

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

Inspector: Ben Linscott BSc MRTPI

Date: 28th September 2006.

South Holland District Council Statement of Community Involvement (April 2006)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of the South Holland 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 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 36 representations were received all of which have been considered. The Council proposed a number of amendments to the SCI 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. The only omission was that Parish Councils were not consulted due to a procedural error at the Regulation 25 stage. This error was rectified and the Parish Councils were included at all subsequent stages. I am satisfied that none of the Parish Councils have been prejudiced by this error.
- 2.2 This test is met.

Test 2

- 3.1 Section 1.4 of the SCI acknowledges that the LDF is a way of delivering the aims of the South Holland Community Plan 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. The SCI also makes reference to other community strategies such as the Consultation Strategy and Guidelines and the Communications and Marketing Strategy and states that consideration will be given to how these will be linked in terms of objectives and consultation.
- 3.2 I am satisfied that the Council recognise the links between the strategies, the Local Development Documents (LDDs) and the associated consultation exercises.

3.3 This test is met.

Test 3

4.1 The Council has set out in Appendix 1 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 Section 2.7 of the SCI that the Council will hold a database of consultee details and that these lists are available on the Council's website. Furthermore, the Council state in Appendix 2 that they will consult with additional local stakeholders where appropriate.

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

(R1) Add to the beginning of Appendix 1

"Please note, the lists in Appendix 1 and Appendix 2 are not exhaustive and also relate to successor bodies where re-organisations occur."

4.3 Subject to the recommendation above this test is met.

Test 4

5.1 Section 2.4, Figure 4 and Table 3 show that the Council will involve and inform people from the early stages of Development Plan Document (DPD) preparation and Table 2 sets out the range of methods the Council will employ to do this. Section 2.4 shows that consultation will take place with the key stakeholders during the issues and options stage of DPD production in accordance with Regulation 25. The process for Supplementary Planning Documents (SPDs) is given in Section 2.4 and Figure 5.

5.2 However, the description of the DPD process within this section has omitted a key stage which may occur if the DPD is concerned with allocations of land. Hence I have the following recommendations to make to ensure that this stage of the process is properly represented in the SCI.

(R2) Add to the DPD text box after '(3) Submission' the following text in brackets:

"(3b: If a DPD is concerned with allocations of land, any alternative sites put forward during the submission consultation will be advertised and consulted upon for a period of six weeks)."

(R3) Add to Figure 4 beneath box 3 the following:

“(3b: Alternative sites consultation if the DPD is concerned with allocations of land.)”

(R4) Amend Table 3 to include the consultation methods that the Council will undertake at this stage.

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

5.4 Subject to the recommendations above this test is met.

Test 5

6.1 Table 2 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 acknowledge the benefits and disadvantages of the different methods and indicate through Table 3 at what stages of LDD preparation the various methods might be employed.

6.2 The SCI at the sixth paragraph of Section 2.7 acknowledges that the Council may have to provide extra support to facilitate consultation with certain groups or individuals and the Council also state in this paragraph that they will make every effort to ensure the involvement of these groups.

6.3 The SCI should set out clearly how the Council will meet requirements of the Race Relations Act 2000 and the Disability Discrimination Act 1995.

(R5) Add to the end of Paragraph 3.16 the following:

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

6.4 The SCI should also make a clearly visible statement regarding the availability of alternative formats of the SCI and I therefore recommend accordingly:

(R6) Display prominently on the inside front cover the following:

“This document can be made available in large copy prints, audio cassette, Braille or languages other than English. If you require the document in one of these formats please contact: The Planning Policy team on 01775 761161 or e-mail localplan@sholland.co.uk”

(R7) Amend the last sentence of the sixth paragraph of Section 2.7 to read:

"LDF documents and any related literature can be made available in a variety of formats e.g. Braille, large print, audio cassette, languages other than English. If you require documents in another format please contact: The Planning Policy team on 01775 761161 or e-mail localplan@sholland.co.uk"

- 6.5 As a result of these amendments 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.
- 6.6 Subject to the recommendations above this test is met.

Test 6

- 7.1 Chapter 4 of the SCI explains how the Council will seek to ensure that sufficient resources are put in place to achieve the scale of consultation envisaged. 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 Section 2.6 of the SCI 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 at the end of the consultation period explaining how views have been considered and documents changed in light of the community involvement. The SCI states at the end of the first paragraph in Section 2.6 where these will be made publicly available. (A list of the local libraries is provided in Appendix 3 of the SCI).
- 8.2 This test is met.

Test 8

- 9.1 Chapter 5 of the SCI provides information on monitoring and review and confirms the Council's intent to review the SCI on an annual basis. It would be helpful if this section made reference to the role of the Annual Monitoring Report and I recommend accordingly.

(R8) Add to the end of the second paragraph within Chapter 5 the following:

"The success and effectiveness of the SCI will be reviewed through the Annual Monitoring Report (AMR)."

- 9.2 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.
- 9.3 Subject to the recommendation above this test is met.

Test 9

- 10.1 Chapter 3 of the SCI describes the Council's policy for consultation on planning applications. Section 3.2 meets the minimum requirements and provides additional methods of consultation and this also distinguishes between procedures appropriate to different types and scale of application.
- 10.2 However, the SCI does not adequately deal with the question of how the results of consultation will be reported and how the results will be used to inform the decision making process.
- (R9) Add to the end of the first paragraph in Section 3.5 the following:
- "The results of any such consultation will be reported and taken into account in decisions made by, and on behalf of, the Council."
- 10.3 The SCI also does not address the longer statutory time period for consultation that may be applicable in certain circumstances
- (R10) Insert after the sixth bullet point of Section 3.2 the following:
- "Bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation."
- 10.4 Subject to the recommendations above this test is met

Conclusions

- 11.1 The Council have set out in their document 'Suggested Minor Changes' a number of proposed amendments to the SCI. (This document is attached as Appendix B to this report.) Some of these changes are in response to representations received on the submission document. Others are Council derived amendments that address typographical errors, the removal of 'historic' information that would become redundant once the document is adopted and clarification of the types of DPDs to be produced. 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, with one exception agree that they be included.

(R11) Implement the changes to the submission SCI as proposed in Appendix B to this report, with the following exception:

As the Mobile Operators Association is not the only telecommunications company operating in South Holland retain within Appendix 1 the phrase 'Relevant Telecommunications Companies' whilst adding the Mobile Operators Association.

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 South Holland District Council SCI (April 2006) is sound.

Ben Linscott

Ben Linscott BSc MRTPI, 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

APPENDIX B – PROPOSED CHANGES

Statement of Community Involvement

Suggested Minor Changes

Preface

1st line – delete ‘has produced a revised’, and insert, ‘formally adopted its’.

At end of first sentence – date of final adoption to be added.

2nd line – delete ‘aims to set’, and insert, ‘sets’.

6th line – delete ‘revised’.

6th/7th lines – delete ‘The document has been submitted to Government for assessment. There is now a 6 week consultation period.’

Delete invitation to send comments and freepost address

Pen-ultimate para – insert Council’s address following, ‘Spalding’. – ‘(SHDC, Council Offices, Priory Road, Spalding, Lincs. PE11 2XE’.

Glossary of Terms

(1st line page 5) Delete reference to Deputy Prime Minister, and replace with ‘Secretary of State for Communities and Local Government’.

Chapter 1

3rd para of 1.1 1st line - delete ‘This draft’, and replace with, ‘The’.

4th para of 1.1 – delete first sentence, and ‘Once adopted’.

3rd para of 1.3 (5th and 6th lines) – delete ‘the SCI’ and replace with ‘Local Development Documents’.

2nd para of 1.4 – delete ‘emerging’ from 5th line.

Page 9, Section headed ‘Communications and Marketing Strategy July 2004’ 3rd and 4th lines – alter, ‘and identifies good communication will’ to ‘identifies good communications and will’.

Page 10, Section headed Economic Development Strategy – delete ‘is beginning production of’, and replace with, ‘has published’. Also add, ‘2006-2009’, at the end of the first sentence.

Chapter 2

Section 2.2 (first line of LDS textbox) – change ‘(2005)’ to ‘(2006)’.

In DPD textbox on page 14 add following sentences at the end of existing text on each type of DPD:

- Following Core Strategy: ‘This document will deal with such matters as the principles to be employed in the distribution of development in the District, and the resolution of potential conflict between development needs and environmental concerns. It will not contain development site allocations.’
- Following Generic Development Control Policies: ‘This document will contain a comprehensive set of development control policies on a range of themes, from housing to recreation and conservation.’
- Following Site Specific Allocations: ‘This document will include development site allocations for the full range of the District’s development needs, including housing, employment, retailing and recreation.’

- Following Action Area Plans: 'At present, the Council proposes to produce only one Action Area Plan (for Spalding).'

At foot of page 14, remove reference to ODPM, and insert reference to DCLG.
The page 18 textbox needs a further line adding at the end, as follows: '...make any necessary changes and adopt the SCI.'

Table 1 on page 18 needs to be deleted.

The word 'appendix' in the page 19 textbox needs to be changed to 'appendices'.

This also applies to the textbox on page 21.

Para 2.7 (page 25) – The heading, 'Specific Consultees', should be amended to read, 'Specific Consultation Bodies'.

Page 26 1st line of penultimate para – The word, 'Council' needs to be inserted before the word, 'member'.

Para 2.8 (page 27) – The number 8 should be replaced in the 1st line with the number 2.7.

Page 28, Table 2 is to be re-numbered 'Table 1'.

Page 31, Table 3 is to be re-numbered 'Table 2'.

Chapter 5

First line – delete the words, 'Once adopted'.

Appendix 1

Delete – (E) 'The Countryside Agency'

Alter - (I) 'English Nature' to 'Natural England'

At (L), replace 'Relevant Telecommunications Companies' with 'Mobile Operators Association'.

Add - 'District Councillors', 'Parish Councils', 'Adjacent Parish Councils', and 'Planning Inspectorate'.

Re-number appropriately

Appendix 2

Delete: 'Adjoining Parish Councils',
'Countryside Agency',
'Gosberton Clough and Risegate Young Farmers' Club',
'L.A.S.H. (Leisure Arts South Holland)',
'Local Churches',
'Mobile Operators' Association',
'Parish Councils',
'RACIE',
'South Lincolnshire Environmental Group',
'South Lincolnshire Nature Reserves',
'The Deepings School'

Add: 'Ashley King',
'Development Planning UK',
'East Midlands Planning Aid',
'Holbeach Primary School',
'I D Planning',
'Lincs. and Rutland Education Business Partnership',
'South Lincs. Blind Society'.
'Wash and N. Norfolk Coast European Marine Site Management Group'

Amend: 'Caltrops' to 'Calthrops',
'Spalding Civic Society' to 'Spalding and District Civic Society'.
'Wash Estuary Management Group' to 'Wash Estuary Strategy Group'