
**DARLINGTON LOCAL DEVELOPMENT FRAMEWORK
STATEMENT OF COMMUNITY INVOLVEMENT**

Responsible Cabinet Member – Councillor John Williams, Economy Portfolio

Responsible Director – Richard Alty (Assistant Chief Executive, Regeneration)

SUMMARY REPORT

Purpose of the Report

1. To consider the comments made in response to the draft revised Statement of Community Involvement (SCI), as recommended by Cabinet on 2nd March 2010.
2. To seek Council's agreement that the recommended responses to the comments on the draft SCI be endorsed, as recommended by Cabinet on 2nd March 2010.
3. To seek Council's agreement that the revised SCI be adopted as Council policy, as recommended by Cabinet on 2nd March 2010.

Summary

4. The Council must prepare a SCI by virtue of Section 18 of the Planning and Compulsory Purchase Act 2004. The SCI sets out the Council's Policy for community and stakeholder involvement in the preparation of its Local Development Framework (LDF) and in the development control process. The first SCI was adopted in November 2005. Since then there have been a number of changes to legislation and the publication of revised national policy on preparing LDFs, Planning Policy Statement 12. As a result, it has been necessary to review the existing SCI.
5. *Previous Consideration:* At its meeting on the 3rd November 2009, Cabinet resolved (Min C76 (3), amongst other things, that consultation on the draft revised Darlington Borough Council Statement of Community Involvement (draft revised SCI), as appended to that covering report, be undertaken.
6. *Consultations:* a six week period for public and other stakeholder engagement took place, from December 11th to January 21st 2010. A letter was sent to 916 organisations and individuals on the LDF public consultation database, including statutory consultees. The draft revised SCI was published and placed on the Council's website, together with a simplified 'At a Glance' summary brochure and response forms. The documents were available at the Council offices, and the public and mobile libraries. Advertisements were placed in the January edition of the Town Crier and the Interface business newsletter (distributed electronically to over 3,000 Darlington-based businesses), and officers attended

a special meeting of the Darlington Association of Parish Councils (DAPC) on the evening of 6th January 2010.

7. A schedule of all comments received and officers recommended responses to these comments is attached to this report as **Appendix 1**. Officers now seek Council's agreement for the recommended responses to the comments on the draft revised SCI be endorsed and that the SCI be adopted as Council policy as recommended by Cabinet at its meeting of 2nd March 2010.

Recommendation

8. It is recommended that: -
 - (a) The suggested responses to comments made during consultations, set out in **Appendix 1** of this report, are agreed.
 - (b) The Statement of Community Involvement, as attached to this report as **Appendix 2**, is adopted as Council policy.

Reasons

9. The recommendations are supported by the following reasons: -
 - (a) To fulfil the statutory requirement to have an up to date Statement of Community Involvement in place;
 - (b) The revised SCI will provide clarity to all about the community engagement that will take place in the production of the Local Development Framework, in the lead up to the submission of planning applications and in the determination of planning applications.

Richard Alty
Assistant Chief Executive, Regeneration

Background Papers

- (i) Draft Revised Statement of Community Involvement, December 2009

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| S17 Crime and Disorder | 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. |
| Health & Well Being | The SCI forms part of the LDF which is the spatial expression of One Darlington' which has a specific theme on 'Healthy Darlington'. There are clear links between community involvement and the achievement of Health and Wellbeing. The Core Strategy: Revised Preferred Options includes a theme 'a healthy and safe Darlington' which contains draft policies on green infrastructure and sport and recreation provision. This theme, together with a draft policy that promotes cycling and walking, will encourage and enable people to lead more active lifestyles and improve health and well being. |
| Sustainability | Community Involvement is considered to be central to sustainable development in national government policy and locally. This document will ensure that community engagement continues to be enshrined in the exercise of all the Council's town-planning functions. |
| Diversity | The SCI is framed to ensure that the widest possible community of interests is able to be or become engaged in the planning process. Particular efforts will be made to involve all age groups, socio-economic groups, ethnic and faith groups, together with any other groups that are identified as having not been previously well represented in the planning process. |
| Wards Affected | All. |
| Groups Affected | All. |
| Budget and Policy Framework | Preparation of the Revised Statement of Community Involvement has been achieved within the revenue budget allocated to the Local Development Framework for 2009/10. The issues contained within this report represent a change to Council policy or the Council's Policy framework. |
| Key Decision | This is not an Executive decision but will appear on the Forward Plan. |
| Urgent Decision | No. However, the Council must have an up to date SCI in place before it goes through the process of |

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| | adopting its Core Strategy. |
| One Darlington: Perfectly Placed | The SCI is part of the Local Development Framework, which is the spatial expression of One Darlington: Perfectly Placed. |
| Efficiency | The SCI has been produced ‘in-house’ and every effort is made in consultation and in information dissemination to use sustainable means of communication, such as emails and availability of information on website to achieve efficiency savings, for people who have access to these means of communication. |

MAIN REPORT

Information and analysis

10. *The document:* The Council must prepare a SCI by virtue of Section 18 of the Planning and Compulsory Purchase Act 2004. The SCI sets out the Council's Policy for community and stakeholder involvement in the preparation of its Local Development Framework (LDF) and in the development control process. The first SCI was adopted in November 2005. Since then there have been a number of changes to legislation and the publication of revised national policy on preparing LDFs, PPS12. As a result, it has been necessary to review the existing SCI.
11. *Previous Consideration:* At its meeting on the 3rd November 2009, Cabinet resolved (Min C76 (3), amongst other things, that consultation on the draft revised Darlington Borough Council Statement of Community Involvement (draft revised SCI), as appended to that covering report, be undertaken.
12. *The key changes:* The key changes to the document were reported to Cabinet and appended in a revised SCI to that report, at the meeting of 3rd November 2009. As a summary, these main changes were as follows:
 - (a) Changes to the legislation that remove the requirement for a 'Preferred Options' stage in the preparation of Local Development Documents;
 - (b) The consequent changes to the number of formal consultation stages in the Sustainability Appraisal process;
 - (c) Amendments to the document in line with the Council's Customer Charter 'Customer First, Darlington Council's Customer Care Charter', which has been published since the publication of the Council's first SCI;
 - (d) The introduction of the concept of member and community involvement in the pre-application process in relation to significant planning proposals;
 - (e) Changes to the scheme of delegation in determining planning applications to increase the threshold triggering the involvement of Planning Committee from one objection to three (or one letter of support to three where the officer report recommends refusal) in order to develop a more efficient and responsive development management service in Darlington in keeping with Government advice on good practice;
 - (f) Changes to the section 'Existing Consultation and Publicity arrangements for planning applications' relating to the circumstances whereby a minor amendment to a planning application can be considered 'non-material' and can be dealt with by exchange of letters rather than the submission of a new planning application; and, the introduction of the Planning Applications Sub-Committee in addition to the main Planning Committee, with reference to the amended times and time for interested parties to speak.

- (g) The addition of a new Appendix 3, which explains the purposes and objectives of the One Stop Shop service, now provided by the Council for pre-application enquires for non-householder developments.
13. *Consultations:* a six week period for public and other stakeholder engagement was set up, from December 11th to January 21st 2010. A letter was sent to 916 organisations and individuals on the LDF, public consultation database, including statutory consultees. The draft revised SCI was published and placed on the Council's website, together with a simplified 'At a Glance' summary brochure and response forms. The documents were available at the Council offices, and the public and mobile libraries. Advertisements were placed in the January edition of the Town Crier and the Interface business newsletter (distributed electronically to over 3,000 Darlington-based businesses), and officers attended a special meeting of the Darlington Association of Parish Councils (DAPC) on the evening of 6th January 2010.
14. *Consultation responses:* 21 written responses were received, together with a range of verbal comments made at the special DAPC meeting. A small proportion of these responses were from local residents, whilst the remainder were from organisations, Councillors and statutory consultees. A statement setting out a summary of all of the comments received and the Council's proposed responses and consequent proposed changes to the SCI is set out at **Appendix 1**.
15. The responses, together with a revised version of the SCI was taken to Cabinet on 2nd March and Cabinet agreed that the recommended responses to the comments on the draft revised SCI be passed to Council for its endorsement; and, that Council be recommended to adopt the SCI.

Key Issues Raised in Consultation Responses

16. A number of questions were raised in these responses, and at the DAPC meeting, related to the details of the proposed pre-application presentations to Councillors, residents and other stakeholders for 'significant' planning applications. It is proposed to make some minor amendments to Chapter 3 of the document, which deals with pre-application community and member involvement, in order to provide more clarity. In particular, this will clarify that the proposed formal meetings are to be offered to developers as a forum for presenting schemes in initial draft format to Planning Applications Committee members, ward members and interested local residents, but that this is separate to the normal requirements for community consultation organised by the developer. Separate processes and protocols will be put in place to set out the organisation and format of such events, in more detail.
17. One response referred specifically to the nature of any verbal presentations given at community consultation events with a concern that certain forms of engagement do not satisfy the criteria as reaching as wide a cross section of the public as possible. This comment refers to the information provided in Chapter 3, relating to the involvement of the public at events or exhibitions organised by developers. It is agreed that the type and timing of the presentation is dependent on the format of the event being organised, and that a single verbal presentation will not be appropriate at, for example, a public drop-in session, but more likely a series of informal presentations and availability for questions and answers sessions, to engage as many people as possible. It is proposed to change the emphasis of this guidance to ensure that the means of engagement at public events and exhibitions is

tailored to suit the event and in order to meet as wide a cross section of participants as possible.

18. Another response referred to the cost to developer applicants of advertising community consultation events and questioned whether publicity in the editorial of a local newspaper would be as acceptable as a formal advertisement / notice, in order to keep costs down and to potentially be more widely read. It is agreed that the publicity relating to an event does not need to be in the form of a formal advertisement (although this is the usual format), and that the key aim is to publicise the event. Therefore this element of the SCI requirements could be more relaxed than being in the style of a statutory notice, to require *publicity* in a local newspaper (usually the Northern Echo), with the important details of where, when and to whom and by what deadline, people can make comments. However, it is also recognised that there are occasions where an article does not reach the final edition of a newspaper. Therefore, it is recommended that should proposed publicity not have reached the editorial of a newspaper in the 2 weeks preceding the event, a formal advertisement should be placed in the paper not later than 5 days before the event.
19. Several responses requested acknowledgement that significant developments could impact on Parishes that application sites did not fall within and requested the involvement of such parishes in community consultation events for significant developments. It is agreed that the potential impacts of certain significant developments can often extend beyond the parish that the application site is within, or even beyond adjacent parishes. It is the intention of the SCI to reach and engage with all of those affected by proposed developments, and it is therefore proposed to widen the current requirement of consultation with the parish that the site is within plus any adjacent parishes, to include *any* parishes likely to be significantly affected by a proposed development.
20. One response suggested advertising forthcoming pre-application presentations/meetings and community consultation events as and when the dates and venues are known. It also suggested more advance information on events related to policy documents and when these are expected, so that those wishing to participate in the process have more time to prepare. It is proposed that a formal procedure will be put in place to ensure that as and when the details of forthcoming events are known, they are publicised on the Council's website (along with the normal publicity that the developer undertakes in the case of the normal community consultation exercises). It is proposed to state this commitment to publicise the details of events, as and when they are known, in the SCI.
21. A number of responses from statutory agencies offered support for the general thrust of the document and reiterated their involvement in the planning process. One comment referred to the language used in the document and the need to make it as succinct as possible. This has been considered thoroughly and an assessment of the language and clarity of the document has been carried out. A balance has to be found between having a document that is clear to all who have an interest, whilst being worded robustly enough to withstand legal challenge. The draft revised SCI was based on the 'Plain English' 2005 version, with the inclusion of the changes described in paragraph 12 of this report. These changes have been set out as clearly as possible in order to achieve this balance.

Other matters

22. A minor change was also proposed to Appendix 2 of the SCI, which is titled 'Having your say at Committee'. The SCI that went out to consultation made reference to the Planning Applications Committee (PAC) (which deals with significant non-householder applications) and the Planning Applications Sub-Committee (PAS) (which deals with householder applications only). This has been changed to make reference only to Planning Committee, to cover both committees. The reason for this is that, based on past trends, the new scheme of delegation is likely to cut down significantly on the number of applications going to the PAS meetings. Officers are satisfied that all interested parties are notified of the date and time of the meeting that applications are to be heard at, and therefore that both meetings can be embraced under the term 'Planning Applications Committee'.

Next Steps

23. Subject to Council's approval, a consultation statement will be produced and the document, together with **Appendix 1** on the key changes and the finalised SCI, will be published on the Council's website at which time, the Revised SCI (see **Appendix 2**) is adopted. The adopted document will be subject to a 3-month judicial review period.