

INSPECTOR'S REPORT

NORTH NORFOLK DISTRICT COUNCIL

STATEMENT OF COMMUNITY INVOLVEMENT

Inspector: Terrence Kemmann-Lane JP DipTP FRTPI MCMI

Date of Hearing: 24 January 2006

File Reference: LDF 00215

North Norfolk District Council - Statement of Community Involvement (September 2005)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of the North Norfolk District Council Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act. 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 a clear need in the light of the tests in PPS 12.
- 1.2 A total of 10 representations were received, all of which have been considered. A requested hearing was held on 24 January 2006: the attendance sheet listing those present is attached. Since this report is into the soundness of the SCI, I have not referred to matters raised in the representations unless they result in a recommendation for a change.

Test 1

- 2.1 This test, in respect of the requirements of Regulations 25 and 26, is dealt with in Regulation 28 Statement Appendix A which contains a full list of consultees. In respect of consultation on the Submission Draft SCI, the requirements of Regulation 28 are met, the consultees being listed in Appendix A of the Regulation 31 Statement.
- 2.2 This test has been met.

Test 2

- 3.1 Within the Introduction, Paragraphs 1.4 – 1.6 of the SCI sets out the ways in which the Council intends to ensure that the involvement of the community in the production of Development Plan Documents

(DPDs) links in with other strategies. The Council is working closely with the North

3.2 Norfolk Community Partnership which has produced a Community Strategy. This Partnership brings together a wide range of organisations, including other local authorities, the police, the health service, the learning community, businesses, and community and voluntary groups. In addition a code of practice has been established to improve ways in which the statutory and voluntary and community sectors in Norfolk consult each other on policy developments.

3.2 This test has been met.

Test 3

4.1 This test is dealt with by the information provided in Appendix 3 and Section 4 of the SCI. The Appendix lists the specific organisations and other 'general consultation bodies'. Section 4 summarises the arrangements for public involvement at the different stages of preparation for each document to be prepared and shows who will be involved, what methods will be used, and how feedback on the comments made will be achieved. However, there is a lack of clarity as to which bodies fall within the descriptions of 'specialist groups' or focus groups representing the public and how they relate to the consultees in appendix 3. I set out in the recommendation revised text in the sections of Tables 4.2 and 4.3 which deal with regulation 25 consultation.

4.2 Recommendation.

Insert the following revised Tables 4.2 and 4.3

| 4.2 The Core Strategy | | | |
|--|--|--|---|
| Purpose of Document | The Core Strategy development plan document (DPD) sets out the vision and strategy for the development of North Norfolk up to 2021 | | |
| Minimum requirements | Set out in Regulations 25, 26, 27, 28,29, 31, 34 | | |
| Plan Preparation and Consultation Stage | WHO we will aim to involve | HOW we will involve them | How we will FEEDBACK at this stage |
| Preparation of issues and alternative options Reg 25 consultation | <ul style="list-style-type: none"> • Specific consultees (see appendix 3 for details) • National, regional and local organisations and partners • Participants in a range of evidence-gathering studies (see para 3.7). • The public • Specific and general consultees • Parish councils, local area partnerships, other local stakeholders and general consultees | <ul style="list-style-type: none"> • Written correspondence • Consideration of other organisations' strategies summarised in Sustainability Appraisal scoping report • Studies include public involvement through surveys, focus groups etc • Focus groups and questionnaires to find the key issues and priorities for the District • Meetings based on particular themed issues • A series of workshops in the district where key issues are identified and confirmed. | <ul style="list-style-type: none"> • Results from the exercises will inform the Core Strategy • Reports will be produced from workshops and meetings • A pre-submission consultation statement will be prepared setting out who we consulted, how they were consulted, the main issues raised and how the issues will be addressed in the DPD. |

| 4.3 Site Specific Proposals (SSP) | | | |
|--|--|---|---|
| Purpose of document | The SSP development plan document will identify individual sites for specific uses to deliver the aims of the Core Strategy. | | |
| Minimum requirements | Set out in regulations 25, 26, 27, 28, 29, 32, 33, 34 | | |
| Plan Preparation and Consultation Stage | WHO will we aim to involve | HOW we will involve them | How we will FEEDBACK at this stage |
| Preparation of issues | <ul style="list-style-type: none"> • Specific and | <ul style="list-style-type: none"> • Written | <ul style="list-style-type: none"> • Reports |

| | | | |
|--|---|---|---|
| <p>and alternative options. Reg 25 consultation.</p> | <p>general consultees (see appendix 3 and table 1 for details)</p> <ul style="list-style-type: none"> • Participants in a range of evidence gathering studies (see para 3.7) • Parish councils, Local Area Partnership Members, other local stakeholders and general consultees | <p>consultation and face to face meetings.</p> <ul style="list-style-type: none"> • Studies include public involvement through surveys, focus groups etc • A series of workshops held in the district where key issues are identified and confirmed | <p>will be produced from workshops and meetings</p> <ul style="list-style-type: none"> • A pre-submission consultation statement will be prepared setting out who we consulted, how they were consulted, the main issues raised and how the issues will be addressed in the DPD. |
|--|---|---|---|

Test 4 and Test 5

5.1 These tests are considered together as they are interrelated.

5.2 In paragraph 1.1 of the Introduction to the SCI, attention is drawn to the Council's Local Development Scheme which sets out the programme for the preparation of the documents which will be included in the Local Development Framework. Thus it is possible for the community to see the timescale for the preparation of these documents and the intended start dates, enabling interested organisations and individual to be prepared to engage in their preparation.

5.3 Section 3 of the SCI sets out the process to be followed for community involvement in the Local Development Framework. This includes Table 1 which shows 'Methods to ensure widespread representation'. Within this table there is considerable emphasis on invitation to early consultation events.

5.4 Section 4 is a table which summarises the arrangements for public involvement at the different stages of preparation for each document to be prepared and shows who will be involved, what methods will be used and how feedback will be achieved. I consider that this section sets out appropriate methods which are accessible to a range of groups, that are appropriate for the types of LDDs and demonstrates the community involvement which will be undertaken at the different stages of document preparation. However, the section does not include all types of documents which might be produced; in particular Area Action Plans are not included. Since the SCI should be a long term document which shows how the community will be involved in all documents included in the Local Development Framework, this omission should be rectified.

5.5 Recommendation.

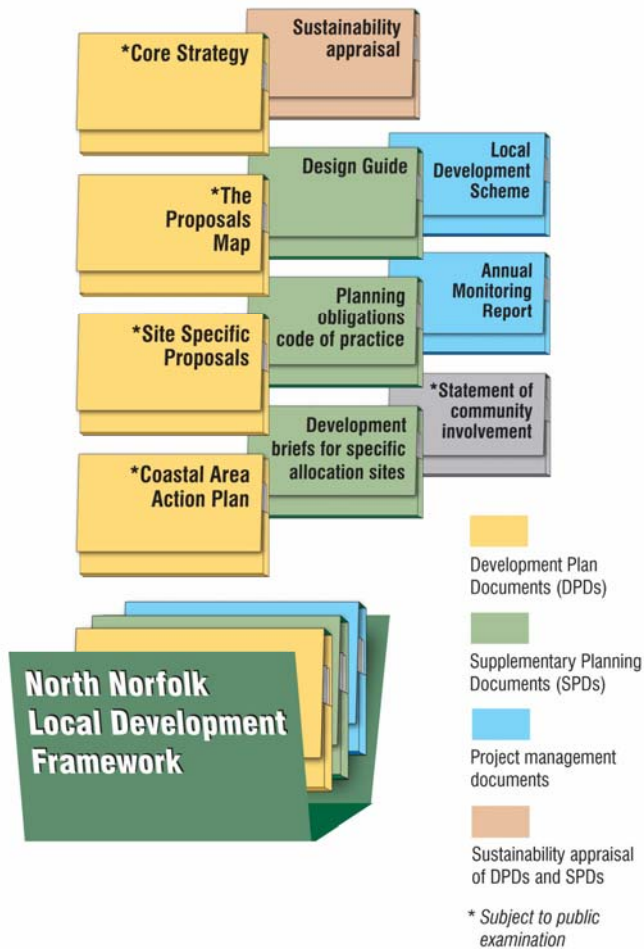
Insert the following new Tables 4.6 – Area Action Plans and revised Figure 1

| 4.6 Area Action Plans | | | |
|--|--|---|--|
| Purpose of document | Area Action Plans should focus on implementation, providing a mechanism for ensuring development of an appropriate scale, mix and quality for key areas of opportunity, change or conservation. They can contain site specific policies and proposals for particular areas. | | |
| Minimum requirements | Set out in Reg 25, 26, 27, 28, 29, 31, 34 | | |
| Plan Preparation and consultation Stage | WHO will we aim to involve | HOW we will involve them | HOW we will feedback at this stage |
| Preparation of issues and alternative options Reg 25 consultation | <ul style="list-style-type: none"> • Specific consultees (see appendix 3 for details) • National, regional and local organisations and partners • Specific and general consultees | <ul style="list-style-type: none"> • Written correspondence • Consideration of other organisations' strategies summarised in Sustainability Appraisal scoping report • Workshops and meetings where key issues are identified and confirmed. | <ul style="list-style-type: none"> • Results from the exercises will inform the Area Action Plan • Reports will be produced from workshops and meetings • A pre-submission consultation statement will be prepared setting out who we consulted, how they were consulted, the main issues raised and how the issues will be addressed in the DPD. |

| | | | |
|--|--|---|---|
| <p>Formal public participation on Preferred Options Sustainability Appraisal report</p> <p>document and formal Sustainability Appraisal report</p> <p>Reg 26 public participation</p> <p>6 week period for comments</p> | <ul style="list-style-type: none"> • General public. • Specific and general consultees involved at the regulation 25 stage • Everyone on consultation database | <ul style="list-style-type: none"> • The preferred options document, sustainability appraisal report and supporting information will be available for inspection at Council offices and libraries and published on the website. • Adverts will be placed in local newspapers stating that the document is available for inspection and the places and times it is available. • Contact local newspapers with further details about the participation period • Articles in Outlook magazine stating the participation period. • Documents will be sent (by post or email) to those bodies consulted at the regulation 25 stage. • Inform everyone on the consultation database of the details of the participation period. • Public meetings will be held as appropriate. | <ul style="list-style-type: none"> • Acknowledgement letter to those making representations within the six week period. |
| <p>Consideration of Representations.</p> <p>(Regulation 27)</p> | | | <ul style="list-style-type: none"> • A pre-submission participation statement will be prepared summarising the main issues raised and how they have been addressed in the document. |
| <p>Submission of Area Action Plan</p> <p>Submission to Secretary of State (Reg 28)</p> <p>6 week public participation period (Regulation 29).</p> | <ul style="list-style-type: none"> • General public • Bodies consulted at reg 25 stage | <p>Submission of Area Action Plan development plan document, Sustainability Appraisal report, the pre-submission consultation and participation statements and the submission proposals map</p> <ul style="list-style-type: none"> • Advert will be placed in local newspapers stating that the documents are available for inspection and the place and time where they can be | <ul style="list-style-type: none"> • Representations received will be forwarded to the Secretary of State for consideration at the examination • Copies of representations made will be available to view at council offices and libraries. • Acknowledgement letter to those making representations within the six week period. |

| | | | |
|---------------------------------|--|---|--|
| | <ul style="list-style-type: none"> • Everyone on consultation database • Those requesting notification | <p>inspected.</p> <ul style="list-style-type: none"> • The documents will be available at council offices and libraries, on the website • The documents will be sent to those bodies consulted at the regulation 25 stage. • Inform everyone on consultation database of the details of the participation period. • Those who requested to be notified of submission of the DPD to the Secretary of State will be notified. | |
| Examination | <ul style="list-style-type: none"> • Those who made representations on the submitted document. | <ul style="list-style-type: none"> • At least 6 weeks before the start of the examination the time and place that it is to be held will be advertised in local newspapers and on the website and those who made a representation at the regulation 29 stage will be notified. • The Inspector will determine the procedure for the examination. | <ul style="list-style-type: none"> • The Inspector will produce a binding report outlining changes that must be made to the document. |
| Adoption and publication | <p>When the document is adopted it will be made available for purchase and inspection at council offices, libraries and published on the website and the adoption statement will be advertised and sent to any person who requested to be notified of the adoption of the DPD.</p> <ul style="list-style-type: none"> • The Proposals Map will be updated | | |

Figure 1: Documents within the North Norfolk Local Development Framework



Test 6

- 6.1 Section 3.11 of the SCI deals with resources, demonstrating an awareness of the resource implications of the various methods of community involvement. The Planning Policy team has been strengthened to provide extra resources. In addition, close working with the community team and other organisations (such as the County Council Youth Service) is envisaged. There is also held out the possibility of consultants being employed during the regulation 26 stage of the Core Strategy and Site Specific Proposals to ensure the achievement of the greatest level of public involvement. I consider that this adequately demonstrates that the resources will be available at an appropriate level to deal with the type and scale of community involvement proposed.
- 6.2 This test has been met.

Test 7

- 7.1 Section 3.9 of the SCI clearly explains how the results from community involvement at the various stages of preparation of documents will be fed into LDF document production, and how feedback will be given to show how comments made have been taken into account. In addition, the tables in section 4 show in some detail how the results of involvement will be used in the preparation of documents and how feedback will be given.
- 7.2 This test has been met.

Test 8

- 8.1 Paragraph 3.10.2 sets out how the SCI will be kept under review through the Annual Monitoring Report. It describes how consultation exercises and publicity will be evaluated throughout the process through feedback forms, etc, and that if any methods are proving unsuccessful in capturing the communities' views, the SCI will be reviewed to address shortcomings
- 8.2 This test has been met.

Test 9

- 9.1 In connection with planning applications, paragraph 5.7 sets out how publicity will be given for planning applications, and paragraph 5.8 shows how the Council intends to carry out consultation with the public. There is also a section "Have Your Say" immediately following Appendix 5 of the SCI (intended to be Appendix 6, but not identified in this way). Sections 5.10 – 5.13 make it clear how the results of consultation will be reported and inform decisions of planning applications, and again this is covered in "Have Your Say". Paragraph 5.2 differentiates between different types and scales of application, and makes clear the different procedures for consultation. Paragraphs 5.1 and 5.3 set out the Council's policy towards pre-application consultations, including the role expected of applicants.
- 9.2 However, the definition of a major application is somewhat restrictive in setting out this level of development merely in terms of scale, whereas there may be a need for pre-application discussions on developments not meeting the scale criteria but which nevertheless might lead to considerable controversy. I recommend an addition to the text of paragraph 5.2.2.

- 9.3 I also consider that paragraph 5.3.2 is too restrictive in relating solely to specific types of development (residential, retail, etc), and too prescriptive in what will be expected of developers irrespective of the nature of the proposal. I therefore recommend replacement text for the first paragraph and points 1 and 2 of paragraph 5.3.2.
- 9.4 There is an issue with regard to early consultation with the community and commercial confidentiality for developers, especially at the stage when negotiations for site acquisition are current. I recommend additional text to deal with this in paragraphs 5.1.3 and 5.2.1.
- 9.5 Recommendations
- 1) Identify "Have Your Say" as Appendix 6;
 - 2) Add at the end of paragraph 5.2.2 the following: "Any other applications which in the opinion of officers are likely to give rise to issues of significant impact in terms of planning considerations are, for the purpose of this document, considered to be 'major'. ";
 - 3) Delete the first paragraph and points 1 and 2 of paragraph 5.3.2 and replace with: "For major developments that are a departure from the Development Plan or those that may give rise to local controversy or are on sensitive sites, further consultation (such as a public meeting, exhibition or other means of engaging with the local community/interest groups) will be required, the details of which will be agreed with the planning officer. ";
 - 4) Add to the end of the first paragraph of 5.1.3, after "pre-application discussions", the words: "unless the harm/prejudice likely to arise from disclosure would outweigh the public interest in making the information available. ";
 - 5) Add at the end of paragraph 5.2.1: "The precise timing of the pre-application consultation will be agreed with the planning authority, and will need to strike a balance between involving the community at an early enough stage to be relevant while respecting issues of commercial confidentiality that may arise when developers are involved in site acquisition."

Other Matters

- 10.1 There are a number of minor matters which I have identified, or which were mentioned at the hearing. They do not affect the substance of the SCI, but they arise as a result of the SCI passing beyond the consultation stage or simply add to its clarity and accuracy.

10.2 Because this report will lead to the adoption of the SCI, all reference to the 'submitted' statement should be removed. This includes, on the front cover deleting the word "Submitted" from the title, deleting "Revised document submitted to Government" and "Comment on this document: 26 September – 4 November 2005" – and add "Adopted" (and date adopted). For the same reason the information on the inside of the front cover, save for the section "Contact Details", should be deleted, as should "Representation form" from the contents table on the opposite page and the representation form before the Introduction on page 1. Additionally, in section 4, table 4.1 dealing with the preparation of the SCI, should be modified to refer to future reviews of the document, as follows:

Modify text alongside "Purpose of document" to read: "The SCI guides how the community is to be involved in the plan-making process and in the consideration of planning applications. revisions of this document will include community involvement as set out below."

Delete "Preparation of draft SCI" in first box under heading "Plan Preparation and consultation Stage".

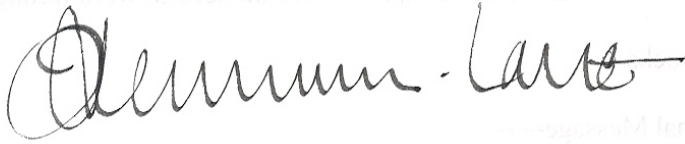
10.3 In the same vein, the final sentence of paragraph 1.1 should be amended to read, after the words "of the new system", as follows: "and this document sets out our policy to achieve this."; and the final sentence of 1.1.1 should be amended as follows: delete fourth word "is" and substitute "has been", delete fourteenth word "can" and substitute with "could", and delete "once adopted" further on the same line.

10.4 Recommendation

Insert the amendments set out in paragraphs 10.2 and 10.3 above, and any other consequential amendments resulting from the adoption of the document.

Conclusion

11.1 Subject to the above recommendations the North Norfolk District Council's Statement of Community Involvement (September 2006) is sound.

A handwritten signature in black ink, reading "Terrence Kemmann-Lane". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Terrence Kemmann-Lane
Inspector

APPENDIX A

Examination of the soundness of the statement of community involvement

3.10 The purpose of the examination is to consider the soundness of the statement of community involvement. The presumption will be that the statement of community involvement is sound unless it is shown to be otherwise as a result of evidence considered at the examination. A hearing will only be necessary where one or more of those making representations wish to be heard (see Annex D). In assessing whether the statement of community involvement is sound, the inspector will determine whether the:

- i. local planning authority has complied with the minimum requirements for consultation as set out in Regulations;¹
- ii. local planning authority's strategy for community involvement links with other community involvement initiatives e.g. the community strategy;
- iii. statement identifies in general terms which local community groups and other bodies will be consulted;
- iv. statement identifies how the community and other bodies can be involved in a timely and accessible manner;
- v. methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents;
- vi. resources are available to manage community involvement effectively;
- vii. statement shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents;
- viii. authority has mechanisms for reviewing the statement of community involvement; and
- ix. statement clearly describes the planning authority's policy for consultation on planning applications.

From: Planning Policy Statement 12: Local Development Frameworks

APPENDIX B
ATTENDANCE LIST

SCI Hearing – 24 January 2006
Held at
North Norfolk District Council Offices, Cromer

Polly Wake, Senior Planning Officer – NNDC

Steve Oxenham, Head of Planning and Building Control – NNDC

Rob Posselt, Martin Robeson – objector

Jill Fisher, Planning Policy Manager, NNDC – observer

Gill Powell, Secretary, NNDC – Admin

Councillor Virginia Gay – observer

Councillor Mark Birch – observer