

# **Derby City Council Statement of Community Involvement (April 2006)**

## **INSPECTOR'S REPORT**

### **Introduction**

- 1.1 An independent examination of the Derby City Council's 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 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.
- 1.2 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. Further information was requested from the Council in relation to Tests iii and iv and this information is contained in Appendix B to 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.

### **Conclusion**

- 2.2 This test has been met.

### **Test 2**

- 3.1 Paragraphs 2.1 – 2.3 acknowledge that the LDF is a way of delivering the aims of the Community Strategy, '2020 Vision' and states that the Council will work with the Derby City Partnership (the Local Strategic Partnership) to make sure that the content of the two documents complement each other and to avoid duplicating consultation exercises.
- 3.2 As a result of a representation received on the submission document the Council propose to replace Paragraph 2.2 with a more robust reference to the strategic role of the Derby City Partnership and I recommend that the following text replaces Paragraph 2.2 of the SCI:

- (R1)** "Derby City Partnership has a lead role in the development of a sustainable community strategy. There are many opportunities to capitalise on the membership of Derby City Partnership which has heavy involvement of the business and voluntary and community sector. Members of the Derby City Partnership team provide direct support and links to Derby Community Network which has been specifically established to influence the Derby City Partnership at all levels.

Derby's Local Development Framework should express the elements of the community strategy that relate to the development and use of land. There is an opportunity to increasingly position the Local Development Framework and associated materials as documents developed with widespread and genuine engagement with all parts of the Derby community.

The community strategy can be accessed from the Derby City Partnership website at the following address:

[www.derbycitypartnership.co.uk](http://www.derbycitypartnership.co.uk)"

Additionally, remove the phrase 'Work with Derby City Partnership to distribute information' from tables 4.1-4.6.

## **Conclusion**

- 3.3 Subject to the amendment recommended above, this test has been met.

## **Test 3**

- 4.1 The Council has set out in Appendix 1 of the SCI those groups which will be consulted. This list includes the statutory bodies from PPS12 Annex E apart from those listed under Annexe E2 of that document. The requirement to consult the bodies listed in that Annexe should be recognised in the SCI and I therefore recommend as follows:

- (R2)** Add the following bodies to Appendix 1 under the sub-heading "Government Departments:

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

- 4.2 It is stated in the seventh bullet point of Paragraph 3.1 that the Council holds a database of consultee details, and that this will be updated as necessary. The Council were asked to provide contact details that would enable an individual or organisation to be added to this database and I recommend that the following details be added to the SCI:

**(R3)** Amend the eighth bullet point of Paragraph 3.1 to read:

"You will be able to request your name to be added to this database by contacting the Local Development Framework Support Officer, Derby City Council, Plans and Policies, Roman House, Friar Gate, Derby, DE1 1XB. Tel: 01332 255076, email: [derby.lfd@derby.gov.uk](mailto:derby.lfd@derby.gov.uk)"

- 4.3 The re-organisation of certain consultation bodies, such as the Strategic Rail Authority, should be acknowledged in the SCI and I recommend an additional sentence be added to this effect.

**(R4)** Insert the following to the beginning of Appendix 1:

"Please note, this list is not exhaustive and also relates to successor bodies where re-organisations occur."

## **Conclusion**

- 4.4 Subject to the amendments recommended above, this test has been met.

## **Test 4**

- 5.1 Paragraphs 2.4 – 2.15 show that the Council will involve and inform people from the early stages of Development Plan Document (DPD) preparation and Paragraphs 3.4 – 3.9 and Appendix 6 set out the range of methods the Council will employ to do this. The Council clarify in Section 4 the stages at which consultation will take place and who will be consulted at those stages. It shows that consultation will take place with the key stakeholders during the issues and options stage of DPD production in accordance with Regulation 25. The production of Supplementary Planning Documents (SPDs) is given in Paragraphs 4.22 – 4.23 of the SCI.
- 5.2 However, there are certain changes that are necessary to make with regard to this test to ensure clarity and accuracy and as a result I have certain recommendations to make below.
- 5.3 Tables 4.3 and 4.3, which deal with process for Site Specific Allocations and Area Action Plans respectively, both omit a key stage in the consultation process, that of the potential consultation on alternate sites under Regulations 32 and 33. The Council were

asked to amend these tables to include this stage of the process and I recommend accordingly:

- (R5)** Replace the submission version of Tables 4.2 and 4.3 with the versions supplied in Appendix B to this report.

5.4 In order that it is completely clear that the statutory consultees as listed in PPS12 Annexe E have to be consulted at all consultation stages the Council should make the following amendment to Paragraph 3.3:

- (R6)** Add to the end of Paragraph 3.3 the following:

"The statutory consultees (as listed in Appendix 1) will be consulted at all stages of DPD and SPD production."

5.5 Paragraph 5.6 of the SCI states that 'it is likely that a Sustainability Report will be produced....'. As a Sustainability Appraisal is required for all DPDs and SPDs the Council should make the following amendment to the SCI:

- (R7)** Amend the last sentence of Paragraph 5.6 to read as follows:

"A Sustainability Report will be produced alongside the preferred options which will be subject to public consultation."

5.6 As a result of representations received the Council propose certain minor amendments that clarify certain aspects of the SCI and I agree that the following amendments be implemented:

- (R8)** Make the following amendments to the SCI:

Amend the first sentence of paragraph 2.6 to read:

"This stage aims to find out views and comments on a preferred options document."

Amend the first sentence of paragraph 4.6 to read:

"At this stage we will consult on strategic options and potential policies set out a preferred options document."

Amend the second sentence of paragraph 4.19 to read:

"These will be contained in a preferred options document that will be subject to a six week period of consultation."

Amend Table 4.4 Topic Based SPD's to read Table 4.5 and amend Table 4.5 Site Specific SPD's to read Table 4.6.

In order to be consistent replace the first line of paragraph 2.5 with the following:

"This consultation will take place before a DPD is drafted."

Additionally amend the third sentence of Paragraph 2.11 to read:

"This draft document will be consulted on for a period of not less than 4 weeks or more than 6 weeks in accordance with Regulations 17 and 18 of the 2004 Regulations."

- 5.7 As a result I am satisfied that providing these stages are followed the consultation proposed will be undertaken in a timely and accessible manner.

## **Conclusion**

- 5.8 Subject to the amendments recommended above this test has been met.

## **Test 5**

- 6.1 Paragraphs 3.4 – 3.9 and Appendix 6 set out the methods that the Council propose to use to involve the community and stakeholders. These cover a range of recognised consultation techniques that will present information via a range of different media. The Council acknowledge the benefits and disadvantages of the different methods in Appendix 6 and indicate through Tables 4.1, 4.2 and 4.3 at what stages of LDD preparation the various methods might be employed.
- 6.2 The SCI at Paragraph 3.2 acknowledges that the Council may have to provide extra support to facilitate consultation with certain groups or individuals, and proposes in this paragraph how they might do this. Paragraphs 3.1 to 3.2 explain how the Council will make their information accessible to all members of society, and sets out how they will meet requirements of the Race Relations Act 2000 and the Disability Discrimination Act 1995.
- 6.3 The Council propose, as a result of a representation on the submission document, to make certain amendments to ensure that the methods of consultation that suit specific 'hard to reach' groups are established early in the process in agreement with their community representatives and I agree that the following amendments be inserted into the SCI.

### **(R9)** Implement the following amendments to the SCI.

In the third sentence of paragraph 3.2 add the words, "including gypsies and travellers," after "minority ethnic communities."

Add a new bullet point to the list under paragraph 3.2  
"Where requested, holding focus group meetings"

Replace the final sentence of paragraph 3.2 with the following:

"We will also seek to identify groups and organisations representing these people in order to establish the most appropriate ways to engage with these communities."

- 6.4 I am, however, satisfied that the methods of consultation proposed in the SCI are suitable for the intended audiences and for the different stages in LDD preparation.

## **Conclusion**

- 6.5 Subject to the amendments recommended above, this test has been met.

## **Test 6**

- 7.1 Paragraphs 2.16 – 2.18 of the SCI explains how the Council will seek to ensure that sufficient resources are put in place to achieve the scale of consultation envisaged. I am satisfied that the Council is alert to the resource implications of the SCI.

## **Conclusion**

- 7.2 This test has been met.

## **Test 7**

- 8.1 Paragraphs 2.12 – 2.15 explain how the results of community involvement will be taken into account by the Council and used to inform decisions. The Council also propose to prepare reports at the end of the consultation period explaining how views have been considered and documents changed in light of the community involvement. The SCI states in Paragraph 2.15 where these will be made publicly available.

- 8.2 However, these reports should be made available at all the locations that the Council uses to make their LDF documents publicly available, so I have the following amendment to make to Paragraph 2.15.

**(R10)** Add to the end of the first bullet point of Paragraph 2.15 the following:

".. and at City Council libraries in Alvaston, Allestree, Blagreaves, Central, Chaddesden, Mickleover, Peartree, Sinfin, and Spondon."

## **Conclusion**

- 8.3 Subject to the amendment recommended above, this test has been met.

### **Test 8**

- 9.1 Paragraph 2.21 explains that the Council continuously monitors and reviews all consultation documents and that the SCI will be formally reviewed as part of this process and reported on through the Annual Monitoring Report.
- 9.2 I am satisfied that the Council has mechanisms for reviewing the SCI and have identified potential triggers for the review of the SCI.

### **Conclusion**

- 9.3 This test has been met.

### **Test 9**

- 10.1 Section 6 of the SCI, Appendix 2 and Appendix 3 describe the Council's policy for consultation on planning applications. Paragraph 6.7 meets the minimum requirements and Paragraph 6.9 provides details of additional methods of consultation. This distinguishes between procedures appropriate to different types and scale of application and Paragraphs 6.12 – 6.16 include information on how the consultation results will inform decisions.
- 10.2 The SCI does not address the longer statutory time period for consultation that may be applicable in certain circumstances, and I recommend a change to acknowledge this.

**(R11)** Insert the following at the end of the first sentence after the bullet points in Paragraph 6.12:

"Bodies such as English Nature will be allowed a longer period of time to comment on applications where this is prescribed by legislation."

### **Conclusion**

- 10.3 Subject to the amendment recommended above, this test has been met.

### **Other Matters**

- 11.1 The Council have set out in Appendix C of their Regulation 31 Statement a number of proposed changes to the SCI in response to representations received on the submission document. These suggested amendments do not affect the substance of the SCI but they do improve the clarity and transparency of the submission SCI and I have therefore included them in this report.
- 11.2 Paragraphs 4.16 – 4.21 of the SCI relate to the production of Joint Minerals and Waste Plan Documents, which are a series of documents produced jointly by Derbyshire County Council and Derby City Council. The Council were asked to provide an

amendment to the table within Paragraph 4.21 that deals with Minerals and Waste Site Specific Allocations to include site allocation representations under Regulations 32 and 33 and I recommend accordingly:

- (R12)** Replace the submission version of the Minerals and Waste Site Specific Allocations table with the version given in Appendix B to this report.
- 11.3 In the event of any doubt, please note that I am content for such matters as any minor spelling, grammatical or factual matters to be amended by the Council, so long as this does not affect the substance of the SCI.

### **Conclusion**

- 11.4 Subject to the recommendations set out in this Report, the Derby City Council SCI (April 2006) is sound.