



# The Planning Inspectorate

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Your Ref:

Our Ref: PINS/H3320/429/3

Date: 6<sup>th</sup> December 2006

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Dear Mark

## **WEST SOMERSET DISTRICT COUNCIL - STATEMENT OF COMMUNITY INVOLVEMENT EXAMINATION – INSPECTOR'S REPORT**

I am pleased to enclose two copies the draft report prepared by Inspector John Mattocks DIPTP BSC (HONS) MRTPI following the written representations examination to consider the soundness of West Somerset District Council Statement of Community Involvement.

On behalf of the Inspector I would like to thank your Authority for its assistance. I feel sure that this has helped the Inspector minimise the time taken to produce this report that in turn has made an effective contribution towards achieving the Inspectorate's objective of expediting its part of the overall Plan-preparation process.

Your Authority should now carry out a factual check of the draft report. Local Planning Authorities may request an amended report within 10 working days from the date of receipt of the Inspector's draft report, although such amendments must be confined to matters of clarification, or omissions, which need to be resolved. The final report, with amendments from the draft where necessary, will be issued to you without additional charge to the LPA, within 20 working days of the Inspector being asked to consider any amendments. If you do not require clarification, would you please inform the Planning Inspectorate by the end of the 10 day period that you are prepared to accept the draft report as the final version.

The report will be binding upon the Local Planning Authority and will give specific recommendations as to how the Statement of Community Involvement must be changed. I would be grateful if you could notify the Inspectorate beforehand of the



date on which the Inspector's final report is to be published. I also welcome, in due course, 2 copies of the adopted Statement of Community Involvement.

Yours sincerely

Miss T Clinton  
Local Developments Framework Team

**INSPECTOR'S REPORT**  
**WEST SOMERSET DISTRICT COUNCIL**  
**STATEMENT OF COMMUNITY INVOLVEMENT**

Inspector: John Mattocks DIPTP BSC(HONS) MRTPI

Date: 6<sup>th</sup> December 2006

## **West Somerset District Council Statement of Community Involvement (July 2006)**

### **INSPECTOR'S REPORT**

#### **Introduction**

- 1.1 An independent examination of the West Somerset District Council Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (the Act), as applied by s18(4) of the Act.
- 1.2 Section 20(5) indicates the two purposes of the independent examination in parts (a) and (b). With regard to part (a) I am satisfied that the SCI satisfies the requirements of the relevant sections of the Act, in particular that its preparation has accorded with the Local Development Scheme as required by s19(1) of the Act.
- 1.3 Part (b) is whether the SCI is sound. 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.
- 1.4 A total of 11 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.

#### **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.
- 2.2 This test is met.

#### **Test 2**

- 3.1 Paragraph 2.3 of the SCI notes the link between the Community Plan and the Local Development Framework. The Council states that both the Community Plan and LDF should reflect, and provide a joint approach in the implementation of, each other's objectives and targets. Partnership arrangements between the Council and the West Somerset Strategic Partnership will be sought over consultation that covers common objectives.
- 3.2 This test is met.

### **Test 3**

- 4.1 The Council has set out in Appendix A of the SCI those groups which will be consulted. The list includes the statutory bodies from PPS12 Annex E and other stakeholders. Paragraph 7.7 of the SCI clarifies that the Council will consult with bodies only if the subject matter of the LDD affects them. It is also clear from the SCI that the Council may consult with additional bodies if appropriate. Those with an interest in being involved in the process can be added to the LDF Consultation Register.
- 4.2 Appendix A together with page 15 of the SCI set out how the Council proposes to meet the consultation requirements set down in the Planning and Compulsory Purchase Act 2004.
- 4.3 The reorganisation of certain consultation bodies should however be acknowledged in the SCI and I recommend that an additional sentence should be added to Appendix A to this effect.

### **Recommendation**

**(R1)** Add the following text to Appendix A "Please note, this list is not exhaustive and also relates to successor bodies where reorganisation has occurred."

- 4.4 Subject to the implementation of the above recommendation, this test is met.

### **Test 4**

- 5.1 Paragraph 1.3 of the Introduction to the SCI emphasises that the new system brings a fresh approach to the preparation of planning policy documents, which involves discussing planning issues and objectives with the local community and stakeholders at the very start of the process, as opposed to later or near the end.
- 5.2 It is clear from diagram 2 on page 9 of the SCI that the Council intends to involve and inform people from the early stages of DPD preparation with consultation methods being employed at the Issues and Options stage. An overview of the Council's approach to pre-draft consultation is set out in paragraphs 4.3 to 4.5. It states that the local community and stakeholders will be consulted and informed on the preparation of issues and options of early policy formulation at the very start of the development plan process. I am satisfied that providing these stages are followed the consultation proposed will be undertaken in a timely and accessible manner.
- 5.3 This test is met.

## **Test 5**

- 6.1 Section 7 of the SCI sets out how the Council intends to involve the community and stakeholders in the Local Development Framework. Appendix B of the SCI identifies consultation techniques to be employed by the Council to engage with the various groups. Proposed arrangements are suggested for involving the community in DPDs and SPDs at each stage of the process in Diagram 2 (section 4 of the SCI) and Diagram 3 (section 5 of the SCI). Consultation methods to be employed cover a range of recognised consultation techniques that will present information via a range of different media.
- 6.2 The Council recognises the need for an inclusive approach, with the SCI Vision Statement on page 3 stating that the Council intends to use an open, transparent and all-inclusive approach to community engagement, with all citizens of West Somerset being given the opportunity to have their say on the future planning of the district. Section 7 of the SCI identifies challenges that the Council will face such as the constraints imposed by the district's rural context and its demographic make-up. Paragraph 7.6 identifies various 'hard to reach' groups and emphasises the need to ensure an equal and inclusive LDF process. Page 16 of the SCI states that the Council is working towards establishing a Hard to Reach Group database and intends to use a variety of methods to encourage such groups to become involved in the planning system.
- 6.3 However, the SCI should make explicit reference to the Race Relations Act 2000 and the Disability Discrimination Act 1995 and a recommendation is provided accordingly.
- 6.4 The back cover of the SCI states that documents are available in large print, Braille or audio format. It would be helpful however, if the Council could clarify that translations are also available if required. I recommend accordingly below.
- 6.5 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.

## **Recommendations**

**(R2)** Insert an additional paragraph 7.7 as follows:

"The Council will make every effort to meet the requirements of the Race Relations Act 2000 and the Disability Discrimination Act 1995."

**(R3)** Amend the words on the back cover of the SCI to state the following: "If you would like a copy of this book translated, in large print, Braille or in audio format, please phone 01643 703704."

- 6.6 Subject to the implementation of the above recommendations, this test is met.

### **Test 6**

- 7.1 Section 11 of the SCI set out resource implications for the SCI in terms of staffing, time and finance. Potential areas of risk have been identified and new initiatives to help minimise resource requirements. Appendix B of the SCI sets out consultation methods in terms of their benefits and costs.
- 7.2 I am satisfied that the Council is alert to the resource implications of the SCI. This test is met.

### **Test 7**

- 8.1 Section 8 of the SCI sets out how the results of community involvement will be fed into the preparation of DPDs and SPDs. It sets out how decisions regarding DPD and SPD content will be made and how the results of community involvement will be reported and inform the content of LDDs. The Council records all responses received from consultation exercises in a variety of applications, including databases, graphs and charts and reports. Reports are used to summarise the general responses, which are then used to inform the Council's Members (Figure 1 on page 17 of the SCI) and the local community and stakeholders of the findings.
- 8.2 This test is met.

### **Test 8**

- 9.1 Section 10 of the SCI relates to monitoring and review. Paragraph 10.1 of the SCI acknowledges that the LDF process is continuous and once a DPD has been adopted its policies and content will be monitored and reviewed annually in the Annual Monitoring Report (AMR). The SCI is also subject to monitoring through feedback forms to consultees following consultation exercises. In addition, the LDF Consultation Register provides a means for monitoring the number and types of groups involved in the LDF process to ensure a balanced representation from all community groups and stakeholders.
- 9.2 This test is met.

### **Test 9**

- 10.1 Section 9 of the SCI deals specifically with the Council's policy for consultation on planning applications, with paragraph 9.8 partially meeting the minimum requirements set out in legislation. The SCI should however, contain further information on statutory

consultation periods for development. I set out a recommendation below.

- 10.2 Pages 18 and 19 of the SCI clarify how the Council intends to carry out consultation with the public on planning applications. Paragraphs 9.20 to 9.22 of the SCI set out how the results of consultation will be reported and inform decisions on planning applications.
- 10.3 The SCI also differentiates between different types and scales of application, making clear the different procedures for consultation that will apply (Figure 3 of the SCI).
- 10.4 Paragraph 9.4 of the SCI draws attention to the fact that the Council encourages early discussion with developers to consider the benefits of community involvement and potential methods of consultation. Paragraphs 9.18 and 9.19 of the SCI set out the Council's policy on pre-application consultations. Further information is provided in paragraphs 9.23 to 9.25 of the SCI, relating to the role of the applicant and the Council.

### **Recommendation**

**(R4)** Insert the following text in paragraph 9.3 of the SCI, after the first sentence: "Neighbours will be notified about a planning application by letter that asks for comments within a 21-day period. Bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation."

- 10.5 Subject to the implementation of the above recommendation, this test is met.

### **Conclusions**

- 11.1 The Council has prepared a table of the main issues raised and Proposed Changes to the Submission SCI in Appendix D of the Regulation 31 Representations Statement. This is given as Appendix B to this report. These changes 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**

**(R5)** Make the changes to the SCI set out in Appendix B to this report.

- 11.2 Whilst I have attempted to identify as many consequential amendments as possible that may follow from my recommendations, it is possible that issues of consistency may arise. In the event of any doubt, please note that I am content for such matters, plus any minor spelling, formal, grammatical or factual matters to be amended by the Council, so long as this does not affect the substance of the SCI.



11.3 The Council should remove the references to the consultation stages of the document in paragraphs 1.11 & 1.12 and replace them by a statement of adoption.

11.4 I set out appropriate recommendation below.

**Recommendation**

**(R6)** Remove the section headed "Where are we in the SCI preparation process" , paragraphs 1.11-12 and insert a statement of adoption.

11.5 Subject to the implementation of the above recommendations the West Somerset District Council SCI (July 2006) is sound.

*John R Mattocks*

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;<sup>1</sup>
- 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

<sup>1</sup> The Town and Country Planning (Local Development) (England) Regulations, 2004.

**INSPECTOR'S REPORT**  
**WEST SOMERSET DISTRICT COUNCIL**  
**APPENDIX B – PROPOSED CHANGES**

## Appendix D: Main Issues Raised

Respondee	Issue Raised	Council's response
<p>Government Office for the South West</p>	<p><b>Test VII:</b></p> <p>Consider expanding para 10.2 to make it clear what would trigger a review of the SCI.</p> <p><b>Test IX:</b></p> <p>No apparent explanation on how the results of consultation will be reported and inform decisions on planning applications.</p>	<p><b>Test VII:</b></p> <p>The Council acknowledges that further explanation should be provided on what will trigger a review of the SCI. Currently the SCI explains (para 10.6) that the AMR will provide a summary of the SCI's implementation, which will take account of feedback received from consultees on the effectiveness of LDF consultation exercises undertaken. It is proposed that a paragraph 10.7 be added with the following wording:</p> <p><i>"Where the AMR identifies the Council's failure to meet the SCI's policies and proposals, a full review of the document will be triggered."</i></p> <p><b>Test IX:</b></p> <p>Paragraph 9.20 explains that the results of consultation will be reported in the form of a 'consultation summary', in which the Council has produced guidelines to assist the developer in completing. The current SCI does not explain how the summary will inform decisions, although it is stated that failure to submit a summary with an application will not result in the application being refused. A further sentence will be inserted in paragraph with the following wording:</p> <p><i>"The purpose of the summary is to inform the planning committee of whether the developer has consulted, with whom, how and when, whilst the primary aim is to seek confirmation that the local community and stakeholders' views have been taken into account."</i></p>
<p>Ms Jane Taunton</p>	<p><b>Section 9 – Consultation Matrix:</b></p> <p>The stated threshold figure of 0.5ha or more in Figure 3, Tier Level 3, is not relevant. Applications for developments of areas less than this figure can generate local interest and concern, for example where a site is within or close to a conservation area.</p> <p><b>Section 9 – Paragraphs 9.23 – 9.25</b></p>	<p><b>Section 9 – Consultation Matrix:</b></p> <p>It is considered that the statutory notification process and an individual's right to object to an application will be sufficient enough to gauge the views of the local community and stakeholders on development sited on an area of less than 0.5ha.</p> <p><b>Section 9 – Paragraphs 9.23 – 9.25</b></p>

	<p>Questions how the Council can assume an 'impartial role' during consultation. Feels words such as 'impartial' are inappropriate.</p>	<p>These paragraphs explain that the Council will only be involved in pre-planning application consultation to provide information on how a proposal may benefit the district in planning terms. For example, a proposal may support a spatial objective set in the Core Strategy. Where there is no need for this, or the Council feels it is not appropriate to be involved, it will adopt a 'watching brief' to ensure the developer does not 'over-sell' its proposal e.g. promise some form of planning gain that cannot be delivered through the proposal. Therefore the Council will remain impartial to the developer's own intentions for wanting to develop in the district.</p>
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