

**OXFORD CITY COUNCIL**

**EXECUTIVE BOARD**

**Date of meeting-** 16<sup>th</sup> January 2006

**FULL COUNCIL**

**Date of meeting-** 13<sup>th</sup> February 2006

**Report of:** Planning Policy Manager

**Title:** Statement of Community Involvement

**Ward:** All

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**Key Decision:** No

**Lead Members:** Councillors Ed Turner and John Tanner

**Scrutiny responsibility:** Environment

**RECOMMENDATIONS**

**That the Executive Board agree to recommend Council to:**

- 1. Approve the Statement of Community Involvement for submission to the Secretary of State.**

**That Council agree to:**

- 1. Approve the Statement of Community Involvement for submission to the Secretary of State.**
- 2. Authorise the Planning Policy Manager to alter the text of the Statement of Community Involvement and to make any necessary editorial corrections.**

**Summary**

- 1. The purpose of this report is for Council and the Executive Board to consider the Statement of Community Involvement before it is submitted to the Secretary of State. Following submission of the document there will be a further six week period of consultation before the Examination of the document by the Secretary of State.**

2. The Statement of Community Involvement sets out the City Council's policy on how it will consult on the development of future planning policy documents and on planning control decisions.
3. The draft Statement was circulated to committees before public consultation. A six week period of consultation then took place from the 16<sup>th</sup> of September to the 28<sup>th</sup> October. The comments received during this consultation period have been summarised and analysed, and some changes to the Statement are suggested (see Appendix 1).
4. The Executive Board is asked to recommend Council to approve the Statement for submission to the Secretary of State and the final consultation. Council is asked to approve the Statement for submission.

### **Council's Vision and strategic aims**

5. It is a statutory requirement to produce a Statement of Community Involvement. The production of a Statement of Community Involvement will also help to achieve the strategic aims in the City Council's vision to build opportunities for people to engage actively in local decision-making.

### **Background**

6. The new planning system introduced under the Planning and Compulsory Purchase Act 2004 replaces local plans with a local development framework. A local development framework is similar to a local plan in that it will detail policies and proposals to guide development in Oxford. However, whilst the local plans were produced as one large document, the local development framework will consist of a series of documents. This change of format means that the plans are more flexible and more relevant to changes in Oxford as each document can be amended or updated over time, as required.
7. The Statement of Community Involvement is one of the documents within the local development framework. Once it is adopted, the soundness of other documents in the local development framework will be judged partly according to whether the consultation followed the methods set out in the Statement.

### **What's Included in the Statement of Community Involvement**

8. The Statement of Community Involvement shows how the City Council intends to involve the community in the preparation and review of planning policy documents. It identifies the different community groups that need to be involved in the planning process and it outlines the various techniques that the City Council intends to use to involve them effectively. The document shows that different techniques are likely to be suitable for different stages of consultation and for consultation on

different types of documents. The Statement of Community Involvement also sets out methods of consultation for planning applications and shows how the requirements of the regulations will be exceeded. It will act as a guide for developers on how they should consult when they propose a major development and it will enable the community to know how and when they will be involved in the planning process.

9. An Examination will be held by an independent Inspector. This is likely to be by an exchange of written representations but may involve a hearing. The purpose of the Examination will be to test whether the Statement is 'sound'. The soundness of the Statement will be tested against a number of criteria, which have guided what is included in the document. These tests include:
  - whether the authority has complied with the minimum requirements for consultation as set out in the statutory regulations;
  - how the Statement links with other community involvement initiatives such as the Community Strategy;
  - whether the Statement identifies in general terms which local community groups and other bodies will be consulted;
  - how the community and other bodies can be involved in a timely and accessible manner;
  - whether the methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents;
  - whether the Statement clearly describes the authority's policy for consultation on planning applications.

The Inspector's Report will be binding on the City Council.

### **Consultation on the Statement of Community Involvement**

10. The importance of community involvement, particularly at the early stages of document preparation, is emphasised in Government guidance on the new planning system. A consultation exercise was carried out from the 14<sup>th</sup> April 2005 to inform production the draft Statement.
11. During the six week period from 16<sup>th</sup> September 2005, a further consultation exercise was carried out. All of those who replied to the previous questionnaire were informed that the draft Statement had been published and were sent a copy of the standard comment form. All statutory consultees were also sent this information. The draft Statement and supporting documents were also available on the website, a press release was issued and an advert about the consultation was put in the Oxford Times.
12. During this consultation exercise, comments about the draft Statement were requested. 43 responses were received from 29 different

objectors. 25 of these responses were comments about the Statement, 11 were objections and 7 were comments of support.

13. It is encouraging that relatively few objections were made. All the comments received have been carefully considered. A table containing a summary and analysis of the comments received is attached (see Appendix 1). Where it is appropriate, revisions to the Statement are suggested to take on board the views expressed. All suggested changes are also shown in the table attached as Appendix 1.

### **Main Issues raised and changes suggested**

14. Whilst analysing the comments and deciding whether changes should be recommended, the tests of soundness have been kept in mind. However, most changes are suggested because it is considered that they will improve the Statement, rather than because the changes are thought to be necessary to ensure the Statement meets the tests of soundness. It is important to make changes where possible so that objections can be overcome before the document is submitted to the Secretary of State. This should minimise the number of objections received during the next consultation period. Objections made then will be considered directly by the planning Inspector as part of the Examination.
15. Several respondents said that they were confused by the new planning system, or they thought the Statement should go into more detail about it. It is clear that there is confusion about the new planning system, particularly about the form the local development framework will take and implications for the Local Plan. Although it is useful to have some background about the local development framework in the Statement, to go into too much detail would detract from the main purpose of the Statement. It was explained in response to some of these comments that more information is contained in the Local Development Scheme. However, some additions to paragraph 1 and 2 are suggested which are intended to address these comments.
16. A few respondents thought consultation prior to the submission of an application should be made a requirement. In response to these comments, it is explained that whilst consultation prior to the submission of an application is encouraged, it is not a statutory requirement, and failure to do so cannot result directly in the refusal of a planning application; there must be robust planning reasons for refusal. Paragraph 41 of the Statement explains that, whilst there is no legal obligation for consultation to take place, failure to consult properly is likely to lead to objections being made by interested parties.
17. The above two paragraphs concern the issues that arose most frequently. Some minor changes to the Statement are suggested based on comments from only one or two respondents. The main other suggested changes are summarised as follows:

- A change to paragraph 9 to clarify the role of the community in the decision making process;
- Some additional wording in section 5 about consultation on the sustainability appraisal;
- Additional text at paragraph 30 to explain how groups or individuals can be added to or removed from the consultation database;
- Changes to paragraphs 38 and 42 to aid the distinction between pre-application consultation with the community and pre-application discussion with the City Council;
- Changes to paragraph 45 as it was evident from responses received that it would be beneficial to include more detail about what was required in the statement about the pre-application consultation;
- A change to paragraph 49 to sharpen up the description of how planning applications are assessed by planning officers, and a change to paragraph 51 to add more precision to about the description of when applications are referred to committee for determination;
- A very small change to paragraph 54 as there was evidently some confusion about the meaning of 'no third party right of appeal';
- Paragraph 61 and 62 to be combined with a slight wording change to clarify how it is intended to review consultations.

### **Financial, legal and staffing implications**

18. As explained above, it is a statutory requirement to produce a Statement of Community Involvement under the Planning and Compulsory Purchase Act 2004. Statutory regulations also set out the broad content of the Statement and the public consultation required prior to its adoption.
19. The Local Development Scheme sets out milestones for the production of documents, including the Statement of Community Involvement. A key performance indicator in assessing Planning Delivery Grants in the future will be whether the milestones set out in the Local Development Scheme are met.
20. In terms of staffing, the consultation exercise on the submission Statement of Community Involvement will be met from the current staff resources of the Planning Policy team.
21. After the consultation process, the public Examination may require the hiring of a Planning Inspector, and this cost will be met from existing budgets. However, Government advice is that the preferred method of dealing with objections will be by written representations, which should keep the cost of hiring an Inspector to the minimum.
22. Consultation on future development plan documents as required by the Statement of Community Involvement may require the use of consultants to facilitate appropriate workshops or exhibitions, and again it is anticipated that this can be met from existing budgets.

### **The next stages towards the adoption of the Statement**

23. Any comments from the Executive Board will be included in a revised document for approval by full Council. The remaining stages towards adoption of the document are set out in the table below:

<b>Stage</b>	<b>Anticipated date</b>	<b>Consultation process</b>
Statement submitted to the Secretary of State	February 2006 (followed by 6 week period of public consultation)	Public consultation using the same methods as the draft. Any comments made at this stage will be submitted for Independent Examination
Examination	June 2006	
Inspector's binding report	July 2006	
Adoption and publication	September 2006	

THIS REPORT HAS BEEN SEEN AND APPROVED BY:  
Portfolio Holders: (portfolio responsibility Councillor Ed Turner and John Tanner)  
Planning Services Business Manager: (Michael Crofton-Briggs)  
Planning Control and Conservation Manager: (Peter Baguley)  
Legal and Democratic Services: (Jeremy Thomas)  
Financial Management: (Emma Burson)

### **Appendix 1: Table of summarised comments, responses and suggested changes**

**Statement of Community Involvement for submission to the Secretary of State- circulated as a separate document to the agenda.**