

**INSPECTOR'S REPORT**

**South Hams**

**STATEMENT OF COMMUNITY INVOLVEMENT**

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

Date: **15<sup>th</sup> May 2006**

**South Hams District Council - Statement of Community Involvement (June 2005)**

**INSPECTOR'S REPORT**

**Introduction**

- 1.1 An independent examination of the South Hams 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 72 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 (letters dated 15<sup>th</sup> March 2006 and 24<sup>th</sup> April 2006) and this information is contained in Appendix B to this Report. As part of that further information, the Council produced a comprehensive Schedule of Proposed Changes to the SCI, contained in Appendix C to this Report, that corrects minor errors as well as addressing substantial changes in relation to the tests of soundness. At the end of this report, a general recommendation is made that all the changes in the Schedule of Proposed Changes be incorporated into the SCI. This has avoided the need to repeat individual recommendations under the relevant tests. However, in response to my request for further information, the Council have proposed a limited number of additional changes to the SCI. As these changes are not included in the Schedule of Proposed Changes at Appendix C of this report, they are written out in full in the recommendations.

**Test 1**

- 2.1 During the preparation of their pre-submission SCI the Council combined the different consultation stages under Regulations 25 and 26. Consequently, they were asked to contact the Regulation 25 statutory bodies to ask them whether or not they felt they had been prejudiced by the Council's failure to carry out a separate consultation process. The Council received a number of responses which all confirmed that they did not wish to raise any objections to these procedural irregularities. I am satisfied with this response.
- 2.2 This test is met.

## **Test 2**

- 3.1 Paragraphs 1.3 and 1.4 acknowledge the importance of integrating various strategies and of building upon the work done by the Council in respect of community involvement. Section 5 recognises the links between the LDF, the Community Strategy and a range of other strategies including parish plans, village design statements and the Market and Coastal Towns Initiatives. The Council also propose some new wording that would recognise strategies by other bodies including the County Council. This change is set out in full in the Schedule of Proposed Changes at Appendix C of this Report.
- 3.2 Paragraph 5.8 states that the Council will aim to integrate locally identified priorities and initiatives into plans and strategies set out in the LDF. I am satisfied that the Council recognise the links between the strategies, the LDDs and the associated consultation exercises.
- 3.3 Subject to the relevant changes in the Schedule of Proposed Changes at Appendix C, this test is met.

## **Test 3**

- 4.1 The Council has set out in Appendix C of the SCI those groups and organisations who will be involved in the LDF process. This list includes the statutory bodies from PPS12 Annex E. Furthermore, in Table C of Appendix C, the Council have indicated some of the groups that they wish to consult with where appropriate. To avoid the tables in Appendix C being considered as a final definitive lists, text should be added to paragraph 6.5 to state that the 'The Council will consult with additional local stakeholders where appropriate'.
- 4.2 Despite the Council's intention to amend Figure 1: Consultation Matrix, my concerns remain that the Figure is unclear and is not sufficiently explicit that the list of groups are examples only. To avoid any potential confusion I recommend that Figure 1 is deleted along with the associated text in paragraph 6.17 and paragraph 6.18.
- 4.3 A number of representations requested the inclusion of additional groups in the tables of Appendix C. I am content that these concerns are overcome by the Council's proposed new text to paragraphs 6.8, 6.17 and Appendix C in respect of that database.
- 4.4 Given the impending abolition of the Strategic Rail Authority, references to the Strategic Rail Authority as a consultee should be removed from Appendix C of the Submission SCI. As a consequence of this abolition consultations should be carried out with Network Rail in place of the Strategic Rail Authority. I recommend accordingly.

- 4.5 Subject to the following recommendations and the relevant changes in the Schedule of Proposed Changes at Appendix C, this test is met.

### **Recommendations**

(R1) Appendix C, organisations to be involved with the LDF process: delete reference to the “Strategic Rail Authority” and insert “Network Rail”.

(R2) Add text to the end of paragraph 6.5: “The Council will consult additional local stakeholders where appropriate.”

(R3) Delete Figure 1 and paragraph 6.17 and 6.18 of the Submission SCI.

### **Test 4**

- 5.1 Paragraph 6.13 states that there is a strong basis of cooperation and partnership in the district. Paragraph 6.15 lists the range of methods the Council will employ to involve and inform people. To address the requirements of the Test, the Council have proposed some additional wording to paragraph 6.15 to emphasise that the Council will aim to ‘frontload’ the process of consultation.
- 5.2 In response to my request for further information, the Council have produced Tables A and B that outline the LDF documents, the stages of preparation and methods of consultation and involvement. I address these tables in more detail under Test 5, but note that their inclusion in the SCI would assist in meeting Test 4. I am satisfied that the consultation proposed will be undertaken in a timely and accessible manner.
- 5.3 Subject to the relevant changes in the Schedule of Proposed Changes at Appendix C, this test is met.

### **Test 5**

- 6.1 Paragraph 6.15 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. However, in order to meet Test 5, the SCI should relate the methods of consultation listed (in paragraphs 6.12 and 6.15) to the different stages in the preparation of LDDs as well as to the different types of LDD. Despite some additional text proposed by the Council in the Amended Version of the Submitted SCI, November 2005 (Appendix E to Regulation 31 Statement), it remained unclear how the SCI addressed this point. In response to my request for further information, the Council has proposed two additional tables to set

out LDF documents, stages of preparation and methods of consultation and involvement. These tables meet the requirements of the test and I recommend their inclusion accordingly.

- 6.2 However, it should be noted that the use of the term “outstanding objections” in these tables is potentially misleading. Any person who has made a representation to the submitted version of a DPD should be invited to the Pre-Examination Meeting. A more appropriate term would be “have made a representation”. I recommend accordingly.
- 6.3 The SCI acknowledges (at Paragraph 6.9) that the Council may have to provide extra support to facilitate consultation with certain groups or individuals. Paragraphs 6.10 – 6.11 explain how the Council will make their information accessible for hard to reach groups, and sets out how they will meet requirements of the Race Relations Act 2000 and the Disability Discrimination Act 1995. The Council have proposed additional information be added to this paragraph. It is set out in full in the Schedule of Proposed Changes at Appendix C of this report.
- 6.4 The Council have proposed a new section of text on page 1 that would clearly indicate that all the documents are available in alternative formats, such as large print or languages other than English. This is written in full as Change Number 3, Schedule of Proposed Changes, Appendix C.
- 6.5 Subject to the following recommendations and the relevant changes in the Schedule of Proposed Changes at Appendix C, this test is met.

### **Recommendations**

**(R4)** Add the following text to the end of paragraph 6.16: “Tables A and B below illustrate the various methods of consultation and community involvement the Council will undertake in relation to the difference stages in preparing LDDs.”

**(R5)** Insert Tables A and B, as included in Appendix B to this Report, after the new text written above. However, in Table B, replace the term “outstanding objection” with “made a representation” in the three instances that it occurs.

### **Test 6**

- 7.1 The only substantive reference in the Submission SCI to resources appears to be in paragraphs 6.14 and 6.17. In response to representations received, the Council has proposed the inclusion of two additional paragraphs as a new Section 8. The new paragraphs explain how the Council hopes to resource the processes from in-

house sources and that sufficient resources will be put in place to achieve the scale of consultation envisaged. The full text is set out in the Schedule of Proposed Changes in Appendix C, Change Numbers 28 - 30.

- 7.2 Subject to the relevant changes in the Schedule of Proposed Changes at Appendix C, this test is met.

### **Test 7**

- 8.1 In respect of Test 7, the SCI should be clear about how the decisions regarding DPD and SPD content will be made. The additional text proposed by the Council in the Amended Version of the Submitted SCI, November 2005 (Appendix E to Regulation 31 Statement), whilst introducing a new section entitled “Feedback from Community Consultation” appears to only address the separate issue of how the results of community involvement will be reported. In response to my request for further information, the Council have proposed an additional paragraph that would enlarge the proposed “Feedback from Community Consultation” section. The wording for this extra paragraph is not included in the Schedule of Proposed Changes at Appendix C of this report, and so is written in full in the recommendation below.
- 8.2 The Council’s proposed use of the phrase “any objections that remain outstanding after consideration by the Members of the Council” is potentially misleading. It implies that the Members can determine whether a representation has been resolved. All duly-made representations will be before an independent Inspector regardless of the consideration by Members. I recommend an amendment to the wording accordingly.
- 8.3 Subject to the following recommendation and the relevant changes in the Schedule of Proposed Changes at Appendix C, this test is met.

### **Recommendation**

**(R6)** Add the following text after paragraph 6.21:

“The schedules of summaries and recommended Council responses will be considered by the Members of the Council at the appropriate Committees, and where necessary, Council. All duly-made representations will be considered by an independent Inspector at the Examination stage. The Council will consider representations on SPDs in the same way as for DPDs. However, representations are considered only by the Council as they do not need to be referred to an Inspector for Examination.”

## **Test 8**

- 9.1 Paragraph 3.6 provides a minimum of information on the future review of the SCI. Paragraphs 4.5 – 4.7 refers to the Annual Monitoring Report, but does not contain a direct reference to the monitoring of the SCI. In response to an objector, the Council have proposed a new Section 9 be added to the SCI that deals with the “Monitoring Framework”. The new paragraph 9.1 would provide information on monitoring, the likely triggers for review and the procedures for review. The full text of the proposed changes are set out in the Schedule of Proposed Changes at Appendix C of this report. Whilst the addition of the proposed text would meet the test, it would be beneficial if this section made a reference to the role of the Annual Monitoring Report and I recommend accordingly.
- 9.2 Subject to the following recommendation and the relevant changes in the Schedule of Proposed Changes at Appendix C, this test is met.

## **Recommendation**

**(R7)** Add the following text after the first sentence of the proposed new paragraph 9.1.

“The Annual Monitoring Report, prepared by the Council to monitor progress in preparing the LDF, will reflect on and evaluate the community involvement process.”

## **Test 9**

- 10.1 The SCI at Section 7 describes the Council’s policy for consultation on planning applications. Paragraph 7.1 states that the Council is committed to meeting or exceeding the statutory requirements for consultation with the public on all planning applications.
- 10.2 In response to my request for further information, the Council have provided more information about how the results of consultation will be reported and will inform the decision making process. The Council did not propose this extra information as a change to the submitted document, but I feel that its inclusion would clarify their approach in respect of this Test.
- 10.3 In response to my second request for information, the Council proposed to re-order parts of Section 7 and introduce additional text to differentiate between the different types and scales of application. The combination of these two sets of changes would meet Test 9.
- 10.4 Due to the complex nature of the recommended changes - including the Council’s proposed changes, a reordering of certain paragraphs within the section and my recommendation to include additional

text - for the avoidance of any doubt I write out in full, at Appendix D of this report, the final text of Section 7 of the SCI.

- 10.5 Subject to the following recommendation and the relevant changes in the Schedule of Proposed Changes at Appendix C, this test is met.

### **Recommendation**

- (R8) Replace Section 7 of the SCI with the wording set out in Appendix D.

### **Conclusions**

- 11.1 The Council have set out in their Representations Statement (Regulation 31 Statement) (September 2005) a number of proposed changes to the SCI in response to representations received on the submission document. These suggested amendments, which are included in Appendix C with more substantial suggested amendments, do not affect the substance of the SCI but they do improve the clarity and transparency of the submission SCI. I therefore accept that they be included. recommendations below.
- 11.2 I conclude that the South Hams District Council SCI (June 2005) is sound, subject to all the recommendations in this report.

### **Recommendations**

(R9) That the Submission SCI be amended in accordance with the changes set out in Appendix C of this Report "Schedule of Proposed Changes to South Hams Statement of Community Involvement" with the exception of Change Numbers 1, 2, 6 and 33 as these changes relate to the previous stages of the SCI document.

(R10) The Council should remove all references to previous stages of this document and replace any preface containing such references with a statement of adoption, this includes the relevant section of page 1, paragraph 1.6, the entirety of Section 3, Appendix A and Appendix E.



Keith Holland

Inspector

