



**Public Participation on the Draft Statement of  
Community Involvement  
25 March 2013 – 9 May 2013**

**Report of Representations,  
Officer Comments and Recommendations**

**LDF Working Group 14 June 2013**

## Introduction

The draft Statement of Community Involvement (SCI) has been prepared to replace the existing adopted SCI 2006. A six week consultation was carried out between 25<sup>th</sup> March and the 6<sup>th</sup> May 2013. The draft SCI was published on the Council's website and social media pages, emails/letters were also sent out to all statutory consultees.

This document summarises the 15 responses the Council received with officer comments and recommendations.

The SCI's fundamental purpose is to set out how planning matters are consulted on. The focus of the SCI is on the new Local Plan process, although the procedures for other policy documents and consultation on planning applications are also covered.

## Summary of Representations

15 representations were received for the SCI consultation.

**Anglian Water, Highways Agency, Natural England, English Heritage, North Herts District Council, Hertfordshire District Council and Saffron Walden Town Council** have no specific comments to make.

**Manuden Parish Council** feels that the SCI describes a set of processes which are a world apart from current practice. Manuden PC explains how they have struggled for years to gain approval for 14 dwellings on the edge of the village in order to finance the provision of village facilities. They are concerned that the planning committee is taking decisions to squeeze in accommodation where it does not fit.

**David Lock Associates** points out that the SCI makes no distinction between the documents that carry the status of a DPD as defined in section 5 and 6 of the Town and Country Planning Regulations 2012. They are concerned that the Draft SCI underplays the statutory Duty to Co-operate. They suggest that the wording 'where appropriate' in paragraph 7.1 be deleted. They also point out that the timeframe identified in section 9 of the Draft SCI is out of date and suggests it should be revised.

**Stansted Mountfitchet Parish Council** whilst they agree with the measures proposed to involve the community in planning they question how effectively this is working in practice given that no feedback has been received on the June 2012 consultation other than the recent Position Statement.

**We are Residents** made the following points:

- UDC holds a number of meetings with developers in private with no record of minutes. They also feel that the LDF Working Group meets behind closed doors with no public record of decisions made. They feel that current community engagement is a tick box process and suggest additional steps should be added to the process, as set out below:

Adaptation: UDC needs to consider what they hear from the Consultation and Participation steps and adapt and change their plans to cater for it.

Feedback: Consultees need to know how their feedback has been considered and what has been changed to adopt that feedback, or if not why with specific reasons. This should be done within 30 days or later in exceptional circumstances.

- They request that it is made clearer how the proposals the Council make are linked with the evidence base. They also feel that the Council's website needs to be more user friendly and feel the SCI consultation was hard to find, and suggest a consultation calendar be introduced. In relation to planning applications they note it would be useful to have a system where people can sign up to receive email notifications of applications in their neighbourhood.
- They note that engagement in the process is generally low and more consideration should be given as to how to include the wider community and not just interest groups referred to in paragraphs 18-19.
- There is concern that the SCI suggests that only a select set of councillors are responsible for approving plans.
- The public should be given more opportunity to be involved at planning committee meetings. They should be viewable by webcast and all votes should be formally recorded.
- There should be a dedicated Twitter Chanel exclusively for Council business including new applications and consultation details.
- The consultee should be directly advised how and where their feedback has been adopted into a plan/application and if not why not.
- It should be made clear as part of any consultation, how UDC's proposals reflect the evidence base.

**An Individual** feels that details of the SCI consultation, and previous consultations are hard to find on the website and improvements need to be made. Requests that paragraph 28.3 refers to the obligation on developers to consult with the public before submitting a planning application, as stated in section 122 of the Localism Act.

Another **Individual** requests that the document is re-worded to ensure it is in-line with the best practice provided by PAS 'Constructive Talk' 2010 guide which suggests Council's and developers consider how to engage the local community in their pre-application discussions. They request that details of pre-application discussions are provided on the website so members of the public can observe and minutes are made publically available. Paragraph 25.1 needs to be strengthened as the economic role of the District is key to sustainable development and simply saying 'tying it in with it' is open to interpretation and would leave the Council open to avoiding its commitments. Suggests that the Council is not complying with paragraph 155 of the NPPF in carrying out early and meaningful engagement, this is proven by the lack of consideration given to responses to the June 2012 consultation.

**Takeley Parish Council** feels that the document adequately provides for community consultation; however they question how the Council will provide appropriate expertise to assess the Strategic Environmental Assessment. They feel that any departure from expert advice should be reasoned. The document needs to state how consultation responses will be dealt with and further detail regarding how the Council will support the development of Neighbourhood Plans.

**Chelmsford City Council** considers the approach set out in the Draft SCI to be appropriate and accords with national legislation.

### **Officer Comments**

The SCI seeks to achieve open and honest decision making in the planning process. Any comments received during planning consultations will be fully considered and taken into account before making any decision.

Pre application advice is offered by the Council on request. This advice is confidential, and is only an informal discussion, formal minutes are rarely taken. It is not necessary to make public details of forthcoming pre application meetings or publish notes of those meetings, when/if a planning application is submitted consultation will take place in accordance with the SCI.

The Council recognise there has been a delay in the reporting of some of the representations on the June 2012 consultation but are unable to make full responses until the Highways work has been completed. The Council considers and takes into account all comments received during consultation, and where appropriate documents are amended to reflect the views contained within the representation.

The point regarding the difficulties of finding current and past consultation details on our website is noted, and has been forwarded to our Website Team. The SCI consultation was not only publicised on the website, links to the document and consultation details was posted on Twitter and Facebook in an attempt to reach as many people as possible. A link to the weekly planning application list is also available through our Facebook page. The Council has recently employed a communications officer who is working on improving communication through the use of social media and other methods.

There is a requirement under the Localism Act for developers of large sites to engage with the local community. The Council encourages such participation and has published a guidance leaflet to this effect, but the onus is on the developer to ensure this consultation is carried out in a meaningful way.

The Council does its best to reach as many interested people and groups as possible. Consultations are advertised on the website, through social media, and when appropriate email notifications/letters are sent to all those registered on the Council's consultation system and notices appear in the local paper.

Agendas and minutes of the Local Development Framework Working Group are uploaded to the Council website. Agendas are publically available 5 days before the meeting. Although the public are not allowed to attend these meetings all District Council members are welcome to attend even if they are not part of the working group.

It is not possible, given the staff resources available to advise each consultee directly how and where their feedback has been adopted into a plan or application. In relation to the Local Plan, Reports of Representations are produced at each stage and in relation to planning applications the comments received are considered in the officer reports.

Within consultation documents there is often an explanation or reference to where the information came from. In the June 2012 Consultation the Draft Local Plan contains evidence from a number of the background documents which are clearly referenced. The policies in DPDs are supported by sound evidence; the Council's evidence base is ultimately tested at examination by an independent Inspector.

Members of the public can register to speak at Planning Committee. Votes for and against an application are recorded by a show of hands. Councillor names are not listed unless a recorded vote is requested by a committee member.

The Uttlesford Economic Development Strategy 2012-2014 details how Council funding will be spent to assist current and future businesses in the District. The strategy goes to 2014 and a further Strategy will be developed over the coming year. It is therefore considered that the words 'tie in' are adequate to ensure the two documents are consistent with each other where relevant.

The Council is under a legal duty to support and help neighbourhoods to draw up their neighbourhood plans. The support offered will be dependent on the requirements of the group and the stage they are at; it is therefore not felt necessary to set out details in the SCI.

The comment regarding the concern that the SCI suggests only a select set of councillors is responsible for approving plans is noted and paragraph 20.5 has been amended.

### Officer Recommendations

Amend text in section 6

- Development Plan Documents (DPDs) ~~and supplementary planning documents (SPDs)~~ when adopted constitutes the statutory development plan for the District. **The DPD for Uttlesford is the Local Plan which contains the vision and objectives, the spatial strategy, strategic policies, site allocations and development management policies.**
- **Supplementary Planning Documents (SPDs) - SPDs do not have development plan status they can provide further detail and guidance on policies set out in the DPDs.**
- Local Development Scheme (LDS) - the project plan for preparation of the Local Plan
- Statement of Community Involvement (this document) - setting out the Council's arrangements for involvement of the public and other stakeholders in the preparation of Local Plans and in consultation on planning applications for development proposals.
- Monitoring - The progress of the Local Plan is monitored to record and assess the preparation of the plan, including any requirement to amend the LDS. Annual monitoring reports can be found on the Council's website. Once the Local Plan is adopted, the Annual monitoring Report will be called the Authorities Monitoring Report in line with the Planning Regulations 2012.
- Community Infrastructure Levy - The Community Infrastructure Levy (CIL) is a mechanism to collect money from developers. Money collected this way would be used to support development by funding infrastructure that is needed due to development in the District.

The Council has decided that it will not have a CIL at present; this decision will be reviewed in 2014.

- Neighbourhood Plans - The Localism Act (2011) introduced reforms to the planning system and enables communities, through the establishment of neighbourhood forums to create Neighbourhood Plans for their area with the support of the Council. The Neighbourhood Planning (General) Regulations 2012 provide further detail to the process of Neighbourhood Planning, including the consultation and publication of neighbourhood areas, forums and plans. **Once adopted a Neighbourhood Plan will become part of the District's Development Plan.**

Amend text in paragraph 7.1

- 7.1 Section 10 of the Localism Act (2011) introduces a Duty to Co-operate which requires planning authorities and other public bodies to actively engage and work jointly on strategic matters. There are a number of issues such as transport that have impacts that cross local authority boundaries. The Council will explore constructive approaches to work jointly with neighbouring authorities, and wider if necessary and public bodies to make sure those strategic priorities are reflected and, where appropriate, addressed in the Local Plan.

Amend text in paragraph 9.1

~~9.1 The Council aims to have its new Local Plan adopted early 2014. The Council has published a Local Development Scheme (LDS) which sets out which documents will be produced and when. The latest version of the LDS is available on the Council's website.~~

- 9.1 The Council publish a Local Development Scheme (LDS) which sets out which documents will be produced and when. The latest version of the LDS is available on the Councils website.

Amend text in paragraph 20.5

- 20.5 At the end of statutory consultation periods the Officers will produce documents summarising the representations received, officer comments and recommended changes, with a justification for those changes. These reports will be considered by the Member Working Group who will ~~make decision~~ give advice and guidance to officers on the recommendations before reporting to Cabinet. **All documents and Members' comments** ~~decisions~~ will be reported in minutes of the Working Group.