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Date: 21st April 2006

Dear David

STAFFORD STATEMENT OF COMMUNITY INVOLVEMENT EXAMINATION – INSPECTOR'S REPORT

I am pleased to enclose two copies the final report prepared by Inspector Keith Holland following the written representations examination to consider the soundness of the Stafford Statement of Community Involvement.

The Inspector has amended the report where necessary.

This report is binding upon the Local Planning Authority and gives specific recommendations as to how the Statement of Community Involvement must be changed. I would be grateful if you could notify the Inspectorate beforehand of the date on which the Inspector's final report is to be published. I also welcome, in due course, 2 copies of the adopted Statement of Community Involvement.

Yours sincerely,

Miss T Clinton
Local Developments Framework Team



INSPECTOR'S REPORT
MALVERN HILLS
STATEMENT OF COMMUNITY INVOLVEMENT

Inspector: Keith Holland BA(Hons) Dip TP MRTPI ARICS

Date: 7th April 2006

Malvern Hills Statement of Community Involvement (October 2005)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of the Malvern Hills 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 clear need in the light of tests in PPS12.
- 1.2 A total of 32 representations were received all of which have been considered. The Council proposed a number of amendments to the SCI in response to representations received, and these have been added to this report as Appendix C. Further information was requested from the Council 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, but failed to consult adjoining Parish Councils at the regulation 25 and regulation 26 stage. They also failed to consult Gloucester County Council and Shropshire County Council during all the consultation stages.
- 2.2 With regard to the adjoining Parish Councils, this omission was corrected in a subsequent consultation for the Parish Councils. The two adjoining County Councils were contacted to explain the situation; they made no objection to the SCI. I am satisfied these consultees were not prejudiced by their omission.
- 2.3 This test is met.

Test 2

- 3.1 Paragraphs 1.7 to 1.11 sets out the links between the LDF and the Community Strategy and Local Strategic Partnership.
- 3.2 This test is met.

Test 3

- 4.1 This test is addressed in appendix 3 and section 6 of the SCI. In appendix 3, Parish Councils are incorrectly listed as General

Consultation Bodies. The appendix also refers to the Strategic Rail Authority, which will be abolished by the end of this year. Consultations should be carried out with Network Rail in place of the Strategic Rail Authority.

4.2 Subject to the following recommendations the test is met.

Recommendations:

4.3 In Appendix 3, remove "Local Parish & Town Councils" for the General Consultation Bodies list and add "Local and Adjoining Parish and Town Councils" to Specific Consultation Bodies.

4.4 In appendix 3, replace "Strategic Rail Authority" with "Network Rail".

Test 4 and 5

5.1 Tests 4 and 5 are considered together as they are closely related. Section 5 sets out a range of possible methods for consultation.

5.2 Section 3 outlines the characteristics of the Malvern Hills community and the challenges it poses. The text in paragraphs 6.1 and 6.3 refers to appendix 5(b). Appendix 5(a) is equally relevant, and I recommend the reference is changed.

5.3 The stages set out in the table in paragraph 6.3 do not correspond to the diagram in Appendix 5. The Council was asked to clarify these tables. The new tables are included in Appendix B.

5.4 Subject to the following recommendations, these tests are met.

Recommendations

5.5 In paragraphs 6.1 and 6.3, replace "Appendix 5(b)" with "Appendix 5".

5.6 Replace the table in paragraph 6.3 with the tables provided in Appendix B to this report.

Test 6

6.1 Section 8 covers the resource requirements for consultation on LDFs.

6.2 This test is met.

Test 7

7.1 The additional paragraph 6.7 suggested in the "Changes Recommended and Agreed" document addresses the way representations to Local Development Documents are dealt with.

The Council was asked for further detail, and their answer is recommended for inclusion below.

Recommendation:

- 7.2 Insert a new section after paragraph 6.7 (from the "Changes Recommended and Agreed" document):

Dealing with Responses on LDF Documents and Keeping You Informed

- 6.8 All responses submitted on LDF documents will be acknowledged within 10 working days in accordance with the Development Plans and Conservation Customer Charter. The respondent's name and contact details will be entered on to the Council's LDF electronic database. Everyone on the database will automatically be informed of the progress of their comments and kept informed of all stages of the LDF programme. This system is managed by the Development Plans Team who is responsible for ensuring that appropriate contacts are included on the database and that their contact details are kept up to date.
- 6.9 A summary booklet outlining the progress on LDD documents and the future Local Development Scheme will be sent to everyone included on the LDF database on an annual basis.
- 6.10 All duly made comments on the relevant LDD document will be analysed and a summary of each of the points made, entered onto the LDF database together with an officer response, recommendations and the reasons for them for future actions or proposed changes to documents. This will form the basis of a summary report to be presented to the relevant Council Committee for consideration by elected Councillors. Respondents will be informed of the date, their comments are going to Committee.
- 6.10 Where it is considered that changes can be made to LDD documents which will resolve objections we will seek to negotiate to secure an agreement prior to publishing a revised document.
- 6.11 All comments made on LDF documents will be available for public viewing via the Committee Report. Copies are available to view on our website: www.malvern hills.gov.uk. Alternatively, you will be available to view the relevant LDD document and a summary of the comments made on it, on the Local Development Framework section of the our website. Summary reports will also be made available in paper form to view at the

Customer Service Centre, Malvern Library, Graham Road,
Malvern.

6.12 We will send out feedback forms with LDD consultation documents and use the Annual Monitoring Report published annually in December to feedback on views and our improvement plans.

Test 8

8.1 Section 8.5 sets out a range of indicators to measure the effectiveness of the SCI and states that the SCI will be reviewed as part of the AMR.

8.2 This test is met.

Test 9

9.1 The LPA's policy for consultation on planning applications is set out in section 7 and appendix 2 and 3.

9.2 This test is met.

Conclusions

10.1 Subject to the above recommendations the Malvern Hills SCI (October 2005) is sound.

10.2 The Council have set out a number of proposed changes to the SCI in response to representations received on the submission document. These do not affect the substance of the SCI and I agree that they should be included for the sake of completeness and clarity. These changes are summarised in Appendix C.



Keith Holland
Inspector