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

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**Responsible Cabinet Members - Councillor John Williams, Economy Portfolio  
Responsible Directors - Richard Alty, Assistant Chief Executive (Regeneration)**

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**SUMMARY REPORT**

**Purpose of the Report**

1. This report identifies the key changes to the Council's Statement of Community Involvement (SCI) that are being proposed, principally so that it aligns with changes to the development plan system introduced by the Town and Country Planning (Local Development) (England) Regulations 2008, which amends the Town and Country Planning (Local Development) (England) Regulations 2004, and also changes to development management procedures, processes and protocols and the Council's own organisational changes.
2. The report also seeks Cabinet's agreement for the Draft Revised SCI to go out to public and stakeholder consultation in Autumn 2009. It is anticipated that the results of consultation will be reported to the Economic and Environment Scrutiny Committee in early 2010 and that the revised SCI be adopted in Spring 2010.

**Summary**

3. 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.
4. The attached consultation Draft Revised SCI sets out general principles and some more specific proposals for engaging the community and others on the Core Strategy, other LDF documents and on planning applications, although no significant changes are proposed to the means of engagement on planning applications. The proposed changes to Member involvement in pre-application discussions and to the delegation procedures will be reported to Council for approval following consultation on the SCI.

## **Recommendation**

5. It is recommended that the Draft Revised Statement of Community Involvement be agreed and published as the basis of public and other consultations;

## **Reasons**

6. The recommendation is supported in order to fulfil the statutory requirement to have an up to date Statement of Community Involvement in place.

**Richard Alty**  
**Assistant Chief Executive, Regeneration**

## **Background Papers**

Existing Statement of Community Involvement

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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. |
| Sustainability                   | Community Involvement is considered to be central to sustainable development in national government policy and locally.  |
| 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 Draft Revised Statement of Community Involvement has been achieved within the revenue budget allocated to the Local Development Framework for 2009/10. The final version of the SCI will go to Council.   |
| Key Decision                     | No.  |
| Urgent Decision                  | This is not an urgent decision.  |
| One Darlington: Perfectly Placed | The SCI is part of the Local Development Framework, which is the spatial expression of One Darlington: Perfectly Placed.   |
| Efficiency                       | Proposed changes to member involvement in pre-application discussions will allow more efficient/effective 'front loading' of member input into development schemes.<br><br>Proposed revised delegation system would provide potential to reduce meetings through no longer needing Planning Applications Sub Committee.  |

## MAIN REPORT

### Information and Analysis

7. The Statement of Community Involvement sets out when and how the public and other stakeholders can get involved in shaping our new Local Development Framework. It 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 face the possibility of an independent Inspector not finding a development plan document sound.
8. The changes that have been made in the Draft Revised Statement of Community Involvement reflect changes to the principal legislation, changes to development control practices and internal organisational changes. The main thrust of the Council's approach to public engagement has not changed significantly from the existing SCI, however, there are minor changes in relation to the Customer Care charter, 'Customer First, Darlington's Customer Care Charter' to ensure a consistent approach across the Council.

### Summary of Key Changes

9. The full text of the Draft Revised SCI is attached as **Appendix 1** to this report. The key changes to the document are summarised below.

### Changes to legislation

10. Since the adoption of the 2005 SCI, the Government has issued new regulations and related policy guidance that has changed the way in which LDF's must be prepared. The requirement for a 'Preferred Options' stage has been removed and a greater emphasis has been placed on community participation at the beginning of the process as part of the pre-submission stage. The document has been amended to reflect these technical changes.
11. At each main stage in preparing any new development plan document, the Council must assess the effect it will have on the environment and how sustainable it will be by carrying out a Sustainability Appraisal. As a result of the removal of the 'Preferred Options' stage, the number of formal consultation stages in this process has also been amended. The legislation also sets out when a Sustainability Appraisal is required and this is also reflected in the revised document.

### Customer Care Charter

12. 'Customer First, Darlington Council's Customer Care Charter' has been published since the publication of the Council's first SCI. The revision of the SCI has brought an opportunity to amend the document in line with the policies in the Customer Care Charter. In particular, this refers to section 2.8 of the document entitled 'Our service standards'.

## **Changes to existing development management processes and protocols**

13. Changes have been made in respect of the introduction of processes and protocols to allow Member involvement into the pre-application process, and a review of the role of the Planning Applications Sub-Committee and officer delegation. These specific proposed changes will be submitted to Council for approval following consultation on the SCI.

## **Pre-application Member Involvement**

14. In relation to member involvement in the pre-application process the system as it is currently established allows for Member discussion and involvement only at the Committee stage at the very end of the process. This could potentially mean further alterations / problems being identified much later on leading to schemes being rejected or opportunities to influence schemes not being taken. Despite this process being carried out in good faith, the lack of both Member and local community input into the process often means Members only become aware of development proposals for the first time when they come to be considered at the Planning Applications Committee. It is sometimes the case that new matters come to the fore when debated in Planning Applications Committee, which is in practice too late in the process and causes significant frustration to all.
15. It is therefore suggested that Member involvement in the pre-application process could be introduced in relation to major planning applications that are likely to attract significant public interest and where developers are keen to understand local issues so that they can shape their development proposals and reduce risk of failure. There are significant advantages to all parties if a structured and transparent approach is developed to pre-application discussions that allow local member involvement. It is therefore suggested that the concept of Member and community engagement in major proposals be included within the draft Revised SCI consultation document for further exploration within the consultation period.
16. The onus is placed on developers to organise public consultation events on their proposals for major developments. The Council's objective is that feedback gained from these sessions should be used by the developer to consider amending their scheme prior to submitting a planning application. This process is not a mandatory requirement but is recommended as good practice within the Statement of Community Involvement.
17. What is envisaged by way of change to the system is the introduction of a further step in the process. This would take the form of a structured meeting to allow potential developers to present their schemes in initial draft format to say Planning Applications Committee Members, Ward Members and interested local residents allowing questions to be asked and feedback to be taken on board by developers. This would still be an optional step but one that would benefit various parties in terms of offering further information and understanding about a project. This would be a more systematic approach to involving Members and the public. Although such a system can not be prescriptive, in that both developer proposals and public and Member reactions may change, it is envisaged that this would serve to reduce the potential for any 'surprises' to appear at a later stage. Earlier involvement of Members and local communities can also improve transparency and confidence in the planning process. Officers are known to have pre-application discussions with developers, and a public system of allowing Members to receive presentations on major applications would enhance transparency and introduce more public community input pre-application. It is intended that

this apply to more major applications or applications of significance to the whole town (e.g. larger housing sites (10 or more dwellings), industrial estate developments on sites of greater than 1 hectare).

18. To ensure that Members do not fetter their involvement in subsequent decision-making, they would be expected essentially to ask questions at the formal pre-application presentation rather than to express a view. Before the system is introduced, Members and officers would receive training on that, and on community engagement skills as appropriate, and protocols would be produced.

### **Planning Applications and Delegation**

19. There will always be a role for Members at the heart of the administration of the Planning system through determining planning applications and particularly on major proposals where different issues and considerations need to be weighed and judged. It is important that the Planning Applications Committee is enabled to focus on these more complex and controversial applications, to help it avoid spending a disproportionate amount of time on routine matters, therefore saving time and addressing inefficiency. Consequently, where applications only raise immediate neighbour conflicts and disputes there is a growing challenge as to whether Members ought to be involved in such applications if there are clear policy basis for their determination.
20. Taking this into account, officers consider that there is a need for the delegation scheme to be extended in order to help Committee focus on the more significant applications where more Member involvement earlier on in the process has greater scope to influence outcomes, and make the system more efficient. In seeking to make the process more efficient through extending delegated powers it is recognised that Members will need to have confidence and assurance that the system is being operated fairly and with rigorous attention to all the various issues that can be raised by interested parties.
21. At present Officers bring to committee all planning applications that have attracted opposition, irrespective of both the type and scale of project and number of objections. Last year a total of 808 planning applications were processed of which 664 were delegated decisions (82%). This level of delegation is low compared to the national and regional average, which is in excess of 90%. The Development Team carried out some research into the thresholds for triggering the involvement of the Planning Committee with the practice operated within the other Tees Valley Authorities. Darlington is unusual in having only one objection triggering an application coming to Committee. The Hartlepool model has a trigger of three objections (where one or two objections need to be discussed with the chair of the Planning Committee who then decides whether the application can proceed to a delegated matter – the chair can require that the application be brought to the Committee). Taking the Hartlepool model, officers estimated that this would have lifted the overall level of delegation in Darlington last year to some 96%.
22. In addition, it is considered that the expectations of the public are sometimes being raised by the promise of being heard by Sub-Committee Members only for the officer's recommendation to be endorsed and expectations to be dashed. Because Sub-Committee applications almost invariably have to be judged against standard rules and criteria, the Sub-Committee may sometimes be perceived as not taking into account views and the process may, therefore, be counter-productive to customer satisfaction. Finally, unnecessary delay

is being introduced to the processing of a large number of planning applications. Nevertheless, it is recognised by officers that with a system of increased delegation in place, there will still be occasions when Members feel that there are good planning reasons for wanting an application to be decided by the Committee.

23. It is therefore proposed that the Hartlepool model be adopted for deciding when planning applications with objections can be delegated to officers for approval. This would allow officers to approve all types of application with up to two objections (or to refuse applications contrary to policy where there are up to two letters of support) with the consent of the Chair of Planning Applications Committee. The Chair would retain the right to decide whether these applications should go before the Planning Applications Committee. Members would retain the power to refer an application to Committee should there be good reasons to do so.
24. The changes would allow all relevant applications to be brought to the main Planning Applications Committee, and remove the need for the Sub-Committee.
25. The regular review of delegated powers will allow Members the opportunity to consider how well the scheme is working and whether further amendments would be appropriate. It is also important to bear in mind that electronic document management will be in place in the very near future. This will enable the delegations reports produced by officers to be made available on the Internet therefore providing residents with easy electronic access to the report providing clear information on how delegated decisions have been reached. It will also put all plans and documents associated with applications on the internet, thus facilitating greater community involvement in applications before decisions are taken.
26. The above measures are recommended in order to enhance Member involvement in those applications where early involvement can most influence development outcomes, and to develop a more efficient and responsive development management service in Darlington in keeping with Government advice on good practice.

### **Minor amendments and One Stop Shop service**

27. Various changes have been made to the existing Appendix 3 (now changed to Appendix 2), which sets out the existing consultation and publicity arrangements for planning applications. The main change relates 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. In addition, Appendix 3 has now been added, 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.

### **Next Steps**

28. Once the Draft Revised SCI is published consultations will be carried out with the public and other stakeholders to invite representations on its content. It is anticipated that the results of consultation will be reported to the Economic and Environment Scrutiny Committee in early 2010 and that the revised Statement of Community Involvement be adopted in Spring 2010.

## **Legal Implications**

29. 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.