
**DARLINGTON LOCAL DEVELOPMENT FRAMEWORK:
STATEMENT OF COMMUNITY INVOLVEMENT IN PLANNING**

Responsible Cabinet Councillor David Lyonette, Regeneration and Planning Portfolio
Responsible Director(s) - John Buxton, Director of Development and Environment

Purpose of Report

1. To seek Council's agreement to the submission of the Local Development Framework Statement of Community Involvement in Planning (SCI) to Government for independent inspection
2. To agree the Council's response to comments received on the draft SCI.
3. To confer delegated powers on the Director of Development and Environment, in consultation with the Regeneration and Planning Portfolio Holder, to agree the Council's response to representations on the submitted SCI.
4. The matters contained in this report were considered by Cabinet on 15 March 2005. Cabinet recommends Council to agree the recommendations in this report.

Background

5. The SCI sets out when and how the public and other stakeholders can get involved in shaping the Council's new Local Development Framework (LDF). (The LDF, which will replace the existing Local Plan, will incorporate various documents setting out the Council's policies and proposals for development in the Borough over a 10-15 year period). The SCI also sets out what the Council does to involve the public in determining planning applications, and what it will expect potential developers to do before they submit 'significant' planning applications. The Council must comply with the SCI when it prepares its local development documents, or else face the possibility of an independent Inspector recommending that a development plan document, prepared without the community involvement indicated in the SCI, be withdrawn.
6. On 21 September, 2004 Cabinet resolved that consultation on the draft Darlington Statement of Community Involvement (SCI) be undertaken. This took place during a six week period from 14 October to 25 November.
7. At a special meeting on the 17 February 2005 (Min Env52/Feb/05) Environment Scrutiny Committee considered a report on the comments received in response to the consultation and considered a revised draft SCI. It resolved:
 - (a) To note the community engagement that has been carried out on the draft Statement Community Involvement and the main issues raised in response to the community

engagement exercise

- (b) To note the timetable and next steps towards adopting a finalised Statement Community of Involvement
 - (c) To recommend the Council's proposed response to responses received, particularly the approach to pre-application community engagement, and agrees recommendation to Cabinet on these matters, subject to the following
 - (d) In relation to the recommended Council responses to comments and changes to the draft SCI suggested by officers, recommend that an amendment to the officer comment in response to comment made by Inspector Unsworth (Appendix 1, page 8) be made regarding high levels of consultation fatigue amongst those consulted
 - (e) To recommend that an amendment to the draft revised SCI be made to clarify the role of Members at pre-application stage
 - (f) To recommend that an amendment to the draft revised SCI be made to indicate that the pre-application community engagement guidelines will apply in instances where incremental or cumulative development exceeds the thresholds and occurs in sensitive local environments.
8. At its meeting on 15 March 2005, (Min C225(6)/Mar/05) Cabinet considered a report on the comments received in response to the consultation, including those of Environmental Scrutiny Committee, and considered a draft revised SCI. It resolved:-
- (a) The responses to comments made during consultations, as detailed in Appendices 2 and 4 of the submitted report, be approved;
 - (b) The Statement of Community Involvement, as appended to the submitted report, be agreed for submission to the Government, following completion of 'plain English' editing; and
 - (c) Delegated powers be conferred on the Director of Development and Environment, in consultation with the Cabinet Member with the Regeneration and Planning Portfolio, to agree the Council's response to representations on the submitted Statement of Community Involvement, including making changes to it, where necessary, prior to its Independent Examination.

Outcome of Consultation

- 9. Full details of the public and other consultations carried out on the draft SCI and proposed changes were set out in the reports to Cabinet and Environment Scrutiny meetings outlined above. The tables of responses are set out in **Appendices 1 and 2**.
- 10. Following consultations, and taking account of the comments received at earlier meetings, the draft SCI has been amended, taking into account consideration of all the comments received, and the draft revised SCI is attached at **Appendix 3**.
- 11. The next statutory stage before the Council can adopt these is to submit it to the Government for independent inspection, and at the same time to invite formal representations from any interested parties over a six week period. The independent

inspection, that may be in the form of a Public Examination, is expected to take place over the summer with the Planning Inspector publishing a report which will be binding on the Council in the autumn. Following this, the Council will be able to adopt the SCI.

12. So that the Council can respond to any representations received within two weeks of the close of the six-week period, or any other period agreed by the Council with the Planning Inspectorate through a Service Level Agreement, it is recommended that the Director of Development and Environment, in consultation with the Portfolio holder for Regeneration and Planning, be given delegated powers to consider the representations and decide if any further changes to the SCI are needed.

Legal Implications

13. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

14. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

15. The issues contained within this report represent a change to Council policy or the Council's policy framework.

Recommendation

16. Council are requested to :-
 - (a) Agree to the submission of the Local Development Framework Statement of Community Involvement in Planning (SCI) to Government for independent inspection
 - (b) Agree the Council's response to comments received on the draft SCI, as set out in Appendices 1 and 2 of this report
 - (c) Confer delegated powers on the Director of Development and Environment, in consultation with the Regeneration and Planning Portfolio Holder, to agree the Council's response to representations on the submitted SCI, including making changes to it, where necessary, prior to its Independent Examination.

Reasons

17. The recommendations are supported by the following reasons :-

- (a) An adopted SCI is required under Government regulations
- (b) The SCI will provide clarity to all about the community engagement that will take place in the production of the Local Development Framework, and in considering proposals for new development
- (c) The Council's prompt response to representations made on the submitted SCI is required by the Planning Inspectorate.

John Buxton
Director of Development and Environment

Background Papers

None other than those referred to in this report

Valerie Adams: Extension 2631
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