

INSPECTOR'S REPORT

WILTSHIRE COUNTY COUNCIL

STATEMENT OF COMMUNITY INVOLVEMENT

Inspector: Mary Travers BA(Hons) DipTP MRTPI

Date of Hearing: 7 February 2006

File Reference: LDF000037

Wiltshire County Council - Statement of Community Involvement (May 2005)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of the Wiltshire County Council 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 (PPS12): Local Development Frameworks, the examination has been based on the nine tests set out (see Annex A to this report). 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 A total of 28 separate individuals or organisations made written representations on the SCI, all of which have been considered. A requested hearing was held on 7 February 2006: the attendance sheet listing those present is attached. Since this report is into the soundness of the SCI I have not referred to matters raised in the written representations or at the hearing unless they result in a recommendation for a change.

Test 1

- 2.1 This test is dealt with in the pre-submission consultation statement. The Council combined the different consultation stages under Regulations 25 and 26¹. However, the respective bodies were asked subsequently whether they had been prejudiced by the Council's failure to carry out the separate consultation stages and no objection has been raised on the matter. I am satisfied with this response.
- 2.2 Having regard to 'DPD matters' and 'Proposals Matters' (Regulation 24(4)), the Council should have included a statement regarding notification requests in earlier documentation, including the advertisements, but this can be rectified by my recommendation below. Subject to that, this test has been met.
- 2.3 Recommendation
 - (i) The Council should notify all those who made a representation on the submission SCI of the publication of the Inspector's Report and the adoption of the SCI.

¹ The Town and Country Planning (Local Development) (England) Regulations 2004 [SI 2004 No 2204].

Test 2

- 3.1 Section 6 of the SCI sets the Council's planning functions in their wider context, especially in relation to the Community Strategy. It confirms that the Council is committed to identifying land use elements of the Community Strategy which will be delivered through the new planning framework for Minerals and Waste - the Minerals and Waste Local Development Framework (MWLDF). The roles of the Local Strategic Partnership and the 20 Community Partnerships for particular areas of the County are explained and it is made clear that opportunities for joint working and shared participation exercises will be grasped wherever possible. Figure 4 places the SCI in a broader context by illustrating the relationship between it and other community engagement initiatives and consultation strategies with which the Council is involved. The suggested re-drafting of Sections 10 and 11 as set out in the Council's schedule (see paragraph 10.1 below) is helpful in clarifying the link between the SCI and consultation/engagement activities associated with the Council's other plans and programmes such as the Local Transport Plan and the Municipal Waste Management Strategy.
- 3.2 This test has been met.

Test 3

- 4.1 An SCI should identify in general terms which local community groups and other bodies will be consulted. The list provided in Appendix 4 of the SCI is clear and extensive and it identifies the statutory and non-statutory consultation bodies that will be engaged in the preparation of minerals and waste local development documents (LDDs).
- 4.2 Paragraphs 7.3 onwards explain generally how the Council will seek to identify all those who have an interest in its planning functions, making clear that the Council will consult with bodies only if the subject matter is likely to affect them and that they may consult with other bodies as appropriate. The particular need to target under-represented groups is highlighted as also is the importance of keeping the consultation database up-to-date and under constant review.
- 4.3 Appendix 5 summarises the consultation and participation techniques that will be used in the preparation of LDDs and paragraphs 7.7 onwards explain in more detail the methods that will be used to engage with the community and other stakeholders. It is clear that the methods of consultation exceed the minimum requirements set out in the Regulations.
- 4.4 This test has been met.

Test 4 and Test 5

- 5.1 These tests are considered together as they are interrelated.
- 5.2 Appendix 5 sets out the stages in the production of DPDs and SPDs and this is supplemented by the text in paragraphs 7.10 onwards which explain in more detail how the community and other stakeholders are likely to be involved in these stages. The amendments suggested by the Council to these sections of the document (and dealt with by the recommendation in paragraph 10.2 below) clarify the stages at which there will be community involvement. The SCI makes clear that engagement will take place at the very earliest stage of plan preparation and throughout the process leading to statutory adoption. The additional Figures suggested by the Council to illustrate the consultation stages (and dealt with by my recommendation under paragraph 10.2 below) will improve the clarity of the document in this respect.
- 5.3 The SCI should however explain that at the examination stage, DPDs will be assessed in accordance with the tests of soundness set out in PPS12. I recommend an addition to the text on this matter.
- 5.4 Section 4 of the SCI makes clear that a range of community involvement methods will be used that are appropriate and accessible for the needs of various groups and for the type of document concerned. The importance of targeting under-represented groups and of seeking as wide a reflection of the community's views as possible are acknowledged in paragraphs 7.3 and 7.8 respectively. The Key Principles for Community Engagement at Section 4 underpin this inclusive approach.
- 5.5 Recommendation
 - (i) Amend the first sentence of paragraph 7.14 as follows: `The final stages of DPD preparation involve independent examination, the purpose of which is to consider if the DPD is sound; paragraph 4.24 of Planning Policy Statement 12 (PPS12): Local Development Frameworks explains the tests of soundness upon which the examination will be based.

Test 6

- 6.1 Section 13 of the SCI makes it clear that consideration will be given to the link between the available resources and the type/scale of community involvement that will be undertaken. It explains who will manage community involvement processes in the Council and where the staffing and financial resources will be found. The Council's suggested re-drafting of paragraph 13.3, contained in the Council's schedule (see paragraph 10.1 below) is an appropriate updating of the document. Section 13 is consistent with the details provided on the methods that will be employed to engage with the community and other stakeholders. Many of these methods rely on

existing facilities – the website, other media, the libraries and existing networks and forums. Reading the document as a whole, it is clear that reasonable consideration has been given to the link between resources and the type/scale of community involvement proposed. However, it should be made explicit that the Council will seek to link consultation exercises on different LDDs where this would be appropriate.

6.2 Recommendation

- (i) Add a new sentence at the end of paragraph 7.11 as follows: The Council will seek to link community involvement initiatives on different documents where this would be appropriate, for example, where a Supplementary Planning Document (SPD) and a Development Plan Document (DPD) are prepared in parallel because the detail set out in the former is fundamental to the early delivery of policies in the latter.

Test 7

7.1 Sections 7 and 8 of the document explain clearly how all those who wish to be involved in shaping the Minerals and Waste LDDs can do so. They describe the different stages of production of DPDs and SPDs, how decisions will be made about their content, and the outcomes expected from the community involvement activities at various stages in the evolution of these documents. There are explicit references to the formal processes for reporting back on the outcome of community involvement. Figure 2, the Key Principles for Community Engagement, reinforces these important elements of the SCI by underlining the importance of meaningful involvement and feedback.

7.2 This test has been met.

Test 8

8.1 Section 14 of the document sets out how the SCI will be monitored and where the responsibility will lie for ensuring that its effectiveness is kept under regular review. The lessons learned from monitoring will be fed into the preparation of DPDs and development control decisions. The additional text suggested by the Council (see paragraph 10.1 below) clarifies the role of the Annual Monitoring Report in the review of the SCI. However, it should also be explained how any changes deemed necessary to the SCI will be taken forward.

8.2 Recommendation

- (i) Add a new sentence to the end of paragraph 14.1 (as amended in the Council's schedule) as follows: Any changes to the SCI that are deemed necessary as a result of the Annual Monitoring Report

will be reflected in the production and submission of a revised Local Development Scheme (LDS).

Test 9

9.1 Section 9 of the SCI sets out the Council's policies and procedures for consultation on the planning applications that fall within its jurisdiction and makes clear how the results of consultation will be reported and will inform decisions. It explains the various procedures for consultation on applications of different types and significance. Ways in which the community will be involved are explained clearly, and this includes provision for community involvement before an application is made (paragraph 9.6.1). The addition of the new appendix suggested by the Council that sets out the procedure for speaking at committee will help to inform the reader on this important matter (as recommended in paragraph 10.2 below). Overall, Section 9 sets out clear policy and procedures which exceed the minimum requirements contained in the legislation.

9.2 However, the reference in the fifth sub-section of paragraph 9.6.2 is potentially misleading in relation to statutory consultation timescales since a period of 28 days is allowed in the case of a planning application potentially affecting an SSSI or in an SSSI consultation area. I recommend a change to the text accordingly and a consequential change should be made to the definition of 'substantive response' in the Glossary of Terms.

9.3 Recommendations

(i) Insert a footnote to the fifth sub-section of paragraph 9.6.2 as follows: Statutory consultees have 28 days in which to comment in the case of a planning application potentially affecting a SSSI or in a SSSI consultation area. This is in accordance with Section 28 of the Wildlife and Countryside Act 1981 as amended by Section 75 and Schedule 9 of the Countryside and Rights of Way Act 2000.

(ii) Clarify the reference to the 21 day period in the definition of 'substantive response' in the Glossary of Terms by inserting a footnote similar to that in (i) above.

Other Matters

10.1 A number of corrections, amendments, updating and consequential changes that the Council proposes in response to the representations were set out in a schedule submitted after the hearing and in the submission of additional information to clarify matters referred to in the schedule. I have considered these in terms of the tests of soundness and relevant guidance and I recommend that the SCI should be amended as set out in these

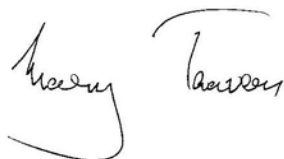
documents. Also, since the schedule omits the amended wording for the Vision for Community Engagement as agreed by the Council before the hearing, I include a specific recommendation to that effect. Any consequential re-numbering of paragraphs and correction of any typographical errors are matters for the Council to address.

10.2 Recommendations

- (i) Amend the SCI in accordance with the details set out in the schedule submitted by the Council on 23 February 2006 and in the additional information to clarify matters raised in the schedule, submitted by the Council on 15 March 2006.
- (ii) Replace the existing Vision for Community Engagement in paragraph 5.2 as follows: To involve the community of Wiltshire in planning for sustainable development.

Conclusion

- 11.1 Subject to the above recommendations the Wiltshire County Council Statement of Community Involvement (May 2005) is sound.

A handwritten signature in black ink, appearing to read 'Mary Travers', with a large, sweeping flourish at the end.

Mary Travers
Inspector

ANNEXE A

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