

# **Hertsmere Borough Council Statement of Community Involvement (November 2005)**

## **INSPECTOR'S REPORT**

### **Introduction**

- 1.1 An independent examination of the Hertsmere Borough Council 's Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004. Following paragraph 3.10 of Planning Policy Statement 12: Local Development Frameworks, the examination has been based on the 9 tests set out (see Appendix A). The starting point for the assessment is that the SCI is sound. Accordingly changes are made in this binding report only where there is clear need in the light of tests in PPS12.
- 1.2 A total of 19 representations were received all of which have been considered. Further information was requested from the Council in relation to Tests ii, viii, and ix and this information is contained in Appendix B to this Report.

### **Test 1**

- 2.1 The Council has undertaken the consultation required under Regulations 25, 26 and 28 of the Town and Country Planning (Local Development) (England) Regulations 2004.
- 2.2 This test is met.

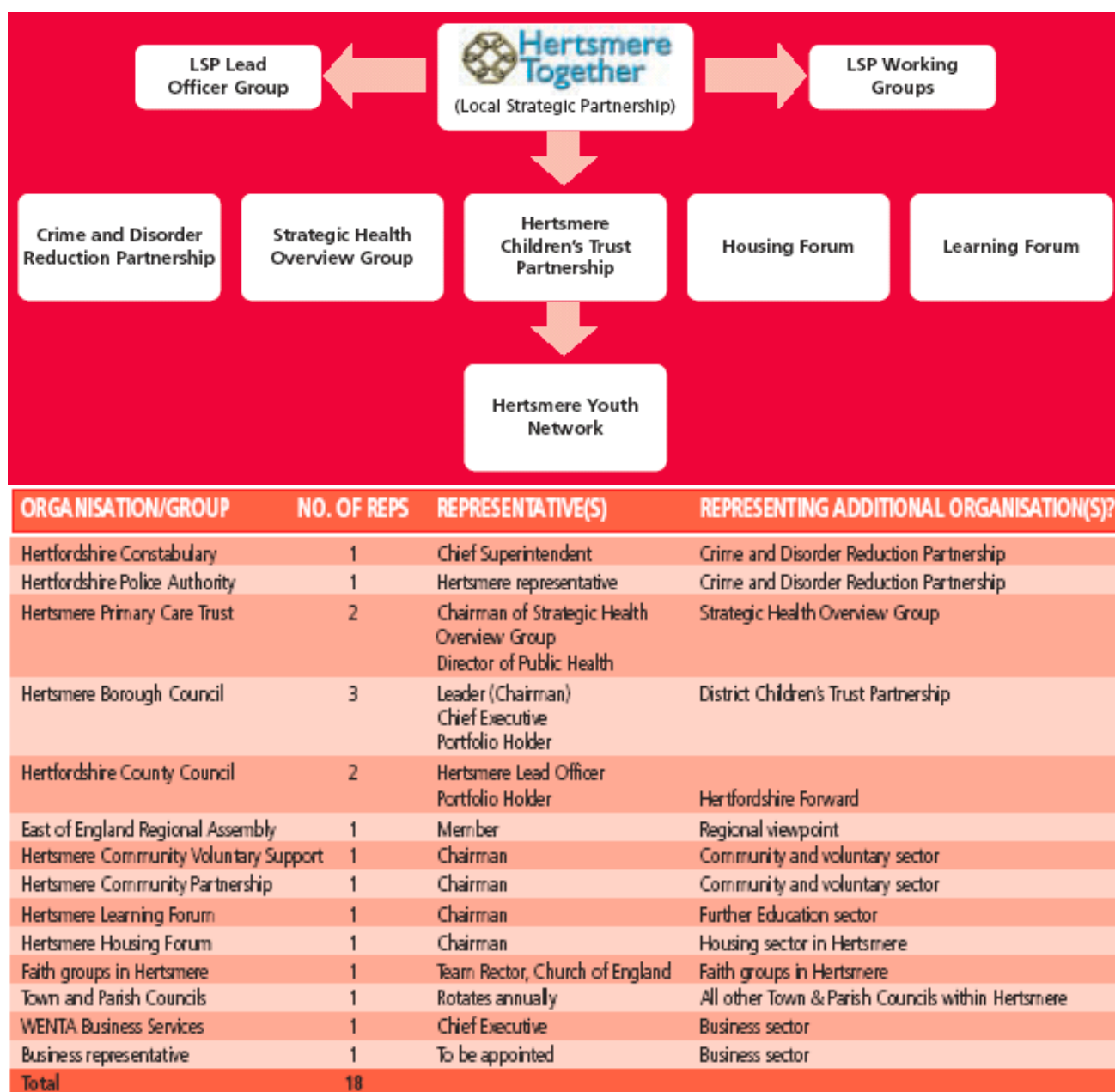
### **Test 2**

- 3.1 Paragraphs 8.13 – 8.14 provide some detail on the linkage between the LDF, the SCI and the Community Strategy. The SCI should explain the structure of the Local Strategic Partnership and how it will be utilised in the consultation on the DPDs. The Council have provided additional information and their response is set out in my recommendation below.

**(R1)** Add the following as a new Paragraph 8.15:

"Entitled "Hertsmere Together", the Local Strategic Partnership (LSP) group for Hertsmere has been meeting since the beginning of 2002 and is made up of organisations involved with delivering services to residents of the borough. Members of the partnership include: Hertsmere Borough Council, Hertfordshire County Council, Hertsmere CVS, Hertsmere CAB, Herts Constabulary, Hertsmere Primary Care Trust, and the Learning and Skills Council. The first table illustrates how Hertsmere Together has brought together the key specialist strategic partnerships within Hertsmere to deliver this Community Strategy. The Community Strategy is undergoing its

first review and as such, the new draft structure of the LSP is as listed in the second table below.



The component groups of the LSP are kept informed of changes to the planning system and are sent initial draft copies of new Local Development Documents (LDDs) before they are progressed to public consultation drafts. Meetings are organised with specific groups to discuss LDDs as they will affect these groups. Planning officers have also attended various LSP meetings to provide general information on the new system and have made detailed comments in response to the new draft Community Strategy.

When preparing documents for public consultation, the LSP contribute by providing mailing lists of its members and component groups to ensure that these groups are engaged in the planning process at the public consultation stages."

- 3.2 As a result I am satisfied that the Council recognise the links between the strategies, the LDDs and the associated consultation exercises.
- 3.3 Subject to the recommendation (R1) above, this test is met.

### **Test 3**

- 4.1 The Council has set out in Appendix 1 of the SCI those groups which will be consulted. This list includes the statutory bodies from PPS12 Annex E. However the Council have omitted the section of Annex E which details the Government Departments who should be consulted and I recommend accordingly.

**(R2)** Add the following groups to Appendix 1:

Additional subheading in Appendix 1 entitled Government Departments:

- Department for Education and Skills (through Government Offices)
- Department for Environment, Food and Rural Affairs
- Department for Transport (through Government Offices)
- Department of Health (through relevant Regional Public Health Group)
- Department of Trade and Industry (through Government Offices)
- Ministry of Defence
- Department of Work and Pensions
- Department for Culture, Media and Sport
- The Countryside Agency

- 4.2 It is stated at Paragraph 6.9 of the SCI that the Council holds a database of consultee details and that this will be updated when necessary. Furthermore, the Council state in this paragraph that they will consult with additional local stakeholders where appropriate.
- 4.3 A number of representors request inclusion as consultees through inclusion in the lists contained at Appendix 1. I am content that by cross referencing the electronic database (described at Paragraph 6.9 to the specific lists in Appendix 1) the requests can be met.

**(R3)** Insert the following to paragraph 6.9:

"These database entries include those which represent the categories of consultee identified at Appendix 1."

- 4.4 The re-organisation of certain consultation bodies, such as the Strategic Rail Authority, should be acknowledged in the SCI and I recommend an additional sentence be added to this effect.

**(R4)** Add as a note to the end of Appendix 1 the following:

"Please note, this list is not exhaustive and also relates to successor bodies where re-organisations occur."

- 4.5 Subject to the above recommendations (R2, R3 and R4) above, this test is met.

#### **Test 4**

- 5.1 Section 4 and Appendix 2, Table 2 explains that the Council will involve and inform people from the early stages of LDD preparation and Section 5 describes the range of methods the Council will employ to do this. Table 2 explains that informal consultation will take place with the key stakeholders such as parish councils and local developers, at the issues and options stage of DPD production in accordance with Regulation 25.
- 5.2 The Council have proposed to make changes to Paragraph 4.2 in order to highlight the fact that on certain LDF documents the Council proposes to undertake an initial scoping exercise over and above what is required by regulation 25. This amendment whilst not changing the substance of the text, does provide additional clarity and transparency to this section of the document.

- (R5)** Replace the submission version of Paragraph 4.2 with the following:

“This stage includes two main activities: survey and evidence gathering; and initial work on a sustainability appraisal. We will consult the main stakeholders who will help us identify what evidence is needed to prepare the DPD and start the sustainability process, as required in the regulations. Where there are considered to be matters of wide public interest we will undertake an initial scoping exercise with the public to help us identify what issues are most important to people within the Borough, and the range of options available to deal with these issues. This will be in addition to consulting the main stakeholders. This would be the first opportunity for community involvement on some of the documents.”

- 5.3 As a result, I am satisfied that the consultations proposed will be undertaken in a timely and accessible manner.
- 5.4 Subject to the above recommendation (R5) this test is met.

#### **Test 5**

- 6.1 Section 5 of the SCI sets out the methods that the Council propose to use to involve the community and stakeholders. These cover a range of recognised consultation techniques that will present information via a range of different media. The Council indicate through Appendix 2, Table 2 at what stages of LDD preparation the various methods might be employed.
- 6.2 The SCI at Paragraph 6.2 acknowledges that the Council may have to provide extra support to facilitate consultation with certain

groups or individuals, and proposes (at Paragraphs 6.3 – 6.6) how they might do this. Paragraph 5.14 explains how the Council will make their information accessible to all members of society, and Paragraph 8.4 sets out how they will meet requirements of the Race Relations Act 2000 and the Disability Discrimination Act 1995.

6.3 I am satisfied that the methods of consultation proposed in the SCI are suitable for the intended audiences and for the different stages in LDD preparation.

6.4 This test is met.

### **Test 6**

7.1 Paragraphs 8.9 – 8.10 of the SCI explains how the Council will seek to ensure that sufficient resources are put in place to achieve the scale of consultation envisaged. I am satisfied that the Council is alert to the resource implications of the SCI.

7.2 This test is met.

### **Test 7**

8.1 Paragraphs 8.5 – 8.8 explain how the results of community involvement will be taken into account by the Council and used to inform decisions. The Council also propose to prepare reports at the end of the consultation period explaining how views have been considered and documents changed in light of the community involvement.

8.2 The SCI should state at the end of Paragraph 8.7 where these will be made publicly available.

**(R6)** Add to the end of Paragraph 8.7 the following:

“These reports will be available at the locations listed in Appendix 5 of this document and on the Council’s website [www.hertsmere.gov.uk](http://www.hertsmere.gov.uk)”

8.3 Subject to the recommendation above (R6) this test is met.

### **Test 8**

9.1 Though Appendix 2, Table 1 and Paragraph 8.7 & 8.8 deal with some aspects of monitoring and review the Council were asked to provide additional information to clarify what factors may trigger a review of the SCI. This information helps clarify this issue and I recommend that it be added to the SCI.

**(R7)** Add as a new paragraph, Paragraph 8.9 the following:

"The Council's Annual Monitoring Report will contain a summary of the progress of the Local Development Scheme in terms of the Local Development Documents. This will include information about the consultation exercises that have been conducted on each document. In addition to this annual monitoring, at the end of the plan-making process for each significant planning document such as the Core Strategy, we will undertake specific surveys or use the Council Customer Satisfaction Survey undertaken by MORI to assess whether the community feels they have been given sufficient opportunity to get involved in the planning system. This way, the whole process of community involvement on each planning document can be assessed."

- 9.2 As a result, I am satisfied that the Council has mechanisms for reviewing the SCI and have identified potential triggers for the review of the SCI.
- 9.3 Subject to the recommendation above (R7) this test is met.

## **Test 9**

- 10.1 Section 7 and Appendix 4, Table 5 clearly describe the Council's policy for consultation on planning applications. Paragraphs 7.10 – 7.13 meet the minimum requirements and provide additional methods of consultation whilst Paragraph 7.1 distinguishes between procedures appropriate to different types and scale of application.
  - 10.2 The Council were asked to provide information on the notification methods they will employ with regard to differing scales of applications. The response provided is given below and I recommend accordingly:
- (R8)** Add as new paragraphs following Paragraph 7.11 the following (subsequent paragraphs should be renumbered accordingly):

"For 'major' applications, the Council has statutory duties to place notices in the local press, erect site notices, and notify a wider number and spread of neighbouring properties and land owners, along with statutory consultees such as the local electricity, gas and water providers, the Environment Agency and other Council and County Council departments, for example. The same process is undertaken where proposals are in conflict with the strategic principles and policies of the Local Plan.

For 'minor' applications, the Council will not issue a press notice and will consult a smaller spread of neighbouring properties and land owners and statutory consultees. For 'other' applications, normally, just the immediate neighbouring properties and land owners would be notified, unless the planning history of the site suggests that the application would be of a wider local interest. Appendix 4 indicates in more detail the type of notification and or

consultation that we undertake for the many different types of application we receive.

The following table indicates the length of time from the date of the letter that people have to respond to a notification or consultation letter. These time limits are essential as they enable officers to consider the responses early in the process of the application to enable further enquiries or revised plans to be sought from the applicant, within the overall time constraints of each individual application."

<i>NOTIFICATION and CONSULTATION</i>	<i>TIME PERIOD TO RESPOND</i>
<i>Neighbour notification letter</i>	<i>21 days</i>
<i>Councillors notification letter</i>	<i>28 days</i>
<i>Statutory consultee consultation letter</i>	<i>21 days</i>
<i>Revised application statutory consultee letter</i>	<i>21 days</i>
<i>Revised application neighbour notification letter</i>	<i>14 days</i>

- 10.3 The SCI does not address the longer statutory time period for consultation that may be applicable in certain circumstances.

**(R9)** Insert as a note to the table above:

"Bodies such as English Nature will be allowed a longer period of time to comment on applications where this is prescribed by legislation.

- 10.4 The SCI does not adequately deal with the question of how the results of consultation will be reported and how the results will be used to inform the decision making process.

**(R10)** Add to Paragraph 7.10:

"The results of any such consultation will be reported and taken into account in decisions made by, and on behalf of, the Council."

- 10.5 Subject to the above recommendations (R8, R9 and R10) this test is met.

## **Conclusions**

- 11.1 There are certain factual errors in the submitted SCI that need correction. I list these below and recommend accordingly.
- 11.2 The Glossary states that draft DPDs should be sent to the Office of the Deputy Prime Minister. This is incorrect and the following should replace the current entry under Secretary of State:

**(R11)** Replace the current text for this entry with:

"Proposals for DPDs and submission DPDs should be sent to the Secretary of State through the relevant Government Office and in the case of submission DPDs, also to the Planning Inspectorate."

- 11.3 The Glossary defines a Local Development Order (LDO) as removing permitted development rights. However, as the function of an LDO is to locally extend the scope of permitted development in response to local circumstances.

**(R12)** Amend this section of the Glossary in line with the definition above.

- 11.4 Appendix 2, Table 2 and Table 3 contains timeline information from the Local Development Scheme. As these timetables may be subject to change the Council should provide a statement to that effect at the beginning of each table.

**(R13)** Insert the following statement at the beginning of Table 2 and Table 3:

"As the timetable of our Local Development Scheme may change please visit the Council's website on [www.hertsmere.gov.uk](http://www.hertsmere.gov.uk) for the latest version of this scheme."

- 11.5 The SCI contains certain elements that will become redundant once the document is adopted.

**(R14)** The Council should remove all references to previous stages of this document and replace the last three paragraphs of the preface with a statement of adoption.

- 11.6 Whilst I have attempted to identify as many consequential amendments as possible that may follow from my recommendations, it seems inevitable that issues of consistency may arise. In the event of any doubt, please note that I am content for such matters, plus any minor spelling, grammatical or factual matters to be amended by the Council, so long as this does not affect the substance of the SCI.

- 11.7 Subject to the implementation of all of the above recommendations the **Hertsmere Borough Council** SCI (November 2005) is sound.



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