

South Buckinghamshire District Council – Statement of Community Involvement (June 2006)

INSPECTOR’S REPORT

Introduction

1.1 An independent examination of the South Buckinghamshire District Council Statement of Community Involvement (SCI) has been undertaken 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 in 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 a clear need in the light of the tests in PPS12.

1.2 29 representations were received, all of which have been considered. The Council proposed a number of amendments to the SCI in response to the 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. However, to the list of specific consultation bodies at Appendix D should be added

(R1) Network Rail
Natural England
South Central Strategic Health Authority

and the following should be deleted

(R2) The Countryside Agency
English Nature
Strategic Rail Authority
Thames Valley Strategic Health Authority

2.2. Contrary to an objection, I do not consider paragraph 4.1.2 confers a degree of access to consultation afforded to hard-to-reach groups superior to that afforded to parish councils, given the status of the latter as specific consultation bodies.

Conclusion

2.3 Subject to the above recommendations this test is met.

Test 2

3.1 In Paragraph 2.1 the SCI is related to the Council’s 2003 Community Plan for South Buckinghamshire. In concert with other

organisations in the South Buckinghamshire Strategic Partnership the Council has prepared a new community plan *A Vision for South Bucks: The Shape of Things to Come 2006-2016*. The Community Plan is supported by the Council's own Corporate Plan. The objectives of the LDF reflect the visions in the Community Plan and Corporate Plan. Though Parish Plans are not part of the statutory planning framework they will be regarded as sources of evidence in the compilation of Local Development Documents.

3.2 Given the close links between the LDF and other forms of plan, joint consultation on related strategies will take place wherever possible. I consider the interrelation of various forms of interrelated planning is well understood in the SCI. In that context I propose to delete the reference to consultation fatigue; it has a negative connotation unsympathetic to the aims and procedures of the LDF system.

(R3) In paragraph 2.4 the text after 'resource' in line 7 should be deleted.

Conclusion

3.3 Subject to the recommendation above this test is met.

Test 3

4.1 Appendix E identifies categories of general consultee bodies in accordance with Annex E2 of PPS12. To that is added a list of generic group types, including business, community, environmental, and development interests whose representations may be relevant to the various stages of formulation of DPDs. The Council maintains a database that is subject to regular updating, with additional consultees being added as appropriate. However, while the inside cover has fully detailed information on how to contact the Council about the SCI, because this database is not exhaustive the document should provide specific contact details for any individual or organisation wishing to be added to the Council's list of consultees.

(R4) To assist organisations or individuals wishing to be placed on the Council's database of consultees a named Council officer and contact address should be printed inside the front cover of the SCI

4.2 The present list is not exhaustive and the reorganisation of such consultation bodies as English Nature should be acknowledged in the SCI. I accordingly recommend an additional sentence be added at the end of paragraph 4.1.3:

(R5) It should be noted that the lists in Appendices D and E are not exhaustive and also relate to successor bodies when reorganisations occur.

(R6) In accordance with the advice in PPS12 the following Government Departments should be added to Appendix E

Department for Education and Skills (through Government Offices)
Department for Environment, Food and Rural Affairs
Department for Transport (through Government Offices)
Department of Health
Department of Trade and Industry (through Government Offices)
Ministry of Defence
Department of Work and Pensions
Department for Culture, Media, and Sport

4.3 The intention to involve hard-to-reach groups is in the expressed principle (c) *Equal opportunities and inclusiveness* at paragraph 3.2 and their membership of the Citizen Panel in the 7th bullet point of Appendix F. Paragraph 4.1.2 clearly defines these groups, citing the statutory requirements promoting inclusiveness in the outreach of consultation.

Conclusion

4.4 Subject to the recommendations above, this test is met.

Test 4

5.1 Table 1 clearly articulates in detail the stages of gestation of DPDs, DPDs making site allocations, and Supplementary Planning Documents in terms of the stages prescribed by Regulation, the minimum prescribed modes of consultation, and the modes of consultation to be employed by the Council that will exceed the minimum requirement. The procedures provide for community involvement at each stage of the procedure, including the issues and options stage. Contrary to an objection, they do not foster closer communication with non-statutory interests than with Parish Councils, which are specific consultees in Appendix D.

Conclusion

5.2 This test is met.

Test 5

6.1 Table 1 identifies a conventional range of means of involvement in communication related to the stages of preparation of LDF documents. The range of activities is appropriately related to the types of consultee to be invited to participate at each stage.

Conclusion

6.2 This test is met.

Test 6

7.1 Paragraph 6.1.1 expresses the Council's confidence in its budgetary and staff resources to achieve effective and realistic community involvement in the LDF with its relevant existing staff functions identified

in paragraph 6.1.2. Paragraph 6.2.1 records the Council's establishment of a dedicated fund for LDD preparation, to include the cost of community involvement.

Conclusion

7.2 This test is met.

Test 7

8.1 The results of community involvement in the preparation of DPDs and SPDs, comprising representations received and notes of points made at meetings and other consultation events, will be analysed and presented in summary form to the Council members. A full copy of the representations will be available for inspection at the Council offices. Paragraph 4.4.1 details the range of media by which the summary of the Council's responses will be made public. I note there is no direct reporting to organisations and individuals who have made representations and that the Citizens Panel will be informed only of 'key' results. In my view this could lead to the publication of overly briefly expressed and insufficiently explained decisions and the publication of a summary is inappropriate. It is important that fuller transparency of the reporting procedure both in the content of reportage and in its outreach be prescribed. For those reasons the relevant bodies in Appendices D and E should be fully informed of the results of consultation and the Council's responses.

(R7) 'a summary of' should be deleted from line 6 of paragraph 4.4.1

(R8) To the bulleted list at paragraph 4.4.1 should be added:

- Informing relevant bodies and individuals who have made representations.

Conclusion

8.2 Subject to the recommendations above this test is met.

Test 8

9.1 In section 7 the Council undertakes to assess through its Annual Monitoring Report how it has consulted the public and considered their views in the formulation of LDDs. This will be the vehicle for reviewing the performance of the SCI and recommending any needed changes. The effectiveness of consultation and community involvement in determining planning applications is to be regularly reviewed to enable procedures to be adjusted whenever shown necessary.

Conclusion

9.2 This test is met.

Test 9

10.1 Planning applications are the subject of section 5 of the SCI with the Council's action at the stages towards determination defined in Table 2. Two tiers of major planning application are recognised and their broad characteristics stated. Various precisely detailed criteria of a major development sought by an objector are more relevant to those set in a DPD or Supplementary Planning Guidance than the SCI. While Parish Plans may contain elements appropriate to be fed into DPDs their remit is much wider than the Town and Country Planning legislation and they are not part of the hierarchy of statutory land use planning documents. It is inappropriate to accord them the status in respect of the LDF sought by objectors. It is also not the function of the SCI to change matters falling within the remit of the Council's statutory Standing Orders.

10.2 The submission of a Public Consultation Statement with a planning application recording the consultations having taken place and applicants' responses to matters raised, though not a statutory requirement, is strongly encouraged. Any such Statement should be made public with the application documents.

(R9) At the 3rd bullet point in the Application post submission stage in Table 2 the availability of any Public Consultation Statement should be added.

10.3 I endorse the change proposed by the Council in response to objections regarding the protection of Burnham Beeches:

(R10) The following additional bullet point should be inserted in Table 2 in the Application – Post submission stage cell:

- Consult the City of London and Natural England on planning applications which may have a significant effect (including a cumulative effect with other developments) on the Burnham Beeches SAC according to the agreed guidelines.

10.4 I am satisfied that the Council's use of delegated powers is within the statutory authorisation. Given the extension of public involvement in the formulation of a decision on a planning application I see no reason to increase the time for formal representations at Planning Committee meetings.

Conclusion

10.5 Subject to the above recommendations this test is met

Recommendation

11.1 The Council has set out in its regulation 31 statement a number of proposed changes to the SCI in response to representations received on the submission document. Those suggested amendments do not affect

the substance of the SCI but they do improve the clarity and transparency of the submission document. These proposed changes have been taken into account within the body of this report.

11.2 In spite of my scrutiny, consequential amendments may be required to secure consistency as a result of my recommendations. I am content for such matters, together with any minor spelling, grammatical, or factual matters, to be amended by the Council so long as they do not affect the substance of the SCI.

11.3 Subject to the recommendations identified in this report the South Buckinghamshire District Council SCI (June 2006) is sound.

D L J Robins

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Inspector