

INSPECTOR'S REPORT
DERBYSHIRE DALES DC
STATEMENT OF COMMUNITY INVOLVEMENT

Inspector: David Robins BA PhD FRTRI

Date: 4th December 2006

Derbyshire Dales District Council – Statement of Community Involvement (May 2006)

INSPECTOR'S REPORT

Introduction

1.1 An independent examination of the Derbyshire Dales District 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: Local Development Frameworks the examination has been based on the 9 tests set (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 a clear need in the light of the tests in PPS 12.

1.2 11 written representations were received. all of which have been considered.

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 (statutory stakeholders) at Appendix 4 should be added

(R1) Network Rail
Natural England

and the following should be deleted

(R2) The Countryside Agency
English Nature
The Strategic Rail Authority

Conclusion

2.2 Subject to the above recommendations this test is met.

Test 2

3.1 Section 2 defines the SCI's relation to the Council's Corporate Plan, its Consultation Strategy, and its Communications Strategy (Appendix 2), describing the aims and characteristics of these. It is also a participant in the Derbyshire Dales and High Peak Local Compact and has devised its own Corporate Equalities Action Plan. The Community Strategy for Derbyshire Dales was published by the Derbyshire Dales and High Peak Local Strategic Partnership in 2003.

3.2 The linkages between the LDF and other strategies are explained in detail in Section 2 of Appendix 2. The LSP has agreed that the results of

the consultation process on the review of the Derbyshire Dales Community Strategy can form the basis of the consultation process for the LDF Core Strategy. Physical development elements of the Derbyshire Community Strategy, produced by the Derbyshire Partnership Forum, of which the Council is a member, will be implemented through the LDF.

3.3 'Consultation fatigue' in paragraph 2.20 has a negative connotation inimical to the aims of the LDF system to speed the publication of planning documents while making their formulation more inclusive and participatory. I shall recommend its deletion.

(R3) Delete from paragraph 2.20 'in order to avoid consultation fatigue'.

Conclusion

3.4 Subject to the recommendation above this test is met.

Test 3

4.1 Appendix 4 identifies groups of general consultee bodies, distinguishing them from the statutory stakeholders to which Test 1 applies. The general consultees identified include business, community, and development interests whose representations may be relevant to the various stages of formulation of DPDs.

4.2 In accordance with the advice in Annex E of PPS12 the following, which are not mandatory specific consultation bodies, should be added to Appendix 4 under the separate heading 'Government Departments':

(R4) 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 A database is to be maintained, including details of individuals making representations, and will be updated as needed. The present list at Appendix 4 is not exhaustive and the renaming following the reorganisation of such consultation bodies as English Nature should be acknowledged in the SCI. I accordingly recommend an additional sentence be added on page 46 below the Appendix 4 lists:

(R5) It should be noted that the lists at Appendix 4 are not exhaustive and also relate to successor bodies when reorganisations occur.

4.4 The SCI should provide specific contact details for any individual or organisation wishing to be added to the Council's list of consultees.

(R6) 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 or on the back of the cover of the SCI.

Conclusion

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

Test 4

5.1 Paragraphs 3.8 and 3.9, the PPS12 diagram reproduced at paragraph 4.2, and the commitment on Equality and Diversity in section 8 of Appendix 2 emphasise and illustrate how community consultation and involvement will take place throughout the DPD formulation process from its earliest stages, including the identification of issues and derivation of options, in a timely and accessible manner. Section of the SCI 5 similarly deals in detail with the procedural stages in formulating SPDs, illustrated at paragraph 5.3 by a reproduction of the relevant diagram in PPS12.

Conclusion

5.2 This test is met.

Test 5

6.1 Section 6 of Appendix 2 identifies a wide and comprehensive range of means of communication with a brief appraisal of the likely range of success of each mode. A matrix in Appendix 5 appraises various group interests in the community in terms of information provision, consultation, and involvement in the planning process. A table in Appendix 6 relates appropriate and accessible consultation to modes of involvement and the statutory stages in DPD production.

6.2 Paragraph 3.10 addresses the difficulty of communication with various hard-to-reach groups with reference to types of group. The matrix at pages 47 and 48 assesses broad classes of general consultee bodies in terms of whether they are hard to reach. Appendix 1 is a tabulated programme of Council consultation with hard to reach groups and individuals in 2004-5. It summarises the Council's October 2004 Hard-to Reach Consultation Programme. In this context the SCI should clearly amplify the 3rd bullet point of its Key Principles by stating the statutory requirements underlying its approach.

(R7) Add to bullet point 3 of Key Principles:

in accordance with the requirements of the Disability Discrimination Act 1995 and the Race Relations Act 2000.

Conclusion

6.3 Subject to the above recommendation , this test is met.

Test 6

7.1 Paragraphs 7.3 and 7.4 express the Council's confidence in its dedicated budgetary provision of resources of personnel, equipment, and accommodation to achieve effective and realistic community involvement in the LDF. Consultants may be used on specific matters provided the benefit would justify the cost.

Conclusion

7.2 This test is met.

Test 7

8.1 Paragraphs 4.4 to 4.19 relate how the results of consultation in each stage of DPD preparation will be made public and are being fed into plan preparation. Paragraphs 5.2 to 5.10 deal with the similar but procedurally simpler process of SPD production. Appendix 6 includes Tables showing the appropriate community consultation for each type of document.

Conclusion

8.2 This test is met.

Test 8

9.1 In section 8 the Council undertakes to assess and publish through its Annual Monitoring Report how it has consulted the public and considered their views in the formulation of LDDs. Both outcomes and process will be reviewed in the evaluation of the consultation. This will be the vehicle for considering any need for updating the performance of the SCI and recommending any required changes in procedures.

Conclusion

9.2 This test is met.

Test 9

10.1 The Development Control service of the Council has produced a Mission Statement and published a Development Control Customer Charter. While the minimum statutory requirements for consultation are met, in section 6 of the SCI the Council encourages discussion with applicants without prejudice at the pre-application stage. Regardless of whether they have been formally consulted by the Council anyone may make a representation about an application and will be informed of any amendments made to the proposal. Commonly occurring matters which are not material to the Council's decision are noted at paragraph 6.15. Anyone may briefly address the Planning Committee. All persons making representations are notified of the Council's decisions in writing.

10.2 Current improvements in practice related to community involvement in Development Control are described in paragraphs 6.33 and 6.34, comprising development of an exclusively Planning Services website, publication by applicants of pre-application consultation and discussion which they are encouraged to conduct, the involvement of developers with community interests, including the business community, in formulating space-related policies.

10.3 Although Appendix 7 refers to procedures for dealing with Complex Proposals it contains no criteria, even in broad terms, by which such proposals can be distinguished, contrary to the 4th bullet point of paragraph 1.4.12 of the Inspectorate's Guide. This lacuna should be remedied.

(R8) The SCI should clearly differentiate between the different types and scales of planning application.

10.4 As the SCI does not address the longer statutory time period for consultation permissible in certain circumstances:

(R9) The following should be inserted at the end of paragraph 6.10:

Such bodies as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation

Conclusion

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

Conclusions

11.1 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.

11.2 Subject to the recommendations identified in this report the Derbyshire Dales District Council SCI (May 2006) is sound.

David Robins BA PhD FRTRJ

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.

