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

**Responsible Cabinet Member(s) - Councillor David Lyonette,
Regeneration and Planning Portfolio**

Responsible Director(s) - John Buxton, Director of Development and Environment

Purpose of Report

1. To inform Council of the Government's decision on the soundness of the Local Development Framework: Statement of Community Involvement in Planning.
2. To recommend adoption of the Statement of Community Involvement as part of the Council's Local Development Framework.

Background

3. The Statement of Community Involvement (SCI) sets out when and how the public and other stakeholders can get involved in shaping the Council's new Local Development Framework. (The Local Development Framework, 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 Statement of Community Involvement 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.
4. At its meeting on 7 April 2005, the Council agreed to submit the Local Development Framework Statement of Community Involvement in Planning to the Government for independent inspection (Min 7(a)/Apr/05).
5. The Statement of Community Involvement was duly submitted on 28 April 2005. 22 responses were received during the statutory 6 week period for making representations on it, and these were dealt with as written representations by the Planning Inspectorate. These representations can be viewed on the Council's website.

Outcome of Consultation

6. The Inspector's Report has now been received from the Planning Inspectorate and has been published. In accordance with regulatory requirements, it has been made available for inspection during normal office hours at the same locations that the draft SCI and revised draft SCI were made available, and is also available on the Council's website. All those who made representations on the revised draft SCI have also been notified of its

publication.

7. The independent examination carried out by the Inspector was to assess whether or not the Statement of Community Involvement was sound. The Inspector, Keith Holland, BA(Hons) Dip TP MRTPI ARICS, concluded that the Statement of Community Involvement was sound, when assessed against the nine tests laid down in national guidance. The Inspector's only recommended action is in respect of Test 1, which is about meeting the minimum regulatory requirements for consultations. The Council should notify all those who made recommendations on the submitted SCI of the publication of the Inspector's Report and of the adoption of the SCI. His report, which is binding on the Council as Local Planning Authority, does not require any changes to the submitted Statement of Community Involvement. It can be viewed on the Council's website.

Legal Implications

8. Once the Council has adopted the Statement of Community Involvement (**copy attached**), there is a further 3 month period during which any person aggrieved by the Council's decision to adopt the SCI may apply to the High Court for permission to apply for a judicial review of the council's decision.
9. The Council must comply with the Statement of Community Involvement 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 Statement of Community Involvement, be withdrawn.

Section 17 of the Crime and Disorder Act 1998

10. 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

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

Conclusion

12. The Statement of Community Involvement has been subject to all the necessary regulatory requirements and has been declared sound by an independent inspector. On that basis, it is now put forward for adoption by the Council.

Recommendation

13. Council are recommended to adopt the version of the Statement of Community Involvement that was submitted for independent inspection as its Statement of Community Involvement in Planning, and in doing so meet the requirements of the Town and Country Planning (Local Development) (England) Regulations 2004.

Reasons

14. Adoption of a Statement of Community Involvement is required by Government regulations as part of the new arrangements for Councils producing Local Development Frameworks.

John Buxton
Director of Development and Environment

Background Papers

Inspectors Report: Darlington Borough Council's Statement of Community Involvement

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