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## Local Development Framework Working Group

13 November 2007

Report of the Director of City Strategy

## City of York Local Development Framework – Adoption of the Statement of Community Involvement

### Summary

1. The purpose of this report is to inform Members of the findings of the Inspector who examined York's Statement of Community Involvement (SCI) (Report attached as Annex A) and to make them aware of the formal procedures for adopting the SCI. The intention, subject to Full Council approval is for the SCI to be adopted on 29 November 2007.

### Background

2. The SCI is the first document to be produced as part of York's Local Development Framework (LDF). The standards set out in the SCI will inform the Council's approach to involving the community in the production of future LDF documents, such as the Core Strategy and Area Action Plans. The SCI also outlines the process for dealing with planning applications and indicates how and when people can get involved and give their views.
3. Each Development Plan Document (DPD) produced as part of the LDF, including the SCI, is required to go through 3 main stages of production:
  - **'Issues & Options' Stage** – at this point the Council highlights key issues and options for consultation to inform the content, scope and direction of the DPD.
  - **'Preferred Options' Stage** – consultation on the Council's intended approach.
  - **Submission Stage** - consultation on the final document submitted by the Council to the Secretary of State for examination. Any comments received at this stage will be forwarded to the Inspector to consider as part of the examination. The purpose of the examination is for the Inspector to consider the soundness of the document.
4. In assessing whether the Statement of Community Involvement is sound the Inspector considers the document against nine Tests of Soundness as set out in Planning Policy Statement 12 (PPS12). The tests provide a framework for

the Inspector to consider the soundness of the document and make sure that it has been prepared in line with the correct procedure and will achieve the outcomes attended.

5. The SCI has now been through all three stages of production outlined above. Following the submission of York's draft SCI to the Secretary of State, Wendy Burden BA DipTP MRTPI was appointed as the Inspector to carry out an independent examination of the SCI. The Inspector has examined York's SCI through written representations and judged it to be sound. Under the Planning and Compulsory Purchase Act 2004, the Inspector's Report is binding on the Council. The Inspector recommended a number of minor amendments to the SCI. These recommendations are set out in full in the Inspector's Report (Attached as Annex A to this report), but in summary the key points are:
  - In the Resources section refer to working closely with the Local Strategic Partnership and other groups linked to the Community Strategy;
  - Add further bodies to Annex 1, and include a statement that the list is not exhaustive;
  - Include further information on the process regarding consideration of representations which put forward alternative site allocations; and
  - Insert additional text to the planning applications section and Annex 4 stating that certain bodies such as Natural England will be allowed a longer period to comment on applications where this is prescribed by legislation.
6. The Inspector also recommended that a number of minor changes put forward by ourselves in response to comments received during the submission consultation should be implemented. In summary these were as follows (full details included in Annex A):
  - Amend the contents page to include the title of each main section;
  - Make it clear that the green belt and settlement limit boundaries are draft, and will be determined through the LDF;
  - Make it clear that comments on planning applications should be made to Development Control and include a contact address for the Council;
  - Highlight that the public can approach their local member with concerns regarding an application; and
  - Include additional bodies in the list in Annex 1 of the SCI.
7. The recommended changes have now been made to the SCI and the final document is attached at Annex B for information.

## **Consultation**

8. In preparing the SCI the Council has undertaken three stages of consultation. Issues and Options consultation took place in June - August 2005 and consisted of a questionnaire which was distributed to the specific consultation bodies, an article in 'Your Ward' and two workshops with members of the Talkabout Panel and the Local Strategic Partnership. Following this initial gathering of views we prepared a draft SCI and published it for consultation at the preferred options stage between February and April 2006. As part of this consultation the document was available on the Council's website; a formal notice was published in the press; information on the consultation was sent out to over 400 contacts including specific consultees; and officers attended meetings of the Open Planning Forum, Environment Forum and Inclusive York Forum to speak about the SCI. In addition, leaflets and posters advertising the opportunity to comment were distributed to locations across the authority area, including GP surgeries, schools, major employers and places of worship.
9. The third and final stage of consultation took place in February - March this year. This stage was the formal consultation following the submission of the SCI to the Secretary of State for examination. All comments made at this final stage were forwarded to the Inspector to be considered as part of the examination into the soundness of the document.
10. As part of the formal submission consultation we received 67 representations from 29 consultees. Overall 31 representations were objecting to the SCI or part of the SCI, 8 representations supported the SCI and the remainder were general comments or acknowledgements. All representations were sent to the Inspector along with an officer's response to the comments made.

### *Next Steps*

11. Once adopted the Council is required to comply with the SCI with regard to making decisions on planning applications and when preparing Development Plan Documents (DPDs) as part of York's Local Development Framework. If we fail to comply with the standards set out in the SCI in preparing DPDs then the Inspector could recommend that the DPD is withdrawn.

## **Options**

12. The Inspector's Report is binding on the Council, therefore the Council has no opportunity to further amend the SCI, over and above the changes recommended by the Inspector. The SCI attached at Annex B includes the changes recommended by the Inspector. Full Council now have the option to either adopt the SCI as recommended by the Inspector or to request that Officers prepare a different SCI. It should be noted that the preparation of an alternative SCI would take approximately three years given the stages of consultation necessary and would have considerable resource implications.

## Analysis

13. As set out above, the SCI has been through extensive consultation with the public and key stakeholders and has been drawn up over a period of three years. The document has developed over the three key stages of consultation in response to comments from the public, other stakeholders and Members. It has been subject to independent examination and been judged to be sound. As the Inspector's report is binding on the Council, we cannot make any further changes to the SCI without starting the preparation process again from the beginning (i.e. returning to the Issues and Options stage). The SCI is the first document to be prepared as part of York's LDF and will provide a sound basis for carrying out consultation on all other LDF documents.

## Corporate Priorities

14. The option outlined above accords with the following Corporate Strategic Priorities:
  - Improve our focus on the needs of customers and residents in designing and providing services.
  - Improve the way the Council and its partners work together to deliver better services for the people who live in York.

## Implications

15. The following implications have been assessed:
  - **Financial** The cost of implementing the SCI will be met through current budgets provided for the LDF.
  - **Human Resources (HR)** As set out in section 12 of the SCI, the engagement and consultation set out in the SCI will be carried out by officers in City Development, Development Control and Community Planning.
  - **Equalities** The adoption of the SCI will have positive implications for the way in which we involve the community in the planning process. In particular the SCI identifies those groups which may not usually get involved in planning issues for a variety of reasons such as language and cultural differences, different beliefs and values, a lack of confidence in the planning system, or lack of time and ability to attend events. It sets out a commitment to involving members of these groups in future planning related consultations, identifying the starting point as working with the Inclusive York Forum. The SCI also sets out a commitment to meet the requirements of current equalities legislation with input from the Social Inclusion Working Group, the Council's Equalities Officer and in line with guidance set out in the Council's Equality Strategy.
  - **Legal** None
  - **Crime and Disorder** None

- **Information Technology (IT)** None
- **Property** None
- **Other** None

## **Risk Management**

16. In compliance with the Council's risk management strategy. There are no risks associated with the recommendations of this report.

## **Recommendations**

17. That Members note the content of this report.

## **Contact Details**

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**Report Approved**  **Date** 1/11/2007

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### **Wards Affected:**

All

**For further information please contact the author of the report**

## **Background Papers**

None

## **Annexes**

Annex A: Inspector's Report: City of York Council Statement of Community Involvement, Wendy Burden BA, DipTP, MRTPI, 20 August 2007.

Annex B: City of York Council Statement of Community Involvement