

APPENDIX H

Planning Committee - 9th August 2005 - Planning Report and Schedule

Agenda Item: 8

Ward: All

Planning Committee

Portfolio Holder: Cllr J.W. Raine

9th August 2005

Report of Head of Planning Services
Responses to the Formal Consultation on the Draft Statement of
Community Involvement (SCI)

1 Purpose of Report

- 1.1 The purpose of this report is to present to members the representations made on the draft Statement of Community Involvement (SCI) during the formal consultation period and to recommend changes to the SCI prior to its referral to Council for approval for submission to the Secretary of State.

Recommended that –

- i) the Schedule of Representations on the draft Statement of Community Involvement be considered;**
- ii) following a ‘round table’ discussion with any outstanding Objectors, the Head of Planning Services be authorised to undertake minor amendments to the Draft Statement of Community Involvement, in consultation with the Portfolio Holder, prior to its referral to Council; and**
- iii) Subject to ii) the draft Statement of Community Involvement is recommended to Council for approval and submission to the Secretary of State.**

2 Background

- 2.1 Members will recall the previous reports to the Committee on the 5th April and 25th April about the preparation of the SCI, which forms part of the Council’s Local Development Scheme (LDS). The report of the 5th April contains the main background information on the purpose of the SCI, the timetable and legal requirements for its preparation, and authorised ‘pre-submission’ consultation.
- 2.2 The results of this initial exercise were reported to the Committee on the 25th April and following consideration, the SCI was revised for the main formal consultation phase which was held between the 6th May and the 17th June. Copies of the draft SCI were sent to statutory consultees, other key stakeholders (including general consultation bodies, special interest groups and individuals), all Parish Councils and neighbouring local authorities. Formal adverts notifying the general public were placed in all the local newspapers and copies of the Statement were placed on the website, in local libraries and Council customer centres.

3 Representations made

- 3.1 A total of 32 formal Representations were made during the statutory consultation period. Eight of the Representations supported the Statement, eight raised objections, three both supported the overall document but raised objection to specific aspects, and thirteen made comments without stating whether in overall support or objection.
- 3.2 A schedule of the Representations made together with, where relevant, the change that the respondent suggests, your officer's assessment of the representation and any recommended changes to the draft SCI is attached to this report for Member's consideration (Appendix 1).
- 3.3 Some of the people/groups making representations have offered to discuss their objections in a 'round table' session, however, it has not been possible to organise this in advance of the Committee meeting. While some of the objections will be overcome if the recommended changes are approved, it is considered appropriate to hold a further discussion session with the outstanding objectors and see if any further minor changes can be agreed as a means of overcoming any outstanding objections to the SCI. This will need to take place before full Council considers the final draft SCI for submission to the Secretary of State.
- 3.4 It is therefore recommended that the Head of Planning Services is authorised, in consultation with the Planning Portfolio Holder to make any further appropriate minor revisions to the Draft SCI following the proposed round table discussions. In addition to providing an opportunity to clarify and explain the role and purpose of the SCI, the round table session also provides an opportunity to demonstrate to the Secretary of State that all options have been explored to overcome objections to the document.
- 3.5 Following approval by Council, the Draft SCI will be submitted to the Secretary of State for consideration under Regulation 28. It is possible that an Inquiry could be held to consider objections, however, it is more likely that objections will be dealt with by way of written representations.
- 3.6 Three representations were received after the formal consultation period closed. English Nature has no comment to make on the consultation. The Garden History Society asks to be involved in the evolution of policy in the LDF and recommends the preparation of SPDs for Historic Parks and Gardens. Finally, Bayton Parish Council objects on the grounds that the SCI says in effect that the District Council will not undertake consultation for 'county matter' planning applications. The Parish Council feel that the district should undertake the consultations, including with the Parish Council, and seek views before responding to the County Council. No direct changes to the Draft SCI are proposed as a result of these responses, however, as a result of other formal representations on the role of the County Council, a change is proposed to paragraph 6.1 of the draft SCI.

4 Corporate Considerations

Resource Implications: (Identify and Financial, Legal and Personnel issues)	Failure to meet the timetable for the production of the SCI as identified in the LDS is likely to impact upon future levels of the Planning Delivery Grant. In addition, failure to comply with the statutory process will necessitate additional consultation, which may impact upon staff and financial resources.
---	--

Policy Implications: (Confirm that the proposal is within current policy framework, or if not, identify implications)	Failure to comply with the requirements outlined in the Town and Country Planning (Local Development) England Regulations 2004 will prevent the adoption of the SCI and its use to test the soundness of other LDDs.
Equalities Issues: (Identify potential impact on grounds of race, gender, disabilities, age and religious belief etc)	The Town and Country Planning (Local Development) England Regulations 2004 set out the minimum requirements for community involvement. PPS12, para. 3.7 identifies the LPA's duties with regard to the Race Relations (Amendment) Act 2000, Equal Opportunities and the Disability Discrimination Act 1995.

5 Risk Management

Risk Identified	Inherent Risk Evaluation		Proposed measures	Residual Risk Evaluation	
<ul style="list-style-type: none"> ▪ Failure to deliver agreed work programme as outlined in the LDs. 	Risk Score	7	<ul style="list-style-type: none"> ▪ Agreed programme of pre-submission consultation and revision of the SCI 	Risk Score	5

NB: Risk Score derived from level of Impact and Likelihood, calculated from the Risk Matrix

6 Conclusions

- 6.1 Following the extensive formal public consultation exercise on the draft SCI, 32 representations have been received and need to be considered by the Committee and the SCI revised accordingly, prior to the SCI being referred to Council for approval and submission to the Secretary of State.

Gary Williams
Head of Planning Services

Appendices:	App 1 – Schedule of Representations and Responses
Background Papers:	PPS 12 – Local Development Framework
Related Information:	Town and Country (Local Development) England Regulations 2004
References: (To or from other Committees)	
Report Author/ Contact Officer:	David Murray 01684 862318 e-mail: david.murray@malvern hills.gov.uk

Committee Report - Responses to SCI

Sub Ref 1
 Surname Clearwaters
 Organisation Malvern Hills Agenda 21
 On Behalf Of

Summary of Representation

- a) Aims of SCI supported.
- b) Glossary - Definition of 'Affordable Housing' should not only reflect house price but include affordability to run and maintain in a sustainable way.
- c) para. 1.7 to 1.11 - Malvern Hills Community Strategy - Opinions in the LSP (Vision 21) may be varied and diverse and there is no guarantee that it or the Planning Service will be able to represent all the community groups and reach consensus.
- d) para 3.5 - queries link between health and age statistics in the profile of the community.
- e) para 5.2 The use of libraries and supermarket entrances are useful places for contact.
- f) Reference to Appendix 4 should read 3.
- g) para. 7.1.3 Why is there no press notice and site notice for Tier 2 applications?
- h) para 8 We urge the Council to evaluate the efficiency and efficacy of engaging with the community to ensure that it is not at the expense of good front line services.
- i) Appendix 4 - Conservation Matters Feel that the Council is at risk regarding pressures related to Trees and Enforcement. The Community will help itself when it feels there is support from the Council.
- j) Appendix 3 LDD Consultees - General and 'other' are similar and should be rationalised. Reference to Local Agenda 21 should not just specify the other groups listed.

Change Sought

- b) Should include ability to run and maintain homes in a sustainable way.
- c) None specific.
- d) Remove link unless factual.
- e) Add to the paragraph
- f) Re-number as Appendix 3.
- g) Not specified - only question posed.
- h) Not specified.
- i) Not specified.

Summary of Council's Response

- b) Definition of Affordable Housing used is that set out in the Development Plan and the adopted SPG it would be inappropriate for a different definition to be used in the SCI.
- d) The linking of age and health and the supposition is not critical to the analysis of information about the community.
- e) Agree.
- g) There is no statutory requirement to advertise all applications which fall in Tier 2 although some may need to be advertised if they also fall within the description of major development or Article 8 on publicity applies.
- h) Covered in section 8 Resources and Implementation.
- i) The need for effective 'Tree' and Enforcement Service within the district is recognised, however, the resources available for this work is not a matter for the SCI.
- j) Agree

Action Taken

- b) No change.
- c) Delete "and is...olds" from end of para. 3.5.
- e) Add to the table on making information available on planning matters.
- f) Re-number as Appendix 3.
- g) No change
- h) No change.
- i) No change
- j) List Local Agenda 21 as a consultee in their own right and re-group the other sub-entries

Sub Ref 2
Surname Hughes
Organisation Malvern Wells Parish Council

On Behalf Of

Summary of Representation

a) The SCI document should have sufficient significance to guide decisions on development control issues as well as LDDs.

b) This council would welcome advice on how to evaluate and address leisure and business needs in this area with emphasis on: development in a conservation area; merging or de-merging of a settlement; quality and type of future developments; bring out a positive forward plan for the area that gives an indication of acceptable growth, boundary reviews and sensitive issues like masts. We would also like to have the ability to address MHDC on planning issues and have a central log that issues are being noted and responded to.

Sub Ref 3
Surname Everitt
Organisation Malvern Hills District Footpath Society

On Behalf Of

a) Para. 6.2 - Specific interest groups may or may not include user groups.

b) Para. 7.9 - User groups are not mentioned as consultees.

c) Appendix 3 - LDD consultees - No footpath user group has been included.

Change Sought

a) Not specified
b) Not specified

a) Make it clear that Specific interest groups include 'User' groups.
b) Add 'user groups' to the statement.
c) Add Malvern Hills District Footpath

Summary of Council's Response Action Taken

a) The SCI is concerned with the process of involvement and consultation on planning matters rather than the nature of the individual decisions reached.

b) The Parish Council comments are in effect a request for training on planning matters and increased dialogue on these identified issues. Officers will address these separately with the Parish Council.

a) Agree with the change sought.

b) The comments in paragraph 7.9 were intended to encourage prospective applicants to discuss proposals with their immediate neighbours prior to making an application. It was not intended that all applicants should carry out a comprehensive consultation exercise with all stakeholders prior to a formal application. However, reference could be made in para. 7.10 to community or user groups.

c) Agree.

a) No change to SCI.
B) No change to SCI.

a) Add "and user groups" to the final bullet point in 6.2

b) add "and user groups" to paragraph 7.10.

c) Add Malvern Hills District Footpath Society

Sub Ref 4
Surname Gough
Organisation Bigwood Chartered Surveyors

On Behalf Of Frontsouth Limited

Summary of Representation

a) Support principle of the SCI and generally the document is well prepared and thought out.

b) SCI should have included the Councils main 5 year objectives and its strategy to achieve this through the Local Development Framework and LDC so that the community have a clear stance on the aspirations of the Council.

c) One element that appears to be missing is a statement to change the SCI in the light of experience and in response to the evolving planning system.

d) Please add our clients name to the

Sub Ref 5
Surname Barber
Organisation Malvern Civic Society
On Behalf Of

a) Supports whole document.

Change Sought

a) None
b) Include the Council's main objectives and strategy.
c) Include review and refine statement on the SCI
d) Add clients name to database for consultation on the LDF.

None

Summary of Council's Response Action Taken

a) General Support noted.
b) The purpose of the SCI is to set out the mechanisms and commitments to effective consultation with the community rather than the actual details of priorities which may vary over time. The Council's Priorities and Strategy are set out in the Community Strategy and the Council Plan and, where there are land use implications, in the LDF.

c) Section 8 of the draft SCI sets out the need to monitor the effectiveness of the Statement and suggests the Annual Monitoring Report could be used to monitor the effectiveness of the SCI and suggest possible revisions.

d) Clients wish to be consulted on LDF proposals noted.
Support noted

a) None necessary.
b) No change.
c) No change
d) Add Clients and agents name to the informal distribution list of LDF draft documents. However, its is for all interested parties to ensure that they determine which LDF consultations and documents are of interest to them and respond accordingly.

None

Sub Ref 6
Surname Stevenson
Organisation Barton Willmore Planning Partnership

On Behalf Of Taylor Woodrow Development Ltd

Summary of Representation

- a) para. 6.2 The role of landowners and developers in the preparation of LDDs should be recognised.
- b) para 7.10 Welcome a tiered approach to consultation with the community on planning applications. Recommend that a similar approach is adopted by applicants for pre-application discussion.
- c) Support pre-application discussion with the Council and seek assurances that such discussion will remain confidential unless otherwise agreed.
- d) Para 7.17 Seeks clarification of reference to and operation of the public speaking scheme on planning applications at

Change Sought

- a) Add these to the paragraph.
- b) Not specified.
- c) Clarify para. 7.8.
- d) Clarify position.

Summary of Council's Response Action Taken

- a) Paragraph 6.2 identifies the key stakeholders in the process leading to the preparation of Development Plan Documents and these include 'Landowners and developers and their agents'. It is not considered that any elaboration of the involvement of this group, as opposed to the other key stakeholders is necessary.
 - b) Agree to make reference to prospective developers using a tiered approach to pre-application consultation with the local community.
 - c) Para. 7.8 recognises that applicants have a right to keep initial pre-application discussion on development proposals confidential, subject to the requirements of the Freedom of Information Act (FOI). The Council will consider FOI requests on their individual merits, having regard to the requirements of the Act, to see if one of the exemptions apply including information that is commercially sensitive and given to the Council in confidence. In such cases, the council may approach the party to establish if the information remains sensitive.
 - d) The Council's Public Speaking Scheme is covered by a separate document which is referenced in para. 7.17 and does not need to be repeated in whole. However, a an electronic link could be included to allow direct access to the most up to date version via the council's website.
- a) No change.
 - b) Amend para. 7.10 to include prospective applicants using a tiered approach to pre-application local consultation.
 - c) No change.
 - d) Add link to para. 7.17 - to show where the details can be accessed.

	Summary of Representation	Change Sought	Summary of Council's Response	Action Taken
Sub Ref 7 Surname Eustace Organisation Pickersleigh Residents Group On Behalf Of	a) Although general support for the SCI, the following parts could be better written- Para. 1.14 - A diagram would be helpful; para. 1.11 - Difficult to read term 'front - loading' - suggest use plain English and more diagrams!	a) Re-write in plain English.	a) The term 'front loading' appears in government advice, however, an explanation can be added within the text to clarify the meaning.	Add to para. 1.12 (re-numbered) "Front loading means actively encouraging consultation and involvement at the earliest stage in the process."
Sub Ref 8 Surname Mansfield Organisation Stanford with Orleton Parish On Behalf Of	Gives general support to SCI - No specific comments made.	None	Support noted.	None

Sub Ref 9
Surname Sanders
Organisation Kenswick & Wichenford Parish Council

On Behalf Of

Summary of Representation

- a) Para. 2.5 No mention of commitment to listen, adopt or take seriously comments from parish councils at grass roots level.
- b) Section 7 - Nothing in this section addresses the 'problem of property developers' that disregard the requirements of the planning acts.
- c) Para. 7.9 All developers should be required, not advised, to discuss proposals with the community.
- d) 7.11 Applicants should not clear sites before the display of the site notice as this can result in the loss of landscape features; work on restoration projects should not commence until a formal decision has been made; no mention is made of retrospective planning applications that are used potentially by developers to flout planning regulations.
- e) 7.14 When parish council recommendations are not accepted or over-ruled by the planning authority, the parish council need to be advised of the reasons why, including interpretation of the relevant planning regulations.
- f) Para. 8.2 Regarding one off consultation costs and additional budget assessments - we would like to know if these costs are to be met by the government or increases in council tax.
- g) Para 8.4 Does this mean the MHDC is not applying for the planning Delivery Grant? If not, why not?
- h) Para 8.4 Concerned that the SCI only uses the word 'consider' in relation to points of view or responses from parish councils and Other people.

Change Sought

All - No specific change specified.

Summary of Council's Response Action Taken

- a) Agree with the need to make the SCI more explicit in the right of the local community to be listened to and for their comments to be taken seriously. This does not mean that the local planning authority will adopt or accept every comment made, including those from parish councils, and there may well be occasions when the views of the a local group or body and the district council are different on legitimate grounds.
- b) Agree that section should make reference to planning enforcement and the involvement with the community.
- c) As para.7.9 makes clear, prospective applicants are encouraged to discuss proposals with neighbours, however the planning system cannot 'require ' this to take place. The Council will however, consider the degree of publicity necessary with a formal application in the light of the discussion and involvement with the local community that has taken place at the pre-application stage.
- d) This is a concern about development practice and is not a matter for the SCI and officers will reply directly to the parish on this topic.
- e) If there is a difference of view between a parish council and the District Council as planning authority on the merits of a scheme, the decision would normally be taken by the Development Control Committee and the issues arising in the case would be set out in the officers report. The planning authority also has to give reasons for the decision and a copy of the decision notice is sent to the parish council for their information. In exceptional circumstances, officers write to a parish council to explain the council's decision on an application or enforcement case.

- a) Add to para 2.3 'have a right to be listened to and involved..'
b) Add new paragraph after 7.18 -

Where development takes place without the necessary consents and causes a material harm to the local environment, the council will normally pursue appropriate enforcement action. Retrospective applications may be submitted to regularise the position regarding breaches and the Council will consult the local community on these like normal planning applications. Where enforcement action is taken and an appeal is lodged, again the council will notify the parish or town council and surrounding neighbours to enable them make representations.

c) No change.
d) No change
e) No change
f) No change
g) No change
h) No change

3 August 2005

Summary of Representation**Change Sought****Summary of Council's Response Action Taken**

Sub Ref **10**
 Surname Tame
 Organisation National Farmers' Union

On Behalf Of

a) Pleased to see landowners identified as a specific group for consultation on the LDDs and hope the present notification continues.

b) Please do not over-rely on email or website communication as many people do not have access to a computer or broadband.

None specified.

f) The detailed budget provisions are not a matter for the SCI other than the general context set out in Section 8. Officers will write to the parish council separately on this matter.

g) As (f) above, however, it should be noted that the PDG is awarded by the ODPM not applied for by the District Council.

h) The Council as local planning authority is bound to 'consider' all representations made on an application and treat the material planning considerations on their individual merits. It would be wholly inappropriate to state in the SCI that generally additional weight would be given to some representations, albeit those from a parish council or immediate neighbours.

a) Noted

a) and b) No change

b) As Sections 6 and 7 of the SCI make clear, the Council will use a range of methods for consultation on both LDDs and individual applications and will not solely rely on electronic communication.

Sub Ref **11**
 Surname Cole
 Organisation National Playing Fields Association

On Behalf Of

a) The Association have set out their guidelines for consultation on the RSS, LSSs, SPDs and individual planning applications.

None

a) The SCI as drafted meets the Association's requirements for consultation on the Core Strategy, Generic Development Control Policies, SPDs and individual applications.

None

	Summary of Representation	Change Sought	Summary of Council's Response	Action Taken
Sub Ref 12 Surname Pearsall Organisation Martley Parish Council On Behalf Of	a) The SCI does not go far enough to devolve consultation to 'first tier' (that is first tier of local government framework i.e. parish councils). b) No mention of devolvement of decision making process for minor planning (to parish councils). c) Queries resources for pre-application consultation - staff?, on-costs?	No specific change specified.	a) In relation to consultation, the SCI indicates (in para. 7.10) that applicants and developers will be expected to carry out pre-application consultations with parish or town councils where 'significant development' is involved. b) The SCI as drafted relates to the existing planning framework where decisions on planning applications are made by the District Council and there is currently no proposed 'delegation' for certain planning application related decisions to parish or town councils. c) The resources needed for the level and form of consultation set out in the SCI, including pre-application consultation, are judged to be within the Planning Services Management Plan 2005/9 as revised by the Best Value Improvement Plan for Planning Services. Specific one-off consultation exercises may require additional resources however the cost/benefit of a particular exercise will be identified at the outset.	a) No change b) No change c) No change
Sub Ref 13 Surname Smith Organisation English Heritage On Behalf Of	a) In the table on page 32 the 'Commission for Archaeology and the Built Environment' should be amended to 'Commission for Architecture'. b) English Heritage is a specific consultation body and should be removed from the list of	a) Change title in Appendix 3. b) Amend Appendix 3.	a) Agree change b) Agree change	a) Amend Appendix 3 to Commission for Architecture. b) Delete English Heritage from list of Other Consultees and add to list of Specific Consultation Bodies.
Sub Ref 14 Surname Milward Organisation Woodland Trust On Behalf Of	No observation on the SCI but look forward to being involved and consulted on the LDF process particularly the Core Strategy.	None	None	None

	Summary of Representation	Change Sought	Summary of Council's Response	Action Taken
<p>Sub Ref 15 Surname Jennings Organisation Upton Upon Severn Town Council On Behalf Of</p>	<p>a) The SCI should set out the way in which the Development Control Committees are organised. What is it/their geographical and or political composition? What rights do councillors on the committee(s) have to withdraw and comment on the local considerations regarding applications? What rights do councillors not on the Committee have to comment on the local</p>	<p>Not Specified.</p>	<p>a) The way in which the district council organises itself to meet its statutory functions is not a matter for the SCI. The Council is considering the establishment of a single Development Control Committee, as recommended by the Best Value Improvement Plan for Planning Services. The details of the constitution and terms of reference of Development Control Committees are available on the Council's website.</p>	<p>No change to the SCI, but Upton Upon Severn Town Council will be sent a copy of the final constitution and terms of reference of the Single Committee for their information.</p>
<p>Sub Ref 16 Surname Holland Organisation Peacock & Smith On Behalf Of VM Morrison Supermarkets Plc</p>	<p>a) Would like to be kept informed and consulted on the preparation of documents comprising the LDF and especially Action Area Plans. b) Please add agents to database for consultation.</p>	<p>Add to database.</p>	<p>a) and b) Agreed</p>	<p>Add 'Peacock and Smith' to informal database for LDF consultation.</p>
<p>Sub Ref 17 Surname Rawlings Organisation Advantage West Midlands On Behalf Of</p>	<p>a) The addition of a para. identifying Advantage West Midlands as a specific consultation body for certain planning applications and the inclusion of the Central Technology Belt as a consultation body for Local Development Documents, satisfies the representations made at Pre-Submission Consultation stage on the SCI.</p>	<p>None</p>	<p>None</p>	<p>None</p>
<p>Sub Ref 18 Surname Lough Organisation Strategic Rail Authority On Behalf Of</p>	<p>a) The involvement of the SRA in the LDF and Core Strategies is welcomed and will continue until a new body replacing the SRA is in place.</p>	<p>None</p>	<p>None</p>	<p>None</p>

	Summary of Representation	Change Sought	Summary of Council's Response	Action Taken
<p>Sub Ref 19 Surname West Midlands RSL Planning Consortium Organisation c/o Tetlow King Planning</p> <p>On Behalf Of</p>	<p>a) Chapter 1 - Welcome the intention to integrate the Community Strategy with the LDF- Will give a better understanding of the needs of the local community.</p> <p>b) Chapter 2 - Agree with the aim of the SCI and the stated benefits in an approved consultation process.</p> <p>c) Chapter 3 - Welcome the recognition by the Council that there are a wide range of groups within the district who have their own individual needs and in particular the socially excluded groups who are not always able to get involved in the planning process under conventional methods</p> <p>d) Chapter 4 - Support the stated guiding principles in consulting the community and welcome the comments in favour of an open and transparent process.</p> <p>e) Chapter 5 - Support the various methods of consultation proposed and submit that RSLs play an important role in the process.</p> <p>f) Chapter 8 - Support the intention to monitor the SCI on an annual basis with a range of indicators.</p>	<p>None</p>	<p>Support noted</p>	<p>None</p>

	Summary of Representation	Change Sought	Summary of Council's Response	Action Taken
Sub Ref 20 Surname Ridley Organisation South Worcestershire Primary Care Trust On Behalf Of	a) Overall, the document was very accessible and the commitment to wide public involvement was clearly evident. b) Section 7.4 Greater clarity needed through the use of examples and differentiate between the Tier 1, Tier 2 and Tier 3 of significant applications.	a) None b) Provide a better description of the Tiers so that they can be understood by people who are not planning specialists.	a) Support noted b) Agree	b) Add a simple summary to the end of each 'bullet point' in the three tiers in paragraph 7.4 Tier 1 (second point) (Large scale development and infrastructure like power stations, chemical installations and waste disposal facilities) Tier 2 (first point) (A range of specified development where the extent of the site generally exceeds 1 hectare.) Tier 3 (first point) (That is major development involving 10 houses or more, buildings over 1000 sq. m or a site over 1 hectare; Departures from the
Sub Ref 21 Surname Canning Organisation The Countryside Agency, West Midlands On Behalf Of	The Countryside Agency will not be commenting on the SCI at this stage but wishes to be involved (as part of a new organisation - Natural England) at the next stage of LDF preparation.	None	None	None

Sub Ref **22**
Surname Halford
Organisation Kempsey Parish Council

On Behalf Of

Summary of Representation

a) The SCI says that where Parish Plans are brought forward as SPDs it is essential that they are incorporated into the Local Development Framework for the District and meet the requirements for consultation set out in the SCI and have a sustainability appraisal set out in the legislation. This looks as if getting a Parish Plan adopted could be quite difficult.

b) The SCI does not say that the reasons for rejecting objections by a consultee (on a planning application) will be explained. This is at odds with the aims of the SCI.

Change Sought

a) Not specified
b) Not specified.

Summary of Council's Response Action Taken

a) Para. 6.6 of the SCI makes it clear that if Parish Plans are to be produced as formal SPDs and be accorded LDF status, they will need to be subject to the formal process set out in the Regulations. This is a national requirement to which the Council must conform. If parish plans do not accord with regulations they can only be afforded much reduced weight in decision making.

b) The Council has to give reasons for either refusing or approving an planning application. Where there is a difference of opinion with any consultee, an assessment of the material considerations is made and is available on the file. If the application is reported to an Area Committee the committee report is available for inspection. While the Development Control section does not have the resources available to prepare a detailed and individual response to very body or person making representations, it is common for a letter to be sent to Parish Councils setting out the circumstances of what there views

a) No change
b) No change

Sub Ref **23**
Surname Freeman
Organisation The Theatres Trust

On Behalf Of

a) As the Trust is a statutory consultee on appropriate applications, the Trust is disappointed to note that it is not mentioned in the list in Appendix 3.

b) The Trust should be consulted on the drafting of LDF document and the provision of arts facilities considered as an essential core policy.

a) Add The Theatres Trust to the list of Statutory consultees in Appendix 3.

a) Agree
b) Agree.

a) and b) Add The Theatres Trust to the statutory List of Consultees on Planning applications and for LDDs in Appendix 3.

Sub Ref **24**
Surname Croall
Organisation Leigh & Bransford Parish Council
On Behalf Of

Summary of Representation

a) The formal notification letter to neighbours (on planning applications) needs to go to a wider grouping. Currently they appear to only go to direct neighbours.

b) The period for comment on planning applications of 21 days gives little time to consult neighbours, seek further clarification or take account of the fact that someone may be on holiday. It appears that in many cases comments have to be rushed in yet the determination of the application may not be for sometime afterwards.

Change Sought

a) Not specified
b) Not specified.

Summary of Council's Response Action Taken

a) Neighbour notification on planning applications is dealt with in para. 7.11 and Appendix 2 of the SCI. Our normal practice for domestic applications is to notify the occupiers of properties adjacent to a site. Applications involving a larger scale of development will normally require a more extensive consultation area with properties up to 90m away being notified. The Council also requests that the applicant displays a site notice in addition to the statutory requirements for advertising. The SCI recognises that the BVR of Planning Services has within the Improvement Plan identified the need for further detailed guidance on neighbour notification and this will be published separately and could be included as an Appendix to the SCI

b) The planning regulations allow 14 days for parish councils to comment on applications. However, the SCI says that parish councils will have up until 21 days to comment. This is considered to strike a reasonable balance between ensuring the community has a fair time to comment and the need to process applications in an efficient manner that meets national performance targets.

a) When agreed, add additional guidance note on Neighbour Notification to Appendix 2.

Sub Ref **25**
Surname Greenway
Organisation Norton-Juxta-Kempsey Parish Council
On Behalf Of

a) Welcomes the published policy and strategy on stimulating public involvement in planning matters but note that monitoring and evaluating the effectiveness will be an internal matter. The acid test of effectiveness will be the extent to which Council decisions on individual cases can be shown to have been influenced by the responses that have been generated.

None Specific

a) Para. 8.5 indicates the factors that will be looked at as part of the Annual Monitoring Report on the effectiveness of the SCI. These factors could be extended to include a specific consultation and feedback from the parish councils in recognition of their position as the first tier of local

a) Add to the points in para. 8.5 that the Council will consult parish councils in making the assessment on the effectiveness of the SCI in the Annual Monitoring Report.

	Summary of Representation	Change Sought	Summary of Council's Response	Action Taken
Sub Ref 26 Surname Smith Organisation Earls Croome Parish Council On Behalf Of	Representatives of the Parish Council who studied the draft SCI gave up because it was made far too complicated and involved, and littered with planning jargon that they found impossible to understand. If they cannot make sense of the document, how on earth are members of the public expected to understand its implications?	None Specified.	It is recognised that the SCI is a complicated document that has to make reference to many terms specific to planning and the new planning policy framework, and attempts have been made to draft the document as simply as possible whilst covering the aspects that have to be included by statute. This has involved seeking informal feedback on the draft SCI prior to its formal publication for consultation purposes. Other respondents have not experienced similar difficulties.	None specific in terms of changes, however, officers will offer to meet with representatives of the Parish Council to see if 'problems areas' in the understanding of the SCI can be identified and made simpler.
Sub Ref 27 Surname Molyneux Organisation Home Builders Federation On Behalf Of	a) Welcomes inclusion of Federation in the list of consultees in Appendix (9) subject to a change of name to The Home Builders Federation. b) Request that information and consultation on the LDF is given by e-mail as well as placed on the website. c) During the various stages of plan preparation, a letter or e-mail would be an acceptable means of consultation, provided it is acknowledged. d) There is a typographical mistake in para. 6.1 in that the reference to the Appendix 4 should read 3.	a) Change name to Home Builders Federation in Appendix 3.	a) Agree name change. b) and c) Agree to add e-mail format to list. d) Acknowledge the error.	a) Change to Home Builders Federation in Appendix 3. b) and c) Add e-mail to the means of communicating with Specific Interest Groups in the table in para. 6.3. D) Change reference at end of para. 61 to Appendix 4 to 3.

	Summary of Representation	Change Sought	Summary of Council's Response	Action Taken
Sub Ref 28 Surname Fort Organisation Abberley Parish Council On Behalf Of	Initial comments only as the time allowed for representations on the SCI does not take into account the infrequency of Parish Council meetings. Future consultation exercises should give 8 weeks to allow for all views to be taken in consideration.	None specified.	The consultation period of 6 weeks is set out in statute for the preparation of documents under the Local Development Scheme and the Council is not able to shorten it or make it longer.	No Change.
Sub Ref 29 Surname Goulding Organisation Highways Agency On Behalf Of	a) Welcomes the inclusion of the Highways Agency as a specific consultation body and key stakeholder in the process. b) The Agency is concerned that there is no mention of the involvement of the Agency in pre-application discussions on relevant development.	None specified.	a) Noted. b) The early involvement of key stakeholders in the process, like the Highway Authority, is recognised and should be made explicit in the text.	b) Add to para. 7.9 " Pre-application discussion should also include the key consultees on the type of development proposed such as the Highway Authority/Highway Agency and the Environment Agency."
Sub Ref 30 Surname Adderley Organisation The British Wind Energy On Behalf Of	a) The representations set out the general nature of consultation on behalf of the UK Wind Energy Association. b) the Association seek to be included in the list of LDD Consultees and for relevant planning applications.	b) Add Association to consultee list.	a) Noted and already incorporated into the SCI. b) Agreed	b) Add The British Wind Energy Association to the List of Consultees in Appendix 3.

Sub Ref 31
 Surname Todd
 Organisation Government Office for the West Midlands

On Behalf Of

Summary of Representation

- a) The overall layout and standard of presentation on this draft document is commended.
- b) Section 1 - Encouraged to see the links made with the Community Strategy and the LDF.
- c) Para 1.14 Pleased to see the incorporation of the diagram which clearly depicts the make up of the LDF
- d) Consideration should be given to including figure 7 from "A guide to Applying a Sustainability Appraisal to RSS and LDFs" which illustrates the process and key milestones involved in the DPD production. The incorporation of figure 9 from the same publication would help community members see the process involved in the SPD production. You must also identify the pre-submission procedures of LDDs within the SCI.
- e) You may wish to make reference to other government publication which explain the SCI and the overall reformed planning system.
- f) Section 2 - Pleased to see the detailed identification of the processes and key stages involved with the SCI.
- g) Section 4 - Encouraged to see the detailed principles of your authority in terms of engaging the community.
- h) Section 6 - You are required to identify which community groups are 'hard to reach' either in the main body of the document or by means of an appendix.
- i) Para. 6.3 Consideration should be given to identifying which community groups will be engaged on each particular LDD.

Change Sought

- a) None
- b) None
- c) None
- d) Add figures mentioned to SCI and identify pre-submission procedures of LDDs.
- e) Make reference to stated publications.
- f) None
- g) None
- h) and i) Add specific 'hard to reach' groups.
- j) Clarify the role of the County Council in planning applications.
- k) Add reference to Planning Aid.
- l) Identify community members to be engaged.
- m) Add reference to Regional Planning Body
- n) Add reference to Planning Aid

Summary of Council's Response Action Taken

- a),b) and c) Noted.
- d) Agree that the figures would help to clarify the linkages with Sustainability Appraisals and the process involved in SPDs and the inclusion of a diagram of the pre-submission process for LDDs.
- e) Agree that a reference to the other Government planning documents would be helpful to the understanding of the SCI.
- f) and g) Support noted.
- h) Agree with the need to put greater emphasis on the need to identify 'hard to reach' groups.
- i) The LDD consultation list is comprehensive and includes community groups. The list would be the 'default' for consultation on DPDs or SPDs. Only where the nature of the subject is limited, such as the House Extensions SPD, would consideration be given to the consultation list being reduced.
- j) Agree with the need to clarify the role of the County Council on planning applications.
- k) Agree with reference to the West Midlands Planning Aid Service.
- l) See (i) above.
- m) Agree
- n) Agree
- a),b) and c) No change.
- d) Add figure 7 and 9 from the Guide to the SCI after para. 1.15 with an explanatory title and add diagram of 'Pre-Submission Procedures' after para. 6.1.
- e) Add New Appendix 5 - Other Useful Publications
 - Planning Policy Statement 12 (ODPM)
 - Creating Local Development Frameworks: A Companion Guide to PPS12 (ODPM)
 - Local Development Frameworks: Assessing the Soundness of SCIs. (PINS)
 - Statement of Community Involvement 7 Planning Applications (ODPMS)
 - Sustainability Appraisal of regional Spatial Frameworks and Local Development Frameworks - Consultation Documents ODPM.
- f) and g) No change.
- h) Add additional para. after 3.8 " Hard to Reach Groups - These are people or groups who do not take part in consultation though choice, circumstances or lack of opportunity. Given the profile of our community and the issues identified above, together with our experience in producing the Community Strategy, it is considered that the main groups that need to be given special attention are: young people; the elderly and less physically mobile and people disadvantaged by their location e.g. in remote rural areas. Other groups may be identified in the light of experience of operating the SCI and the Annual Monitoring Report"
- i) No change.
- j) Add to para. 6.1 after District Council. " The County Council are the planning authority in

Summary of Representation

j) Section 7 To raise community awareness, the role of the County Council should be incorporated into this section in terms of their role in planning applications. We are encouraged by your detailed identification of the pre-application process, the community engagement methods and the procedures for 'reporting back'.

k) Section 8 - You may wish to highlight the potential for utilising West Midlands Planning Aid as a source of professional planning advice which is available to the community.

l) LDD Consultee list - Consideration should be given to clearly identifying which community members are to be engaged with particular DPDs and SPDs.

m) You should make reference to the requirement to consult the Regional Planning Body in relation to the SCI.

n) You may wish to consider adding West midlands Planning Aid to the non-statutory consultee list.

Change Sought

Summary of Council's Response Action Taken

respect of development involving waste disposal and the extraction of minerals and they will set down their own arrangements for consultation on policy and the processing of such applications."

k) Add new para. 7.19 and re-number subsequent ones.

" 7.19 The community and individual members of the public should be aware that independent professional advice on planning matters can be obtained from professional private consultants and the West Midlands Planning Aid Service."

l) No change.

m) Add "The Regional Planning Body for the West Midlands " to the LDD Consultees in Appendix 3.

n) Add the reference to Planning Aid as in (k) above.

Sub Ref 32
Surname Dyer
Organisation

On Behalf Of

Summary of Representation

a) Section 1 - Although I note the new LDF, I regret the withdrawal of Structure and Local plans. This is not sustainable business practice when the social, environmental and economic costs of producing and publicising these strategies are taken into account.

b) Section 1- A Sustainable appraisal should now be at the heart of all MHDC business processes and I object to the statement that the SCI is exempt from this requirement because the process itself has social, economic and environment impacts on a community.

c) Section 4 - Support in principle, but sustainability in working practices need to be observed.

d) Section 5 - Support . Which ever consultation method is adopted it needs to meet these principles and of sustainability.

e) Section 7 - (7.4) Significant Planning Applications - Tier 3 should include ALL telecommunication development because of potential health hazards from mobile phones and their equipment, including equipment affixed to public buildings.

f) Section 7 - (7.10) Affordable Housing should not only be affordable in price but also to run and maintain - i.e. sustainably constructed.

g) Section 7 (7.13) Tier 3 applications should also be required to produce a pre-application exhibition/development brief and Specialist Consultation Panel.- especially for mobile phone masts.

h) Responsibility for full consultation should rest with the appellant. Pre-application consultation with the local community should be an absolute and requirement and a supporting statement mandatory.

Change Sought

a) None specified

b) Carry out Sustainability Appraisal of SCI.

c) None specified.

d) None specified

e) Tier 3 - make reference to all telecommunication development.

f) Change definition of Affordable Housing.

g) Make changes to consultation arrangements and make pre-application consultation a requirement.

h) Make mandatory pre-application consultation.

i) Change reference to Local Agenda 21 and include in its own right.

j) None specified.

Summary of Council's Response Action Taken

a) Parliament has already accepted these changes and introduced legislation and regulation to ensure the implementation of the new Local Development Framework.

b) The Regulations governing the preparation of the SCI indicate that a Sustainability Appraisal is not necessary or appropriate given that it deals with the process of community involvement rather than environmental policy in its own right.

c) Noted

d) Noted

e) Current national legislation and Government advice make it clear that the Government does not consider, on the basis of evidence presently available, that telecommunication development has a material impact on public health. Further, masts 15m high or less do not need full planning permission and the SCI cannot introduce a higher level of control and consultation over 'permitted development' than allowed by the regulations.

f) The definition of Affordable Housing is set out in the Development Plan and the Councils adopted SPG and it unnecessary to repeat it and inappropriate to vary it in the SCI.

g) There has to be some variation in the nature of pre-application consultation accorded to the various levels of 'significant' development, otherwise if all potential proposals had the same general publicity at that early stage, in addition to consultation with town and parish councils, there would be a considerable impact on the workload of planning services.

a) No Change.

b) No Change.

c) No change

d) No change

e) No change

f) No change.

g) No change.

h) No change other than the changes to para. 7.10 previously identified.

i) Amend the 'Other Consultees' in Appendix 3 to show "Local Agenda 21 Voluntary Community Group" in its own right.

J) No change.

Summary of Representation

voluntary agency in its own right.
7.10 makes clear, the Council cannot
j) Appendix 4 - Conservation Matters
supported - Imperative that a qualified Tree
Officer is in place to ensure continuing
conservation of the countryside.

Change Sought

Summary of Council's Response Action Taken

- i) Appendix 3 – Local Agenda 21 is a
- h) Noted, however as the revised para.

make pre-application consultation
mandatory. It can only take the
submission of any consultation as
specified in a Consultation Supporting
Statement into account when
considering the formal notification
arrangements with a planning
application.

- i) Agree change.