test 4

5.1 The stages of consultation and activities and participants involved in them are explained in the annotated diagrammatic representation of the process of formulating Development Plan Documents following paragraph 3.15. I am satisfied that this suitably provides for community involvement in a timely and accessible manner at each stage of DPD preparation including the issues and options stage.

Conclusion

5.2 This test is met.

Test 5

6.1 Paragraphs 3.3 and 3.11 and the table at Paragraph 3.2 identify a conventional range of media recommended to be employed in consultation, elements of which are discussed in other paragraphs. Paragraph 3.6 identifies target groups consisting of the statutory consultees identified in Appendix 1 and the diverse list of organisations in Appendix 3. As mentioned above, Town and Parish Councils should be transferred to Appendix 1. Further reference to participation by consultees in the formulation of LDF documents is made in the Consultation matrix on page 19 of the SCI. Paragraph 3.10 specifically deals with communication with hard-to reach groups.

6.3 The Council will maintain and continually update a database of consultees. The SCI does not, however, specify how an organisation or individual can be added to the database. I therefore recommend that

(R7) A contact address for the LDF database, including the identity of a nominated Council staff member, should be stated on the inside cover of the SCI.

Conclusion

6.4 Subject to the above recommendation this test is met.

Test 6

7.1 In Paragraphs 5.4 and 5.5 the Council aims to exceed the minimum statutory requirements for consultation while efficiently balancing the demand of

more extensive and continual public participation against externally-set performance targets. It is recognised that staff resources and effort therefore need to be refocussed on effective and timely consultation throughout the processes of plan-making and of decision-taking on planning applications.

Conclusion

7.2 This test is met.

Test 7

8.1 Paragraph 3.13 states how the Council proposes to treat representations received at each stage of the production of DPDs. It is illustrated in the annotated diagram at pages 13-17. I am satisfied that it appropriately relates how community involvement can inform DPD preparation.

Conclusion

8.2 This test is met.

Test 8

9.1 In paragraph 5.2 the Council undertakes to assess through its Annual Monitoring Report how it has consulted the public and considered their views in the formulation of LDDs. This will be the vehicle for reviewing the performance of the SCI and recommending any needed changes. The effectiveness of consultation and community involvement in determining planning applications is to be regularly reviewed to enable procedures to be adjusted whenever shown necessary.

Conclusion

9.2 This test is met.

Test 9

10.1 Section 4 of the SCI deals with the determination of planning applications, in respect of which the minimum statutory requirements are exceeded. Regarding the determination of planning applications Section 4 of the SCI distinguishes between the limited scope of mandatory consultation and the wider range of consultation envisaged by the SCI. The specific consultation bodies on planning applications are listed in Appendix 2. It is clear that reference to consultees will depend on the nature and relevance of their interest in the location and nature of any particular case. To update the list

(R8) In Appendix 2 the Countryside Agency and English Nature should be deleted and replaced by Natural England.

10.2 Paragraph 4.4 distinguishes between minor developments, changes of use, and householder developments on the one hand and major developments defined by stated criteria on the other. While not a statutory requirement,

applicants are strongly advised to consult with the community in forms of consultation appropriate to the scale, location, and nature of the development. However, as it is important in the case of major developments that the results of any such voluntary consultation be made public I recommend a report on it be submitted with the planning application:

(R9) Add at the end of paragraph 4.5:

In the case of major developments developers should submit with the application for planning permission a report of any consultations with the community.

10.3 Paragraph 4.6 identifies a comprehensive range of conventional methods by which the Council will undertake consultation on planning applications. In particular the time for all consultees to reply exceeds that statutorily afforded to town and parish councils. Specific reference is made to the procedure for consultation on applications of strategic planning significance.

10.4 It is intended that within 12 months all application documentation for major applications will be available to view on the Council's website.

10.5 As the SCI does not address the longer statutory time period for consultation permissible in certain circumstances:

(R10) The following should be inserted at the end of paragraph 4.2:

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

10.7 The question of variation in the time allowed for public speaking at Committee meetings is a matter for review of the Council's Standing Orders and not the SCI. The Committee meeting is a statutory function which is not intended to be a dialogue and to widen its scope would be contrary to the 'front end loading' which the revised planning system advocates. Paragraphs 4.13 and 4.14 make clear how the Council explains to the public the reasons for its decisions.

Conclusion

10.8 Subject to the above recommendations this test is met.

Recommendation

11.1 The Council have set out in their regulation 31 statement a number of proposed changes to the SCI in response to representations received on the submission document. Those suggested amendments do not affect the substance of the SCI but they do improve the clarity and transparency of the submission SCI. These proposed changes have been taken into account within the body of this report.

11.2 In spite of my scrutiny, consequential amendments may be required to secure consistency as a result of my recommendations. I am content for such matters, together with any minor spelling, grammatical, or factual matters, to be amended by the Council so long as they do not affect the substance of the SCI.

11.3 Subject to the recommendations identified in this report the Penwith District Council SCI (July 2006) is sound.

D L J Robins

Inspector