

INSPECTOR'S REPORT
SOUTH DERBYSHIRE DISTRICT COUNCIL
STATEMENT OF COMMUNITY INVOLVEMENT

Inspector: Keith Holland

Date: 7th February 2006

South Derbyshire District Council - Statement of Community Involvement (September 2005)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of the South Derbyshire District Council Statement of Community Involvement (SCI) has been carried out in accordance with section 20 of the Planning and Compulsory Purchase Act. 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 19 representations were received all of which have been considered. Clarification on one matter was sought from the Council and the response received has been taken into account in preparing this report (see Appendix B).

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 as evidenced by the submission and presubmission consultation statements.
- 2.2 This test is met.

Test 2

- 3.1 The section "Linking to other strategies" acknowledges the links between the Community Strategy and the LDF, and states that the Council will work with the Local Strategic Partnership to make sure that the content of the two documents complement each other, and to avoid duplicating consultation exercises. Furthermore the SCI also acknowledges the role of other strategies in LDF formulation.
- 3.2 This test is met.

Test 3

- 4.1 The Council has set out at page 7 of the SCI those groups which will be consulted. This list includes the statutory bodies from PPS12 Annex E. The Council state on page 6 that they will consult with additional local stakeholders where necessary. Page 9 of the SCI sets out how the Council propose to meet the consultation

requirements set down in the Planning and Compulsory Purchase Act 2004.

4.2 This test is met.

Test 4 and Test 5

- 5.1 These tests are considered together as they are interrelated. They have been met by the detail provided in the section titled "Who will we involve" and the tables on pages 7 and 9 of the SCI. Here the SCI indicates that the early involvement of the community will be sought for DPD production to ensure that matters of concern are identified at the start of the process before setting out a wide range of methods for community involvement.
- 5.2 The section "Overcoming barriers" recognises the importance of hard to reach groups, but requires some additional information concerning how the Council will address the engagement of these groups.

Recommendation

(R1) Insert the following new paragraphs into the SCI after the first paragraph of page 11 (ending "access to information").

"The Council's approach has not been to allocate particular methods of consultation to particular 'hard to reach' groups but rather provide a suite of methods that can be used as required to engage with all sections of the community where particular issues are identified.

Under recent disability and race relations legislation, the Council is obliged to promote equality and diversity. With regard to its obligations under the Disability Discrimination Act (amended April 2005), the Council has since 1999 sought to provide disabled people access to its services by way of making reasonable adjustments to the way services are delivered. For example the Council's website includes a 'browse aloud' facility allowing access by the visually impaired whilst all Council documents are made available in large print and braille formats if requested. Similarly the Race Relations Act (as Amended 2000) places a general duty on South Derbyshire District Council to work towards the elimination of unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. In order to operate within the provisions of the Act the Council has a duty to ensure that as a policy maker and service provider it consults ethnic minority representatives and takes account of the potential impact of policies on ethnic minorities taking remedial action when necessary to address any unexpected or unwarranted disparities."

5.3 Subject to the insertion of the above recommendation, the test is met.

Test 6

- 6.1 The section titled "How will the processes be resourced" on page 15 explains how the Council will seek to ensure that sufficient resources are put in place to achieve the scale of consultation envisaged.
- 6.2 This test is met.

Test 7

- 8.1 The section titled "Feeding information into plan and decision making" explains 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 aiming to make the link between responses and the Council's decision clear, which will be available on the Council's website and at the council offices.
- 8.2 This test is met.

Test 8

- 9.1 The Section titled "Making improvements" explains how the SCI will be assessed as part of the annual review into Local Development Framework progress, making use of information from the monitoring report, and will be reviewed every two years. This information will be used to refine the Council's approach to community involvement.
- 9.2 This test is met.

Test 9

- 10.1 The SCI at page 13 and 14 clearly describes the Council's policy for consultation on planning applications. The information on these pages meets the minimum requirements and provides additional methods of consultation. Appendix 2 (page 23) of the SCI distinguishes between procedures appropriate to different types and scale of application, and includes information on how the consultation results will inform decisions.
- 10.2 This test is met.

Suggested Changes

- 11.1 The Council have set out in their "Submission Consultation Statement (December 2005)" a number of proposed changes to the SCI in response to representations received on the submission document. This is attached as Appendix C to this report. 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 recommend that they be included.

Recommendation

(R2) Amend the SCI in accordance with the suggested changes set out in the "Submission Consultation Statement (December 2005)"

Conclusions

12.1 Subject to the above amendments South Derbyshire District Council's SCI (September 2005) is sound.

A handwritten signature in black ink, appearing to read 'K Holland', written in a cursive style.

K Holland BA(Hons) Dip TP MRTPI ARICS
Inspector

APPENDIX A

TESTS OF SOUNDNESS

Examination of the soundness of the statement of community involvement

3.10 The purpose of the examination is to consider the soundness of the statement of community involvement. The presumption will be that the statement of community involvement is sound unless it is shown to be otherwise as a result of evidence considered at the examination. A hearing will only be necessary where one or more of those making representations wish to be heard (see Annex D). In assessing whether the statement of community involvement is sound, the inspector will determine whether the:

- i. local planning authority has complied with the minimum requirements for consultation as set out in Regulations;¹
- ii. local planning authority's strategy for community involvement links with other community involvement initiatives e.g. the community strategy;
- iii. statement identifies in general terms which local community groups and other bodies will be consulted;
- iv. statement identifies how the community and other bodies can be involved in a timely and accessible manner;
- v. methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents;
- vi. resources are available to manage community involvement effectively;
- vii. statement shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents;
- viii. authority has mechanisms for reviewing the statement of community involvement; and
- ix. statement clearly describes the planning authority's policy for consultation on planning applications.

From: Planning Policy Statement 12: Local Development Frameworks

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

INSPECTOR'S REPORT
SOUTH DERBYSHIRE DISTRICT COUNCIL
APPENDIX B – RESPONSE TO QUERIES

Inspector: Keith Holland BA(Hons) Dip TP MRTPI ARICS

Date: 7th February 2006



The Planning Inspectorate

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Gill Hague
Head of Planning Services
South Derbyshire District Council
Civic Way
Swadincote
Derbyshire
DE11 0AH

Your Ref:

Our Ref:

Date: 23rd January 2006

SOUTH DERBYSHIRE DISTRICT COUNCIL - STATEMENT OF COMMUNITY INVOLVEMENT

Dear Gill

As the appointed Inspector for your Authority's Statement of Community Involvement I am requesting comments from the Council on the following point in order to assist in assessing the soundness of South Derbyshire District Council Statement of Community Involvement.

Whilst the SCI recognises that there are hard to reach groups that are difficult to involve and that the involvement of such groups requires special effort, the SCI does not suggest who these groups may be and what approaches may used to engage these groups - for example whilst it states on its front cover that the SCI is available in different languages and formats, it is not clear what other practical steps will be taken to engage hard to reach groups.

The Council may wish to mention its obligations under recent race relations and disability legislation.

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

Yours sincerely,

Keith Holland BA(Hons) Dip TP MRTPI ARICS



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Our Ref: gh/31.2

Your Ref:

Date: 24th January 2006

Keith Holland
Inspector
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Dear Keith

South Derbyshire Statement of Community Involvement

Thank you for your letter of 23rd January 2005 and the query regarding the identification and involvement of 'hard to reach groups'. Having looked at the document our response is as follows:

The draft Statement of Community Involvement (SCI) sets out a range of community groups (see page 7) that are likely to have an interest in being consulted during the preparation of the various Local Development Documents that together will comprise the Local Development Framework. These community groups are considered both in terms of their interests and ability to respond to consultation and whether such community groups could be classed as 'hard to reach'. The Council considers this approach, which does not attempt to prescriptively identify individual 'hard to reach' organisations, to be comprehensive, flexible and appropriate. It was developed having had the benefit of discussions at the community workshop held in February 2005 and can be summarised as follows:

The categories of groups highlighted as hard to reach in the matrix set out on page 7 are residents and local community groups and to a lesser extent parts of the business sector. It is recognised that these groups display a wide variety of characteristics for example by:

- Age
- Ethnicity
- Disability
- Lifestyle (for example Gypsies and Travelling Show People)
- Interest

- Activity
- Belief (For example Faith Groups)
- Geographical Area (For example in the most rural parts of the District)

In order to involve all parts of the community, the Statement of Community Involvement commits the Planning Authority to consult in a manner that is accessible “avoiding the use of jargon [and] explaining specific terms clearly and making documents available in different formats and through a range of methods” , (see page 8)

The various methods by which ‘hard to reach’ groups, and indeed all sections of the community will be engaged are then set out at page 9. The Council’s approach has not been to allocate particular methods of consultation to particular ‘hard to reach’ groups but rather provide a suite of methods that can be used as required to engage with all sections of the community where particular issues are identified. The different methodologies that will be used to engage the community in South Derbyshire include:

- Newsletters and leaflets
- Media (media, local press/tv/radio)
- Exhibitions and Displays
- Website (Expected to meet the W3C ‘AA’ accessibility standard by no later than March 2006)
- Questionnaires and surveys
- Citizens panel
- Public meetings and surgeries
- Focus groups
- Workshops
- Participative planning activities and mediation
- Community forums and liaison groups

Whilst the SCI specifies a range of methods for engaging ‘hard to reach’ groups, it does acknowledge that focus groups could be particularly useful in involving such sections of the community. The document also acknowledges that we will monitor the success of the various methods.

With regard to equalities issues the Council is aware of its obligations to promote equality and diversity for example under recent disability and race relations legislation which could usefully be acknowledged in the draft SCI. With regard to obligations under Disability Discrimination Act (amended April 2005), the Council has since 1999 sought to provide disabled people access to its services by way of making reasonable adjustments to the way services are delivered. For example the Council’s website includes a ‘browse aloud’ facility allowing access by the visually impaired whilst all Council documents are made available in large print and braille formats if requested. Similarly the Race Relations Act (as Amended 2000) places a general duty on South Derbyshire District Council’s to work towards the elimination of unlawful discrimination and

to promote equality of opportunity and good relations between persons of different racial groups. In order to operate within the provisions of the Act the Council has a duty to ensure that as a policy maker and service provider that it consults ethnic minority representatives and takes account of the potential impact of policies on ethnic minorities taking remedial action when necessary to address any unexpected or unwarranted disparities.

The District Council will ensure that its equality and diversity policies and the requirements of relevant legislation are adhered to in implementing the SCI.

I trust that the above will be of assistance to you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gill Hague', is positioned to the left of a vertical line.

Gill Hague
Head of Planning Services

INSPECTOR'S REPORT
SOUTH DERBYSHIRE DISTRICT COUNCIL
APPENDIX C – AGREED CHANGES

Inspector: Keith Holland BA(Hons) Dip TP MRTPI ARICS

Date: 7th February 2006

Submission Responses -

<i>Name/Organisation</i>	<i>Summary</i>	<i>Response/Recommendation</i>
Barrow upon Trent Parish Council	Appendix 1 Paragraph 3 is too restrictive. For example farmers markets can result in traffic generation and clay pigeon shooting causes noise.	The Neighbour Notification Policy can only be applied when a planning application has been received. The list sets out the norm but is not exhaustive. There is only one permanent clay pigeon shoot within the District and experience is that at other locations normally such a use and farmer's markets are only held for a limited number of days a year. This being the case they normally do not require planning permission as they are 'permitted development'. Should an application be received relating to permanent use the policy allows the case officer to use his discretion regarding the use of a site notice. Recommendation - no change
Barrow upon Trent Parish Council	There is no indication that Parish Council members can speak at site visits or Development Control Committee meetings.	Introduction of a suitable scheme has resource implications for the Council. Consultants have been engaged to undertake investigation into the possibility of public speaking at Development Control Committee with a view to producing a best practice note. It is therefore not appropriate at this point in time to refer to this in the Statement of Community Involvement. If such a scheme is implemented in the future then the protocol will be published on the website. At present Members must cite one of three reasons why they require a site visit and the purpose is to further their understanding of the stated issue. It is not appropriate to have others speaking at the site visit as probity and order would not be possible and the Council could leave itself open to allegations of impropriety. Recommendation - no change
Government Office for the East Midlands	The statement clearly describes the planning authority's policy for consultation on planning applications. It should be noted that the planning authority for minerals and waste matters is Derbyshire County Council and that it will prepare its own SCI.	This is already stated in the document on page 1 and duplication should be avoided. Recommendation - no change.
Government Office for the East Midlands	The methods of consultation employed are suitable for the intended audience and for the different stages in the preparation of the local development documents. The table on page 12 no longer identifies approaches that the authority "will" use, compared to those it "may" use. The preamble to the table should be amended to avoid confusion.	Loss of the ticks in the table is a cartographical error that was not spotted before going to the printers as it was not the intention to alter the table in any way following the pre-submission consultation. Recommendation - reinstate the table as per the pre-submission version.

Name/Organisation

Summary

Response/Recommendation

Government Office for the East Midlands

The SCI identifies in general terms which local community groups and other bodies will be consulted.

Page 6 refers to the database and how it can be added to. The full list is included on the website at present as part of the Regulation 28 Statement. It is intended to keep a copy of the database on the website following adoption of the SCI so that anyone interested can view it. We write to all those on the list at each stage of the process and we also from time to time write asking if they wish to remain on the database. It is up to the organisation concerned to keep us informed of changes in contact details.

The Regulation 26 draft of the SCI included an Appendix (3) Long List of Consultees. Paragraph 3.6 of PPS12 states that authorities should identify the community groups that need to be involved in plan preparation. Although examples of types of groups are given in the table on page 7, it would be desirable to reinstate the former Appendix 3 as this gave a more comprehensive indication of the types of groups involved. The advantage of including an Appendix of this nature is that it demonstrates that the authority has identified specific consultation bodies and those types of general consultation bodies of relevance to the district. The SCI should mention how the authority will keep the database of contact details up to date.

Government Office for the East Midlands

The authority has complied with the minimum requirements for consultation as set out in the Regulations.

We always write to all on the database informing them of the adoption of a document and where it can be viewed. We intend to allow 6 weeks for consultation at each stage of the preparation of Supplementary Planning Documents and therefore as the text does not imply that the period will differ there is no need to alter it. Recommendation - change text to cover reference to further consultation period for allocations, state how we will inform people of adoption and include full reference to the regulations in the Glossary.

The diagram on page 11 should include a reference to the need for further six week consultation periods on site allocation representations, in accordance with Regulation 32, as this may be relevant for the Woodville-Swadlincote Area Action Plan.

It would be helpful to add a short reference to the availability of documents after adoption and how people will be informed when the authority has adopted a document.

It may be useful to distinguish between the different preparation processes for development plan documents and supplementary planning documents, particularly as the table on page 12 distinguishes between the different types of documents. It would also be desirable to identify the length of the consultation period for supplementary planning documents.

Reference is made to the Regulations at paragraph 2 on page 5. The title of the regulations should be included in the Glossary for ease of reference for stakeholders.

<i>Name/Organisation</i>	<i>Summary</i>	<i>Response/Recommendation</i>
Environment Agency	Include 'Development Team Advice' in glossary (appendix 3)	Recommendation - include reference in Glossary
The National Trust	Previous comment under Question 1 - still remains unclear how heritage, protection and enhancement might be taken forward with specific reference to Calke Abbey. Position statement on SDDC Website only deals with matters in general terms. If Calke Abbey and environs is not to be addressed through a SPD it should be tackled through specific Policies in Core Strategy and DC Policy part of LDF.	The representations do not relate to the Statement of Community Involvement but are comments that should be made at consultation stage regarding the Core Strategy and Development Control Policies the timetable for which are set out in the Local Development Scheme. Recommendation - no change.
National Playing Fields Association	Trust is disappointed that SDDC has not held meeting to discuss the Calke Abbey matter which they have requested on numerous occasions over the last year - please advise suitable dates in next 2 months. Named listing of consultees including statutory/specific stakeholders, additional authorities, service providers, business sector, developers and landowners would be useful as an appendix. Sport England is statutory consultee on playing fields and should be an example in statutory/specific stakeholder box (page7)	In order to avoid the complicated procedures required by regulations regarding changes to the SCI it is intended to publish on the Council's website the whole list of those contained on the database. (currently available to view on the website as part of the Pre-submission Consultation Statement). Recommendation - no change.
The Theatres Trust	Pleased to note page 6 of SCI document refers to SDDC's comprehensive database of contact details. List of consultees (Appendix 3 of Pre-submission Participation Draft) does not appear in Submission SCI - how do individuals/groups know they are in database - perhaps a www link reference to database on pg 6 would be helpful. As Theatres Trust is statutory consultee on planning apps that affect theatres they feel they should be on consultees list in Appendix.	In order to avoid the complicated procedures required by regulations regarding changes to the SCI it is intended to publish on the Council's website the whole list of those contained on the database. (currently available to view on the website as part of the Pre-submission Consultation Statement). It is up to individual organisations to inform the Planning Policy Team of any change in contact details so that the database can be updated.
Derby Self Build Housing Society Ltd	Page 4, penultimate paragraph, last sentence should be changed to read "...we are still learning but we will involve the community at stages in the process where the work in hand will impact on the community."	The suggested wording other than use of the word 'will' says effectively the same as the existing text but uses more words to do so. Recommendation - change the word 'aim' to 'will'.

Name/Organisation

Derby Self Build Housing Society Ltd

Summary

"Possible methods of involvement, Page 9, things to think about."

It would be good if the wording in the table could read as supportive rather than negative. For example:

Exhibitions and Displays: "..such as supermarkets and care will be needed to achieve representative audiences overall"

Focus groups: "..or specific interest groups and will need careful preparation, resourcing and expertise."

Workshops: "..at one event and will need careful preparation , resourcing and expertise."

Participative planning etc.: "..less confrontational way and will need careful preparation, organising and facilitation."

Community forums etc.: "..can overcome conflict and will need careful balancing of costs and benefits."

Flowchart page 11, stages 1, 2 and 3: The headings should be consistent with and have a clear relationship with, the diagram at the top of page 5.

Revise stage 2 wording to read:

"..and make comments during a consultation period of 6 working weeks (the calculation of which will not include Christmas or Easter holidays, or the month of August)

Response/Recommendation

The headings are considered to be consistent. The titles on page 5 are basic whereas the diagram on page 11 provides more detail about the stages.

Whilst we generally try to avoid public holidays it would not be reasonable to state that the month of August should be avoided as there would be those who go on holiday for example at other times of the year.

The legislation requires that the consultation period should be 6 weeks and other than for those who have an unusually long holiday out of the country that is sufficient time to comment.

Recommendation - amend text in table on page 9 to be supportive using wording as suggested.

Name/Organisation

Summary

Response/Recommendation

Derby Self Build Housing Society Ltd

In the diagram at the top of page 5 it would be clearer if the main wording gave the function/objective of each stage, (whereas the draft gives the Planning terminology as the main text). For example:

Delete: "Pre-submission consultation (review of issues and options)"

Insert: "Review of issues and options (pre-submission consultation)"

Delete: "Pre-submission participation (preferred options document)"

Insert: "Preferred options document (pre-submission participation)"

Delete: "Submission (representations made and document examined)"

Insert: "Representations made and documents examined (submission)"

It is also very important that this diagram is entirely consistent with the flowchart on page 11.

Harold and Betty Wainwright

Object to the requirement for members of the public to provide stamped addressed envelopes in order to receive copies of planning decisions. This contradicts objective 5) "Are the methods of consultation employed suitable for the intended audience?"

Why should the 46% of households who do not own a computer and cannot therefore view planning decisions on line be at a disadvantage to those who do?

Staff time employed in stuffing envelopes would probably be greater with SAE's of varying shapes and sizes being recovered from correspondence files than using automated posting systems and what would be done in the event of the SAE not being big enough for the reply documentation?

It must be remembered that whilst the document is aimed at the community it is also a legal document. However, having the simple explanation before the legal terms should not undermine the legitimacy of the document. Recommendation – amend text as suggested.

We send out between 5,000-10,000 neighbour consultation letters a year relating to planning applications and the additional cost of sending out copies of decision notices to all these addresses could not be justified particularly when only a proportion actually want to be notified by post of the decision. The Government seeks to maximise use by the public of the website and therefore requesting a stamped addressed envelope from those who wish to receive a hard copy of the decision is considered reasonable and appropriate.
Recommendation - no change