

Malvern Hills District  
Local Development Framework

**Draft** Statement of Community  
Involvement

**Submission Document**

Malvern Hills District Council

**May October 2005**



## Contents

• Glossary of Terms	i-iv
• Summary	
1. Introduction	1-6
2. The aim of the SCI and the process involved	7-9
3. The profile of our community – meeting the challenges	10-121
4. Guiding principles in consulting the community	13-1412-13
5. Methods of community involvement	1514-16
6. Consultation on Local development Documents (LDDs)	17-19
7. Consultation on Development Proposals and Planning Applications	20-26
8. Resources and implementation	27-28

## Appendices

1. Extract from Delivering the New Planning System – Malvern Hills District - Local Development Scheme December 2004 (effective 19 <sup>th</sup> January 2005)	29-30
2. Statutory Requirements and MHDC Practice for Publicity for Applications	31
3. LDD and Planning Application Consultees	32-365
4. Consultation on Conservation Matters	37-3836-37
5. a) Statutory process for the production of DPDs	39
b) Statutory process for the production of SPDs	40
6. Other Useful Publications	41

## Glossary of Terms

### AAPS

#### **Area Action Plans**

Provide a detailed planning framework for areas where significant change or conservation is needed. AAPs are Local Development Documents within the Local Development Framework.

### AH

#### **Affordable Housing**

Affordable housing has been defined by the West Midlands Local Government Association Housing and Environment Committee in 1999. The definition was subsequently adopted by the Worcestershire County Structure Plan. The definition states that:

“Affordable Housing is housing provided for rent or sale, at a price level which can be sustained by local people in housing need.

Affordable housing can be categorised into two types:

- a) Subsidised housing provided by an organisation allocating on the basis of need. While such dwellings will normally be made available for rent, they may also include subsidised home ownership, such as shared ownership, where a RSL or local authority retains a continuing interest; and
- b) Low cost marking housing, helping to meet the needs of first time buyers, single people, the elderly and other low income households that cannot afford to rent or buy houses generally available on the open market.”

The definition has also been adopted by the District Council for planning policy purposes (see both Malvern Hills District Local Plan and Affordable Housing Supplementary Planning Guidance).

### BVR

#### **Best Value Review of Planning Services**

A review of the Planning Service based on Government the requirements of the Local Government Act 1999, which has resulted in an Improvement Action Plan aimed at Service improvement and Customer Focus. The Best Value Improvement Plan will be available on the Council’s website from mid-**NovemberMay** 2005 ([www.malvern hills.gov.uk](http://www.malvern hills.gov.uk)).

### CS

#### **Community Strategy**

Local Authorities are required by the Local Government Act 2000 to prepare this, with the aim of improving the social, environmental and economic wellbeing of their areas. A Community strategy for Malvern Hills District was adopted in November 2002 by Vision 21 the Malvern Hills Partnership. This group consists of representatives from public, private, voluntary and community sectors.

### DPDs

#### **Development Plan Documents**

Documents that the Council must prepare (statutory requirement). Individual DPDs or parts of a document can be reviewed independently from other DPDs. DPDs need to be subject to rigorous procedures of community

involvement, consultation and independent examination by a Government appointed Inspector. DPDs will include:

- a) **Core Strategy**  
This document is programmed for 2006 and will provide the main planning framework for the District based on the vision, objectives and policies for achieving sustainable development. This document will link to our Community Plan and must comply with the Regional Spatial Strategy.
- b) **Site Specific allocations of Land**  
This document not yet programmed but will set out future allocations for employment, housing and other types of development in line with the Core Strategy.
- c) **Area Action Plans**  
These plans set out detailed guidance for areas subject to significant change or where conservation is needed.
- d) **Proposals Maps (with Inset Maps)**  
Identifies site specific allocations and other land use designations and constraints.

**EIP Examination in Public**  
An examination chaired by an independent Inspector into objections into the Local Development Document.

**LDD Local Development Document**  
The LDF consists of LDDs. These can be Development Plan Documents (DPDs), Supplementary Planning Documents (SPDs) or other statutory documents such as the Statement Of Community Involvement (SCI) and Annual Monitoring Report (AMR).

**LDF Local Development Framework**  
This will provide the framework for delivering the planning strategy and policies for Malvern Hills District.

A summary leaflet about the LDF produced by the District Council can be obtained from the Customer Service Centre or the Council's Website ([www.malvern hills.gov.uk](http://www.malvern hills.gov.uk)).

**LDS Local Development Scheme**  
This is a 3-year timetable for the production of documents for the Local Development Framework ([www.malvern hills.gov.uk](http://www.malvern hills.gov.uk)).

**LP Local Plan**  
The Local Plan is a statutory document prepared under the provisions of the Town & Country Planning Act 1990 (as amended). Its purpose is to guide long-term decisions about the future of the District and day to day development control decisions about individual planning and other applications. The Local Plan will comprise a 'saved plan' within the Local Development Framework (for Malvern Hills District). For more information see our website [www.malvern hills.gov.uk](http://www.malvern hills.gov.uk).

- LSP Malvern Hills Local Strategic Partnership**  
 This is also known as the Vision 21 Partnership and is made up of 34 public, private or **voluntary** groups who work together with the aim of improving the quality of life in the Malvern Hills District. Their work involves identifying local priorities and actions, which inform the community strategy.
- MD Major Development**  
 ‘Major’ development relates to planning applications and includes:
- a) Residential Development comprising 10 or more dwellings or if the number of dwellings is unknown, the site area is 0.5ha or more; OR
  - b) Any other use where the floor space proposed is 1,000 square metres or more OR if the site area is one hectare or more.
- OS Ordnance Survey Map**  
 A series of maps covering the UK available at different scales from licensed suppliers such as the Map shop – Upton upon Severn. For further details of Ordnance Survey see website [www.ordnancesurvey.co.uk](http://www.ordnancesurvey.co.uk).
- PPS Planning Policy Statement**  
 These are statements prepared by the Government on a range of planning issues. The Local Development Documents should accord with guidance set out in the statements. They are intended to replace the existing series of Planning Policy Guidance Notes (PPGs)( see website [www.odpm.gov.uk](http://www.odpm.gov.uk)).
- PPS12 Planning Policy Statement 12 (2004)**  
 This planning policy statement sets out the Government’s policy on the preparation of local development documents, which will make up the Local Development Framework. It is supported by a detailed companion guide called Creating Local Development Frameworks. Both documents can be found on the ODPM website [www.odpm.gov.uk](http://www.odpm.gov.uk).
- RSS Regional Spatial Strategy**  
 This is an overarching strategy prepared by West Midlands Regional Assembly with involvement at a sub-regional level from the County Councils, covering the period up to 2021. It provides a spatial framework to inform the Local Development Framework. It forms part of the statutory development plan and where appropriate must be taken into account in local planning decisions.
- SA Sustainability Appraisal**  
 An assessment of the impacts of policies and proposals on economic, social and environmental matters contained within the Local Development Framework.
- SCI Statement of Community Involvement**  
 This sets out the planning authority’s proposals for involving the local community in plan-making and development control (significant applications). It is not a DPD but it is, however, subject to independent examination.

- SPD**      **Supplementary Planning Document**  
 These will cover a range of issues and expand on the policies contained within the DPDs. They need to be subject to community involvement and consultation but they are not be subject to independent examination. SPD is the replacement guidance for Supplementary Planning Guidance (SPG).. The production of SPD should be set out in the Council’s Local Development Scheme.
- SPG**      **Supplementary Planning Guidance**  
 See above. Following the introduction of the new planning system in 2004 it is no longer possible to prepare SPG
- TA**      **Transport Assessment**  
 An assessment of the transport implications associated with development proposals. Requirements vary according to the scale of development. For further information on transport assessments see Government Planning Policy Guidance 13. This is available on the ODPM’s website [www.odpm.gov.uk](http://www.odpm.gov.uk).
- TA1**      **Transitional Arrangements**  
 The Planning & Compulsory Purchase Act 2004 introduced major changes to the way the planning system operates. Transitional arrangements have been put in place by Government to assist local authorities to progress from the old system of Structure Plans and Local Plans to the production of Local Development Frameworks.
- TCP(GDP)**      **The Town and Country Planning (General Development Procedure) (Order 1995 (as amended))**  
 Sets out procedures for handling planning applications, including publicity and validation.
- TCP(LD)**      **The Town and Country Planning (Local Development) (England) Regulations 2004**  
 Sets out statutory procedures for dealing with Local Development Documents and sustainability appraisal including preparation, consultation and dealing with Inquiries.

## Summary

Key objectives of the new national planning system are to strengthen community involvement, to improve the quality of the planning process and secure better outcomes and forms of development that meet community needs. This Statement of Community Involvement (SCI) explains what Malvern Hills District Council will do to involve you in the preparation of planning policy and when we are considering planning and related applications. But even more importantly it actively invites your participation in planning matters.

Section 1 of the SCI briefly explains the new planning system introduced in 2004 and the principal changes to both plan making / planning policy development and the Development Control process (essentially how we deal with planning and related applications). The SCI provides you with advance notice of what you can expect the Council to do as a minimum. This Section also sets out how the Community Strategy for Malvern Hills District acts as a lead for what we do.

Section 2 of the SCI spells out the purpose of the SCI in greater detail highlighting the benefits for the community through greater involvement in planning matters and the District Council itself. This Section will also provide you with information related to the process of developing and adopting a SCI and how and when you can influence its content.

Effective community engagement and involvement in planning requires that the Council understands the specific characteristics of Malvern Hills District and its communities. Greater understanding of the differences between urban and rural areas will enable the Council to adapt and tailor consultation to reach a wider audience. Section 3 highlights key issues in this area, which need to be addressed through the SCI.

The Council already has a corporate Communication and Consultation Policy / Strategy. However, the SCI adds to this stating that we intend to undertake planning consultation in line with specific guiding principles. Section 4 sets these out in greater detail but they are based upon:

- Communicating clearly;
- Making it easy to get involved
- Considering ideas and comments fairly
- Making sure involvement is meaningful and effective; and,
- Learning and being creative.

Section 5 establishes the methods of consultation we will employ. These may change over time as new ideas and technological solutions come forward. Future consultation will need to be effective but also represent value for money. Therefore, your feedback on this aspect of the SCI is particularly important.

Sections 6 and 7 provide you with the details of how and when your views will be sought in relation to new plans / planning policies and planning applications.

Finally the SCI in Section 8 identifies how our resources will be used and how the SCI will be implemented.

Readers of this document should recognise that the SCI is about process not planning policy as such. Furthermore, you should be aware that the SCI is not an end in itself, rather it is a means of improving the planning process, in particular the preparation of planning policy and the delivery of sustainable development.

Following the publication of the draft SCI in May 2005 and the comments made during the statutory consultation period, the Council has considered these representations and decided to amend or add to the draft SCI where it was considered appropriate. In order to identify the changes made since the draft stage, the deleted text is crossed through and the new text is underlined.

# 1. Introduction

## The New Planning System

- 1.1 The Planning and Compulsory Purchase Act 2004 introduced significant changes to the planning system to speed up the preparation of plans, be more responsive to change and to increase community involvement in planning matters.
- 1.2 This Statement of Community Involvement (SCI) has been prepared under Section 18 of the above Act. It specifically addresses recent changes with respect to greater and guaranteed community involvement in both the plan making process (developing land use policies and proposals) and the Development Control process (making decisions on planning and related applications).
- 1.3 With respect to plan making, under the 2004 Act the old plan making system has been replaced by a new system known as the Local Development Framework (LDF). The LDF contains individual Local Development Documents (LDDs), Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs). These documents will ultimately replace old style documents you may have previously heard of such as Structure and Local Plans and Supplementary Planning Guidance.
- 1.4 In due course, the new LDF for Malvern Hills District will replace the existing adopted Structure and Local Plans covering the District. This will mean that the current adopted Malvern Hills District and Tenbury Area Local Plans will be withdrawn. Details of these existing plans can be found on the Council's website ([www.malvernhillsgov.uk](http://www.malvernhillsgov.uk)).
- 1.5 However, we are committed to completing the process of adopting the emerging Malvern Hills District Local Plan (October 2004), which is an old style Local Plan. The Council can complete the process of adopting this plan under procedures established by the Government called 'transitional arrangements'. Under the transitional arrangements the emerging Malvern Hills District Local Plan, when adopted (2006), will be retained ('saved') as policy until at least 2009. The emerging plan can also be inspected on the Council's website.
- 1.6 Readers should be aware that the LDF as a whole, also includes documents / plans prepared by other organisations. At the regional level the West Midlands Regional Planning Body is responsible for the production of the Regional Spatial Strategy (RSS), which now has Development Plan status. Worcestershire County Council can also produce various documents such as DPDs dealing with minerals and waste. The District Council and our neighbouring district and city councils can produce all other types of documents within the LDF.

## Malvern Hills Community Strategy

- 1.7 Although not part of the LDF the Malvern Hills Community Strategy is, and will continue to be, a major influence on LDD development within this District. The Community Strategy provides a vision for the District and a context for the development of planning strategy and detailed policies.
- 1.8 The integration of the Community Strategy with the LDF will provide a framework for delivering sustainable development and land use decisions, which balance economic, social and environmental considerations.
- 1.9 Clearly there are benefits associated with integrating community and land use planning. Improved alignment between Community Strategy and LDD production, and specifically consultation, is likely to be confirmed as a strong recommendation for improvement in the Best Value Review of Planning Services (2005).
- 1.10 PPS 12 (2004) advises that the LDF should be the key component in the delivery of the Community Strategy setting out its spatial aspects where appropriate and providing a long term spatial vision. The recent legislative changes brought in by the 2004 Act enable development plans prepared as part of the LDF to integrate land use, social and economic strategies as opposed to the previous focus upon solely land use and transportation considerations.
- 1.11 ODPM commissioned research (2003) into the benefits associated with integrating LDF and Community Strategy work, suggested integration would:-
- Provide a greater understanding of community needs in the LDF process;
  - Create a more holistic, integrated approach to future development;
  - Promote a joined up approach to community planning at the strategic and local levels;
  - Recognise the role of the LDF as a wide ranging delivery mechanism;
  - Deliver economies of scale in terms of shared resources; and,
  - Potentially improve conflict resolution by engaging with a wide range of stakeholders.
- 1.11 The District Council therefore intends to work collaboratively with the Malvern Hills Local Strategic Partnership (LSP) (known as Vision 21) in the Community Planning process so as to secure added value and benefits associated with both content and process in both areas of plan making. Such collaborative work will include the 'front loading' of public consultation associated with programmed LDDs set out in the Council's Local Development Scheme (LDS), and specifically the Core Strategy (DPD). ), 'Front Loading' means actively encouraging consultation and involvement at the earliest stage in the process. The District Council will specifically investigate whether joint DPD and Community Strategy consultation can be programmed and undertaken. This may require some future adjustment of respective Community Strategy and LDS timetables.

### 1.12

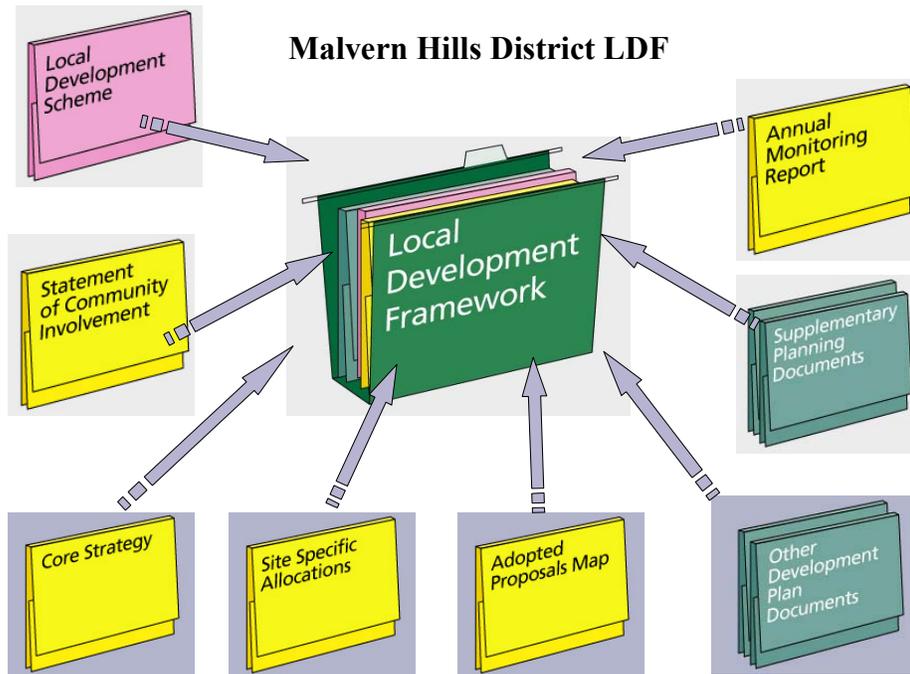
## Local Development Framework and Local Development Scheme

- 1.13 The LDF will be comprised of individual Local Development Documents (LDDs). Generally these documents are prepared and published separately. Those LDDs which include specific land use policies, are referred to as Development Plan Documents (DPDs). The following are our LDDs, which are currently programmed or likely to be prepared by the District Council over the coming years.

<b>Core Strategy and Strategic Policies</b> (commences preparation July 2006)	The vision, objectives and strategy for the future development of the District and strategic policies to deliver them
<b>Generic Development Control Policies</b> (not programmed)	The policies that will be used to assess planning applications to make sure that all development is in line with the strategy.
<b>Allocations</b> (not programmed but will follow adoption of core strategy)	Site allocations for housing, employment and other development.
<b>Annual Monitoring Report (AMR)</b> (August to December)	Formal report which, establishes progress with plan making intentions and the effectiveness of policies and associated decisions.
<b>Proposals Map</b> (commence preparation July 2006)	OS Map of the District specifically relating policies from the other documents to areas of the district or individual sites. There will also be inset maps for areas where more detail needs to be shown.
<b>Statement of community Involvement</b> (January 2005-January 2006)	Sets out how the community and wider interests will be consulted on the LDF and on individual development proposals.

1.14 The Figure below shows the relationship documents within the LDF, which are more fully explained in the District Council's Local Development Scheme (LDS). The LDS sets out in detail the District Council's plan making intentions over a 3-year period and has been approved by the Secretary of State. The LDS for Malvern Hills became effective on 19<sup>th</sup> January 2005 and can be viewed on the Council's website at [www.malvern hills.gov.uk](http://www.malvern hills.gov.uk). It is the LDS, which identifies and programmes the District Council's intentions regarding the production and adoption of this Statement of Community Involvement (SCI).

### Elements of the Local Development Framework



1.15 A Sustainability Appraisal is required for most LDD documents and will be undertaken to appraise the social, environmental and economic effects of the strategies and policies in a LDD from the start of the process. However, the SCI is an exception to this requirement as it only addresses the process of consultation. **The Development Plan Document progress is shown on the following diagram (Figure 4.1) in Appendix 5(a) which is an extract from PPS 12.**

## Commitment to Community Engagement

1.16 In producing its Statement of Community Involvement, the District Council wishes to promote effective public involvement in the planning system. This will ensure that all of the sections of the community (local residents, businesses, land owners, special interest groups and other organisations) as well as national and regional bodies have the opportunity to be actively involved and to influence future development within the District.

1.17 The Council corporately has a strong commitment to community engagement and has adopted the following objective:-

*“To develop and promote effective community engagement and involvement.”*

In addition to ensure its staff have the correct skills it has adopted the following objective:-

*“To maintain a committed, motivated, safe and healthy workforce with the necessary skills to achieve the Council's objectives.”*

1.18 The Council has also adopted several important policies and strategies, which are aimed at implementing the above objectives.

1.19 The Communication and Consultation Policy and Strategy (November 2002) establishes an overall framework within which the SCI will operate and also establishes a number of specific targets to which the SCI will contribute (for details [www.malvern hills.gov.uk](http://www.malvern hills.gov.uk)).

1.20 The above strategy and policy clearly establish the Council's intentions to ensure wide-ranging community involvement and ensure hard to reach groups are consulted. Furthermore, through the Council's Strategic and Corporate Management Teams community consultation will be co-ordinated and timetabled. Feedback from consultation will be reviewed corporately and used to improve future arrangements.

1.21 Closely aligned to this approach is the District Council's Customer Focus Strategy, the aims of which are:

- “Customers will be able to choose from a variety of methods of access to the Council and its services including physical and electronic methods.
- The Council will communicate effectively with its customers to find out about their needs and desires and will be responsive to changing needs. Consultation will be co-ordinated and meaningful.”

1.22 In addition the Council has produced an External Communications Strategy and Action Plan which were approved by the Council's Executive Committee in January 2005. The purpose of this strategy is “to ensure that employees

and key partners understand the part that good communications plays in service delivery and that the Council meets”, amongst others, the following are key objectives:

- To develop and promote effective community engagement and involvement.
- To be an effective communicator, ensuring customers have the information they need to know about and access the Council’s services, thus, giving customers an understanding of the work of the Council and involvement in its future development.
- To be more strategic in its approach to communications, reinforcing how the work of the Council meets the needs of local people and achieves the Council’s vision, values, objectives and priorities.

1.23 The underlying aim of the strategy is “to develop and maintain good, open and honest communications with it’s customers and to make every effort to ensure they know about and understand how to access the Council’s services.”

1.24 The District Council has adopted (November 2002 – under review) a Race Equality Scheme and an E-Government Strategy which, also provide context and direction for the SCI. The Council is currently reviewing its vision, values and objectives, along with it priority actions and it is also reviewing its diversity policies. However, ‘providing services to meet the needs of customers’ and ‘involving, leading and empowering communities’ will remain central to the Council’s objectives. Any changes arising from such work will be fed into future review of this SCI.

## 2. The aim of the SCI and the process involved.

### The purpose of the SCI

- 2.1 Key objectives of the new planning system are to strengthen community involvement, to improve the quality of the planning process and secure better outcomes and forms of development that meet community needs. This document explains what Malvern Hills District Council will do to involve you in preparing Local Development Documents and when considering planning applications. It lets you know how and when you will be involved.
- 2.2 Producing the SCI is a legal requirement, and once finalised, it is legally binding. If the Council fails to carry out its intentions as set out in the SCI, the Government could make the Council withdraw its plans.

### The benefits of community involvement

- 2.3 First of all, the SCI recognises that the community have a right to be **listened to and** involved in the shaping of policies and making decisions which affect the district's future. Community involvement is a continuous process and one which should allow the local community to say what sort of place it wants Malvern Hills District to be and seeks your views at the earliest opportunity.
- 2.4 The benefits of good community involvement are:

#### For the community

- A greater sense of inclusion ;
- More focus on the priorities identified by the community;
- Local services and plans that are better able to meet local needs;
- Confidence, understanding and transparency regarding how future plans and applications will be handled and that feedback will be taken into account and learnt from.
- It provides clear guidelines of how and when you can get involved with planning matters.
- An enhanced sense of contributing to the community and well being of the district;
- An ability to influence the decision making process;
- Greater consensus and certainty within the development process.

#### For the District Council

- More opportunity to work in partnership and collaboratively;
- Better co-ordination of the activities of different departments and organisations;
- Securing community commitment to future development;
- A clearly structured and documented approach to future consultation on planning matters;
- Providing a strong basis for successful negotiations on development proposals;
- A basis for reviewing and monitoring the effectiveness of our policies for community involvement.

- 2.5 The SCI provides a framework for future consultation and community engagement but it is intended to be a flexible approach to all future consultation. The provisions of the SCI represent a minimum and the Council will seek to adapt and expand upon minimum provisions whenever appropriate or necessary. In addition it should be recognised that both the 2004 Act and other legislation, such as the Town and Country Planning (General Development Procedure) Order 1995 (as amended), also include specific minimum requirements for both plan making and Development Control with which the Council must comply irrespective of the provisions of the SCI.

### The Process

- 2.6 The requirement for a SCI is set out in Section 18 of the 2004 Act. However, the process for the preparation and adoption of the SCI is set out in The Town and Country Planning (Local Development) (England) Regulations 2004.
- 2.7 The preparation and adoption of the SCI follows a formal process to which the Council must comply. The process provides for a 6 weeks period in which formal comments about the SCI can be submitted directly to the Council by anyone with an interest in the document. The Council is required to register, acknowledge and respond individually to all representations it receives. The Council is then required to provide the Secretary of State with copies of the SCI, together with other related material such as the nature of comments received and how the Council has responded to the comments, together with details of the consultation we have undertaken. The comments are considered by an Independent Inspector, who may decide, in exceptional circumstances, that a formal Public Inquiry is required to consider objections to the SCI. Otherwise the Inspector will consider comments and the 'soundness of the SCI' on the basis of written representations only. Ultimately, the Council will receive a binding Inspector's report, setting out any changes required to the SCI, the SCI is then formally adopted and receives status as a LDD document. The following table sets out in summary the key stages

When	The Council	The Community
Apr 05	We undertake initial technical consultation with other organisations (Reg 25)	Representative groups and organisations have the opportunity to tell us if we are on the right lines before we consult widely on the draft SCI.
May/June 2005	We produce a draft Statement of Community Involvement (SCI) for public consultation (Reg 26)	You tell us what you think and suggest changes. You have six weeks to make comments
June/July 2005	We consider all the comments received and amend the SCI if necessary (Reg 27)	We provide you with formal feedback on your comments

July 2005 Oct 2005 (proposed LDS change)	We compile the relevant documentation, including the final draft of the SCI and submit it to the Secretary of State for consideration (Reg 28)	You have six weeks to make formal comments
Oct 2005 Jan 2006 (Proposed LDS change)	The Government may hold a Public examination (Inquiry) run by an independent inspector into the objections to the SCI and the 'soundness' of the SCI (Reg 34) Note: Inquiries into SCIs are expected to be exceptions rather than the rule – most objections will be addressed through written representations.	You can appear at the examination if you made an objection.
Dec 2005 Mar 2006 (Proposed LDS change)	The Inspector provides a binding report – we amend the SCI to reflect the report.(Reg 35)	
Jan 2006 Apr 2006 (Proposed LDS change)	We publish the Inspector's report and publish and adopt the revised SCI. Reg 35 / 36)	You find out the outcome.
After adoption	The SCI is used as the benchmark for consultation on other DPDs and planning applications.	You monitor that the details set out in the SCI are being adhered to.

- 2.8 Unlike other LLDs there is no requirement for the SCI to obtain a statement of general conformity with the Regional Spatial Strategy (RSS) as the SCI, does not include spatial land use policies and proposals.
- 2.9 Reference to the above table will highlight that the timetable for the SCI has been delayed in its initial stages when compared with the timetable shown in the approved LDS (Appendix 1). However, the District Council is confident that the modest slippage that has occurred can be made up and the SCI adopted in accordance with the LDS.
- 2.10 Views on the process of adopting the SCI are welcomed. However, respondents will need to consider the requirement for the District Council to comply with legislation and government guidance with respect to SCIs.

### 3. The profile of our community – meeting the challenges

- 3.1 Malvern Hills District is the second largest district in Worcestershire covering an area of about 57,000 hectares and generally lying to the west of the City of Worcester, the north of Tewkesbury and the south of Stourport. The population of the district at the 2001 census was about 72,900 people. The district population is relatively stable. However, indigenous population change with respect to household formation is predicted to decline during the period 2011. The district is mainly rural with a significant area designated as an Area of Outstanding Natural Beauty.
- 3.2 The district has a dispersed settlement pattern with a population density of 1.3 persons per hectare. Any meaningful and practical programme of community engagement must have regard to the physical characteristics of the District and the dispersed nature of its settlements and communities. From the northern boundary of the District to its southern boundary is nearly 45 Km and east to west the District extends over 35 Km.. Communication routes do not easily connect north to south through the District and drive times between Upton in the south and Tenbury in the north west can take about an hour. The Council is also represented on the national group SPARSE, which is a representative group of local authorities seeking to address problems associated with having low density and widely dispersed rural populations
- 3.3 Within the rural areas there are 69 individual parishes and parish councils or meetings which provide an important point of contact with local communities. In addition rural community facilities such as village halls, shops and petrol stations provide opportunities for the deposit of consultation material. The use of remote Council outlets in locations such as Tenbury and Upton, together with greater use of electronic communication, provide options for increased contact across the rural areas.
- 3.4 The principal local towns are Malvern, Upton, and Tenbury. The population of Malvern (33,254) is approaching about half of the overall population. Whilst significant at the district level low population density within the principal towns is clearly not a significant factor in influencing approaches to public consultation. This means that there are opportunities to consider tailoring consultation exercises and mechanisms to meet the respective needs and opportunities within both urban and rural locations / issues.
- 3.5 The District population is ageing and the results of the 2001 Census indicate that the age structure of Malvern Hills is older than that of Worcestershire with 24.1% of the population being over 65 compared to the national average of about 16%. Further, about 8% of the population regard their general health as not good and 18% of the local people suffer from some form of limiting long term illness. This is the highest percentage of the county and is perhaps a reflection that the district has highest percentage of over 85 year olds.
- 3.6 The Census also indicates that the district has a higher percentage of lone pensioner households (16%) and a lower percentage of lone parent households (4%). The district also has a higher level of retired individuals

than the country, (17% compared to 14%) and 0.5 % of the workforce were unemployed compared with the national average of 3.4%. In terms of education, 25% of the population have obtained qualifications at degree level or higher compared to the country average of 19%.

3.7 In terms of the nature of the population, 1.4% of the population are from ethnic minority groups, compared to 2.4% in Worcestershire. However, the ethnic make up of the district differs from Worcestershire as the largest minority ethnic group is Chinese rather than Pakistani.

3.8 Overall, the physical and social nature of the district gives rise to the following issues for effective consultation:

- The dispersed nature of the population many of whom live away from the main administrative centre of Malvern.
- The need to consider developing and using different consultation mechanisms in urban and rural locations, tailored to meet specific locational needs and opportunities.
- To consider the widest range of possible consultation mechanisms to deliver a meaningful response.
- Where appropriate / possible offer decision makers options with respect to consultation measures to be undertaken, identifying the potential resource implications for each option.
- How to consult and involve a population that is relatively elderly but with above average education and training.
- How to consult with the relatively small numbers of ethnic residents where English may not be understood.
- How to consult with the socially excluded, including those people whose health or disability does not enable them to use traditional methods of involvement.
- Having regard to experience of the LSP in preparing the Malvern Hills Community Strategy - How to engage young people in the consultation process (supplementary survey work and special measures were required to obtain a balanced input from young people to Community Strategy Development).
- How to work proactively with and through the large number of Parish and Town Councils in the District and resident and special interest groups. Particularly given that councils and groups do not necessarily meet frequently or on a consistent basis.

### 3.9 Hard to Reach Groups

These are people or groups who do not take part in consultation through 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 in the types of communication are: young people; the elderly and less physically mobile and people disadvantaged by their location, eg in remote rural areas. Other groups may be identified in the light of experience of operating the SCI and the annual review.

#### 4. Guiding principles in consulting the community

- 4.1 The Council is committed to providing a high quality and responsive planning service which meets the needs of the community. The LDF and the LDDs should be a true reflection of local views and the whole community should have the right and opportunity to become involved through a process of genuine consultation.
- 4.2 We want to develop the way we involve everybody in plan making and in reaching decisions on planning applications and to make this as easy as possible. In doing so, we will apply the following principles:

##### ***Communicate Clearly***

- State why we need your views and whether your comments are being sought on a formal or informal basis;
- Write all documents in a straight forward way, avoid jargon and explain technical terms.
- Use large or special fonts or audio if necessary/ requested
- None English versions if necessary/requested
- Prepare summaries if appropriate

##### ***Make it easy to get involved***

- Consult as early as possible and give the longest time possible / appropriate time to respond
- We will go out of our way to reach out to all members of the community when consulting, particularly those who do not normally comment on planning matters;
- Make it clear what you need to do and by when to make your views known and where / how to return your comments;
- Provide you with proformas / guidance notes - both on-line and hard copy to aid providing comments
- Hold any public events and deposit documents as close as possible to where those most affected live or work.
- Ensure that people with a disability do not get a lower standard of service
- Publicise arrangements for public speaking and public participation at our formal Committee meetings (see [www.malvern hills.gov.uk](http://www.malvern hills.gov.uk) or contact Democratic Services)
- Use existing groups, bodies and societies and networks to extend the range of consultations;
- Use an appropriate balance of traditional consultation mechanisms and new technology.
- Keep you informed about progress and outcomes.

##### ***Consider ideas and comments fairly***

- Ensure that there is an open and transparent process for considering and responding to your views
- Offer you the opportunity to agree or not whether we have adequately interpreted your views;

- Ensure that consultation responses are always formally reported to Councillors where required by legislation and made available for inspection by Councillors in all other instances.

***Make sure your involvement is meaningful and effective***

- Involve you at all stages of plan making, but always as early as possible, when your comments can make a difference, particularly at formal consultation stages.
- Only ask for your views when there is still an opportunity to alter the content of a document or decision;
- Explain if something can or cannot be changed and why;
- Make consultation responses comments publicly available so you can see what others have said;
- Co-ordinate consultations to prevent overlap and overload
- Only ask for your views on realistic options.

***Learning and being creative***

- Review the effectiveness of our efforts to involve you and where necessary alter them to make improvements.
- Try to be creative, and given the inevitability of some failures be prepared at times to try something different;
- Review and adopt best practice in the form of national guidance and practice employed by other Local Planning Authorities;
- Ensure that consultation and community engagement delivers Best Value/value for money.

## 5. Methods of Community Involvement

5.1 Section 3 identifies the key characteristics of the district. The dispersed population spread over a wide rural area raises particular problems in devising the most appropriate means of consultation to be used. There may also be problems in identifying representative groups to be consulted on behalf of ethnic minority or socially excluded households, where fairly small numbers of people are involved. In order to widen the involvement of the community and especially in involving 'hard to reach' groups, a broad range of methods will be used.

### 5.2 *How we will make information on planning matters available*

Method	Advantages and disadvantages
Details published on the Councils Website. [www.malvern hills.gov.uk]	Information can be provided quickly and efficiently, and accessed by the public from their own home or office. This can overcome the barrier of the dispersed nature of the district. However, access to the internet is not universal and therefore, may disadvantage certain groups. The Council will consider ways in which access to updated web based information can be improved, either by improving links to new information or providing updates via email.
Information sent by us via e-mail.	Again, information and responses can be provided quickly and efficiently, and additional consultees can be added to a distribution list. However, not everyone has email. Nevertheless, we would like to make greater use of this means of communication with Parish and Town Councils and formal consultees.
Formal advertisements in the local press	Traditional means of notification and the various local papers reach a wide section of the local population. However, formal adverts are expensive for the District Council and not always effective.
Press releases and coverage in the local media	To be undertaken in accordance with our media strategy. Cost effective way of bringing local issues to the public arena. However, items may only be reported if considered "newsworthy" by editors.
Documents available on paper or CD for sale or inspection at Council offices and by post	Traditional means of consultation and the information supplied can be in detail. However, limitations for people with mobility or sight disabilities and where English is not understood.

Leaflets/Brochures	Can publicise and explain in simple language and invite comment. Can be sent to all residents, but may be seen as ‘junk mail’ and disregarded. Can be expensive to distribute.
Formal notification by letter.	Direct consultation with those affected by a proposal, however impractical for general development proposals and district-wide issues. High postage and administration costs.
Public exhibitions / Public meetings	Gives residents some flexibility in deciding when to visit and can encourage feedback but people attending may not be representative of the whole community. Also staff and administrative cost in producing display material and ‘manning’ the exhibition. District-wide consultations require extensive coverage and numbers of events.
Notices displayed on a site.	Direct and local notification of proposals to those around a site, however, notices can be vandalised or removed before the consultation period expires.
Through partnership organisations and focus groups.	Useful for topic based discussions and to find out what specific groups feel. However direct costs for ‘facilitating’ the meetings and impractical to hold many throughout the district.
Using Councillor Networks	We recognise that if our councillors are well briefed regarding particular consultation issues, they provide an invaluable ‘on the ground’ presence and point of contact with local communities. Only suitable for informal or additional consultation in support of formal consultation exercises.
One to one meetings and briefings	Useful for seeking views from targeted individuals and groups but time consuming and impractical to hold on a comprehensive basis.
Parish and Town Council networks	Recognise that if parish and town councils are effectively involved with consultation exercises, they can provide an invaluable contact with local communities. Also opportunity to assist in the preparation and distribution of consultation material.
Use of libraries and supermarket entrances for direct contact or informal exhibitions.	Good for attracting a wide range of the public and publicising local issues.

## 6. Consultation on Local Development Documents (LDDs)

6.1 The minimum legal requirements for consultation and public participation for the Local Development Framework are set down in formal regulations. **These are summarised in the Figure (4.21) Appendix 5(b) which is an extract from PSS 12.** Specified bodies must be consulted where the District Council considers that the body may be affected by what is proposed. These bodies are listed in Appendix 34.

6.2 In addition to the formal bodies, it is the intention of the District Council to involve the whole community at an early stage in the preparation of the Local Development Documents. This is essential to work towards the key objectives of openness and consensus and resolving conflicts. Identifying the broadest range of target groups will also help to ensure that the methods of consultation and involvement chosen can be tailored to suit the various parts of the community. Appendix 34 gives a breakdown of these, but it is considered that the main ‘stakeholder’ or target groups are:

- General Public – (including hard to reach groups)
- Parish and Town councils
- Businesses
- Local community groups and residents associations
- Landowners and developers and their agents
- Local Strategic Partnership groups
- Specific interest **and user** groups

In addition to the above target groups the Council maintains its commitment to both formal consultation and informal discussions with other local authorities, Government, non-governmental organisations and the voluntary sector.

6.3 The **figure in Appendix 5(b) following table** illustrates the various stages in the preparation of Development Plan Documents and **the following table** indicates what form of consultation the District Council will undertake and who with.

Stages	Development Plan Documents					SPDs
	Pre Sub mission	Options Report	Draft Plan	Public Examination	Adopt	
<b>Consultee</b>	*	*				
<b>General Public</b>	Website Media	Website Media Exhibition Posters Leaflets	Website Media Exhibition Posters Leaflets	Website Representation letters Media	Website Representation letters Media	Website Media Targeted letters
<b>Hard to reach groups</b>	Letters Website Media	Website Media Exhibition Posters Leaflets Letters	Website Media Exhibition Posters Leaflets Letters	Website Representation letters Media	Website Representation letters Media	Website Media Sent individual copy (where relevant)

<b>Town and parish councils</b>	Letters Website Media	Website Media Exhibition Posters Leaflets Document	Website Media Exhibition Posters Leaflets Letters Document	Website Representation letters Media	Website Letters Media	Sent individual copy.
<b>Businesses</b>	Letters Website Media	Website Media Exhibition Posters Leaflets	Website Media Exhibition Posters Leaflets Letters	Website Representation letters Media	Website Representation letters Media	Website Media Sent individual copy (where relevant)
<b>Community and residents groups</b>	Letters Website Media	Website Media Exhibition Posters Leaflets Letters	Website Media Exhibition Posters Leaflets Letters	Website Representation letters Media	Website Representation letters Media	Website Media Sent individual copy (where relevant)
<b>Landowners / developers and agents</b>	Individual letters Website Media	Website Media Exhibition Posters Leaflets Document	Website Media Exhibition Posters Leaflets Letters	Website Representation letters Media	Website Representation letters Media	Website Media Sent individual copy (where relevant)
<b>Local strategic partnership (Vision 21)</b>	Steering Group	Steering Group Document	Steering Group Document	Representation letters Steering Group	Representation letter Steering Group	Sent individual copy.
<b>Specific interest groups</b>	Individual letters/e- mail Website Media	Website Media Exhibition Posters Leaflets Document	Website Media Exhibition Posters Leaflets Letters	Website Representation letters Media	Website Representation letters Media	Website Media Sent individual copy (where relevant)
<b>Statutory consultees</b>	Letter	Letter Document	Letter Document	Website Representation letters Media	Letters	Sent individual copy (where relevant)

\* Note: Early stages of DPD production are likely to be integrated with Community Strategy consultation and therefore additional mechanisms may be proposed/appropriate. In addition the consultation arrangements shown represent a minimum and will be treated flexibly. Each exercise will be re-evaluated on its merits and the issues involved prior to the commencement of consultation.

- 6.4 The Council will ensure that appropriate public consultation is provided for all other LDDs, such as the Annual Monitoring Report, Local Development Scheme and further review of the SCI. The consultation techniques to be employed will be drawn from those shown in the table above.
- 6.5 Parish Plans, Village Design Statements and other forms of local community based plans provide an important link between the statutory development system and specific local circumstances and they are therefore welcomed.
- 6.6 Where it is proposed that parish and other community based plans are brought forward as Supplementary Planning Documents (SPD) it will be essential that they are incorporated in the Local Development Scheme for the District. Furthermore, their production will need to meet the requirements for consultation and sustainability appraisal set out in legislation as well as the consultation requirements established by the SCI. **The statutory process for the preparation of SPDs is set out in the table in Appendix 5(b) which is an extract from PPG12.**

## 7. Consultation on Development Proposals and Planning Applications

- 7.1 The SCI must set out standards of consultation to be achieved by the local authority in development control decisions which are generally concerned with planning applications. The Planning Acts require that any person who wishes to carry out development, either engineering operations, the erection of a building or structure or the change of use of land or buildings, must obtain planning permission from the local planning authority, usually the District Council. **The County Council are the planning authority in respect of development involving waste disposal and the extraction of minerals and their own SCI will set down their arrangements for consultation on policy and the processing of such applications.** Planning applications can range from modest extensions to existing dwellings to major schemes for urban expansion or regeneration involving large scale residential, industrial or commercial development.
- 7.2 The Planning Acts set out a minimum standard of publicity and notification of applications to the local community, depending on the nature of the application. However, the need for the wider involvement of the community and stakeholders at the early stage of the planning process is of benefit to the public, individuals organisations and the development industry. The District Council will continue to meet the minimum requirements associated with statutory requirements but where appropriate exceed them. Appendix 2 illustrates the minimum requirements for consultation established by The Town and Country Planning (General Development Procedure) Order 1995 (as amended) alongside our proposed consultation arrangements.
- 7.3 The SCI therefore provides an important framework to engage the wider community in development proposals, especially those that are deemed to be 'significant', and throughout the various stages of the process. Although the formal planning application process is the stage most associated with public consultation and involvement, there can also be a more limited form of consultation at the 'pre-application' and 'post decision' stages.

### ***Significant planning applications***

- 7.4 Government advice requires that that the SCI should pay particular attention to 'significant' planning applications. That is development proposals which merit wider publicity and consultation with the local community. The nature and type of publicity and involvement will be dependent on the nature of the proposal, and a 'tiered' approach is suggested and is now adopted by the District Council as a framework.

### **Tier 1 Large scale and controversial applications not in accordance with the Development Plan or LDF**

- Development Plan 'departures' that have to be referred to the Secretary of State (i.e. 150 houses or flats or 5,000 sq. m of retail, leisure, office or mixed commercial floorspace).

- Development falling within Schedule 1 of the Environmental Impact Assessment Regulations 1999. **Large scale development and infrastructure like power stations, chemical installations and waste disposal facilities;**
- Retail development falling within the Shopping Development Direction (Floorspace exceeding 20,000 sq. m).

## **Tier 2 Applications broadly in accordance with the Development Plan but raising controversial issues**

- Development falling within Schedule 2 of the Environmental Impact Assessment Regulations 1999. **(A range of specified development like the extent of the site generally exceeds an hectare);**
- Applications requiring a full Transport Assessment (where development will have wider transport implications);
- Applications subject to the Town and Country Planning (Playing Fields) (England) Direction 1998 i.e. development proposed on existing playing fields.

## **Tier 3 Applications of local significance as determined by the District Council.**

- Applications which have to be advertised under Article 8 of the General Development Procedure Order. **That is ‘major’ development involving 10 houses or more, buildings over 1000 sq.m, or a site over 1 hectare; defratures from the development plan or affecting a Public Right of Way).**
- Applications for ‘Affordable Housing’ involving 5 or more residential units outside of the recognised settlements ;
- Planning applications for Telecommunication Development for the erection of masts, which exceed 15 metres in height.

### **All other planning applications**

#### **Notification and Consultations Arrangements**

##### **‘Pre – application’ discussions**

- 7.5 The Council encourages any person contemplating development, including extensions to houses, to have informal discussions with planning officers as early as possible. Furthermore, we intend to publicise the availability of such advice and provide guidance for officers, councillors and public alike.
- 7.6 District Councillors are an important source of local knowledge and advice on local issues. However, on planning matters local councillors operate under a formal code of conduct and it is therefore important that they do no express

an opinion on a particular proposal which they may need to consider formally at a later stage. Therefore, whilst lobbying of councillors can be appropriate, their principal role in pre-application discussions is providing information regarding procedures / policy and sign-posting the community to sources of advice within the Council.

- 7.7 The Council operates a 'duty officer' service at the Customer Services Centre in Great Malvern Library on a daily basis and fortnightly at Tenbury Pump Rooms. This arrangement is likely to be extended to Upton in the near future. Furthermore, in accordance with good practice guidelines and national performance indicators we will offer a development team response to major or specialist proposals.
- 7.8 At the pre-application stage, planning officers can give informal advice on the Council's policies and procedures and identify the main issues with the proposal. They will also be able to advise whether an application falls within the tiers of '*significant development*' set out above. The Council recognises that an applicant may seek to keep confidential pre-application discussion and will normally respect this. However, under the provisions of the Freedom of Information Act, the Council may have to make public any information it retains unless one of the stated exemptions apply. Furthermore, certain partner organisations wish to be kept advised of possible significant development proposals, such as the Regional Planning Body.
- 7.9 Whatever the scale of development proposed, applicants or developers are always best advised to discuss the proposals with the owners / occupiers of neighbouring land / properties prior to making an application. **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.** Such informal discussion can often help to allay fears within the community on the nature of the development. Further, an applicant may be able to make changes to a proposal to accommodate a neighbour and avoid an objection at the formal application stage and this will help to minimise delay.
- 7.10 For development proposals that falls within Tiers 1 to 3 of *significant development*, the Council will expect applicants and developers to have carried out initial consultation with the local community. **For Tier 1 and 2 development. In respect of Tier 3 development, the applicants are encouraged to notify the local Town or Parish Council of the proposal.** This will normally take the form of a public exhibition of the proposals, held locally, and advertised on site and in the local press. There should also be notification to the local Town or Parish Council. District Council officers will normally be able to advise on any special or local community **or user** groups that should be involved. If and when a formal application is submitted for *significant development*, the Council will expect the developer to include with the application a Consultation Supporting Statement outlining what consultation has been carried out and how the results of the exercise have been taken into account in the submitted scheme. The Council recognises that pre-application consultation with the local community cannot be an absolute requirement, nor can an application be rejected in the absence of a supporting statement. However, the additional notification and consultation

that the District Council will have to undertake may delay the consideration of the application and a formal decision.

### Formal planning applications

7.11 As soon as a planning application has been submitted and validated, the District Council will undertake notification and consultation with the local community (other than for applications considered by the County Council). The District Council's procedures for notification to the public are in excess of the minimum requirements laid down in planning regulations and comprise (see Appendix 2 for details):

- The listing of the application details on the Council's website – [www.malvern hills.gov.uk](http://www.malvern hills.gov.uk) – and a facility to enable people to comment online.
- A letter to the owners or occupiers adjoining an application site advising of the application and the period to make comments. The Council intends to publish further detailed guidance on this aspect of its consultation arrangements in due course in response to the Best value Review of Planning Services. The guidance will provide the public with information regarding how consultations are automatically generated and address anomalies in identifying consultees, which arise between urban and rural areas.
- Where the proposal is 'major' development as defined in the Regulations, the application will be advertised in the local press and by means of a site notice displayed by the District Council. For Tier 1 and 2 applications where development has off-site implications, such as highway impact, consideration will be given to wider display of site notices within the area likely to be affected.
- For all applications, the applicant will be requested to display a site notice of the proposal and the period for comments.
- The local press are also notified of all applications and include details of recent applications in local newspapers at the editor's discretion.

7.12 The District Council will also carry out consultation with statutory and appropriate bodies, such as the local Parish or Town Councils, the Highway Authority, the Environment Agency, and drainage companies. A full list of possible consultees for both application and LDD consultation is given in Appendix 3.

7.13 In summary, the consultation arrangements for all types of planning application are shown on the following table:

	Significant development			Other applications
	Tier 1	Tier 2	Tier 3	
<b>Consultation Approach</b>				
Pre- application exhibition/development brief	*	*		
Pre- app Consultation with Town/Parish Councils	*	*	*	
Information at Area Surgeries	*	*	*	*
Specialist Consultation Panel	*	*		
Website details	*	*	*	*
Parish/Town Councils	*	*	*	*
Letter to adjoining occupiers	*	*	*	*
Formal press notice and site notice	*		*	
Informal site notice	*	*	*	*
Listing in local newspapers (discretionary)	*	*	*	*
Statutory Consultees	*	*	*	*

7.14 The comments made by individuals and groups, the local community, and specialist technical bodies will be taken into account by the planning application case officer, senior planning officers and the Development Control Committee(s). Comments will be balanced with all other material considerations, including the main element – the relevant Development Plan policies, when a formal decision is made on an application.

7.15 Comments on planning and related applications will be held on the application file and made publicly available for others to see. Where an application is reported to a Committee, comments will be summarised in the committee report. The comments of Parish and Town Councils, where succinct, will be reported in full. Where it is necessary to summarise a Council's response this will be made clear in the agenda report. Furthermore, every attempt will be made to ensure that any summary does not dilute or change the content of the Parish or Town Council representation.

7.16 Councillors will have complete access to all comments received prior to making a decision. Respondents are encouraged to return comments within the stated period however, late comments will normally be picked up via the

Committee update sheet or reported verbally prior to a decision being made at Committee.

- 7.17 In addition, where applications are reported to the Committee, the Council operates a Public Speaking scheme where an applicant and objector can address the Committee directly for a specified time, [details of the scheme can be found on www.malvern hills.gov.uk under the A-Z of Services](#). Where people have commented on an application, we will write and let them know when and where the application will be considered and the arrangements for public speaking.

### Post decision and reporting back

- 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 minor 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 Town or Parish Council and surrounding neighbours to enable them to make representations.

- 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

- 7.2018 As soon as a formal decision is made on an application, the details of the decision will be listed on the Council's website. These will include a summary of the reasons for refusal or of conditions if these were imposed on a permission. We will also write to each individual who made representations and advise them of the decision and the reasons for refusal or a summary of conditions. We also notify these parties of any subsequent appeal.

- 7.197.21 Where a proposal involved significant development, and we are notified that that development is to be carried out, we will ask the developers to provide details of the name and telephone number of a contact person overseeing the construction work, so that the local community may approach them to resolve issues of local concern.

- 7.207.22 [The Data Protection Act 1998](#) protects the privacy of personal data whilst the [Freedom of Information Act 2000](#) is concerned with the openness of public information. The new challenge for every authority is to comply with both Acts, which will require careful handling of requests for information. The Planning process operates under the provisions of both Acts. Details of Council's policies under both Acts can be inspected on the Council's website [www.malvern hills.gov.uk](#). Section 5 of the Council's Publication Scheme provides details of planning documents which can be readily inspected by the community.

- 7.231 The above guidance relates primarily to planning applications but will be used to direct consultation arrangements for all forms of applications and consultations determined or commented upon formally by the District Council as Local Planning Authority.

### **Best Value Review of Planning Services – Improvement Plan**

7.242 The District Council has recently undertaken a Best Value Review of its Planning Services, specifically addressing elements associated with customer focus and delivering excellence. The review findings **are to be presented to the Council for approval were approved by Council** in May 2005. The associated improvement plan includes a number of important recommendations, based upon community feedback, which address consultation arrangements. These include publishing service standards for development control and detailed consultation policies. Once prepared these guidelines will supplement and expand upon the minimum requirements established by the SCI and will be subsequently incorporated through review of the SCI.

## 8. Resources and implementation

- 8.1 This statement sets out the nature and format of community involvement that Malvern Hills District Council will undertake in respect of LDDs and the consideration of planning applications. The Development Plan and Development Control Sections within Planning Services will primarily undertake the consultation work proposed although other Services will also be involved from time to time and on specific tasks.
- 8.2 With regard to consultation associated with LDDs the general resource implications in terms of staff input have been taken into account in the preparation of the adopted LDS and the Council has committed to the consultation steps and associated timetables. However, there will be a need to identify a rolling LDS implementation budget through budget review processes and detailed project definition may identify one-off consultation costs which will need to be resourced. Similarly the closer alignment of LDD preparation and Community Planning consultation requires additional budget assessment.
- 8.3 With regard to Development Control consultation arrangements these largely represent a formalisation of existing policies and the redirection of existing resources. Other initiatives such as the enhancement of services available on-line are associated with existing specific planning or corporate E-Government projects and budgets.
- 8.4 The Government has recognised that the need to improve planning services across the country and the additional emphasis placed on increased community involvement and the introduction of the new planning system is likely to give rise to some pressure on local planning authorities. In response it has taken steps to provide temporary additional funds under the Planning Delivery Grant. The Council considers that the level of involvement in this Statement is capable of being delivered within the resources set out in the revised Planning Services Management Plan for 2005/9 and the Best Value Improvement Plan for Planning Services.
- 8.5 The Council intends to develop a range of indicators, which will try to measure the effectiveness of the SCI. Reporting will be undertaken as part of the Annual Monitoring Report and will have regard to outputs such as:-
- Numbers of people engaged in planning consultations
  - Satisfaction ratings
  - Participation in public speaking
  - Seeking direct feed back on specific consultation mechanisms / exercises
  - Citizens Panel Review
  - Focus Groups
  - Levels of participation with recognised hard to reach groups
  - Impact of public feedback on planning policy / decisions
  - **Specific consultation with Town and Parish Councils on effectiveness of the SCI.**

- 8.6 The SCI has been prepared in parallel with a Best Value Review of Planning Services, which has resulted in an ambitious Improvement Plan for the next 2 to 3 years. Significant actions within the Improvement Plan (which will be available from mid **November May** 2005 on the Council's website) are closely related to providing greater information and improvements associated with customer standards and specifically consultation, reporting arrangements and the advice we offer. The provisions of the Best Value Improvement Plan will therefore significantly add to the minimum requirements established by the SCI itself.

## Appendix 1

Extract from Delivering the New Planning System – Malvern Hills District - Local Development Scheme December 2004 (effective 19<sup>th</sup> January 2005)

<b>Statement of Community Involvement Profile</b>	
Role and subject	This is a statement of how and when we will involve stakeholders and the community in the preparation, alteration and review of each Development Plan and Local Development and significant development control decisions. The Statement will be closely linked and influenced by our Communication and Consultation and Strategy. We will work in partnership with Vision 21 to co-ordinate and build on existing consultation and evidence gathering.
Geographic coverage	District wide and involving organisations beyond the District
Status (e.g. DPD, SPD)	LDD
Chain of conformity.	Must meet and preferably exceed the minimum requirements set out in the Town and Country Planning (Local Development) (England) Regulations 2004.
<b>Timetable</b>	
Preparation of draft statement of community involvement (Regulation 25)	January 2005
Public participation on draft statement (Regulation 26)	February – March 2005
Preparation of submission statement	April – June 2005
Submission of DPD to SofS (Reg 28)	July 2005
Pre-examination consideration of representations	August – September 2005
Pre-examination meeting	September 2005
Examination period	October 2005
Receipt of Inspector's binding report	December 2005
Adoption and Publication.	January 2006
<b>Arrangements for Production</b>	
Lead organisation/department	Malvern Hills District Council Planning Services Development Control Section.
Management arrangements	Involvement of Planning and Sustainability Portfolio Holder. Reports to Planning Committee and Full Council.
Resources/Evidence required	Head of Development Control with support from the Development Plans Section/ Development Control Section and will include the following resources: <ul style="list-style-type: none"> <li>• Admin and GIS support;</li> <li>• Stakeholder involvement/consultation costs(Part 2 Regulations and Regulations 25 and 26);</li> <li>• Examination costs;</li> <li>• Cost of production/printing/delivery.</li> </ul>
Community and Stakeholder Involvement	Wide stakeholder and community involvement using a range of consultation methods to be described in the SCI that exceed the minimum requirements set out in the Regulations.
Review Procedures	Monitored on an annual basis and review as necessary. Formal review every three years.



## Appendix 2

<b>Statutory Requirements and MHDC Practice for Publicity for Applications</b>			
<b>Nature of Development</b>	<b>Publicity Required and timescale</b>	<b>Statutory Provisions</b>	<b>MHDC Practice</b>
Applications accompanied by an Environmental Statement	Advertisement in local newspaper (14 days) and where applicable publication on the website.	Article 8, part 3 of the GDPO	Advertise in the press (21days)
Proposal departs from the Development Plan.	<b>and</b>		Site Notice (21days)
Development affecting public right of way			Publication on the website (21 days)
Major development	Advertisement in local newspaper (14 days) and where applicable on the website.  <b>and</b> site Notice (21 days)	Article 8, part 4 of the GDPO	Advertise in the press (21days)  Site Notice (21days)  Publication on the website (21 days)
Minor development	Site Notice (21 days)  <b>or</b> neighbour notification letter (21 days)	Article 8, part 5 of the GDPO	Neighbour notification (21 days)  <b>and</b> Applicant requested to display site notice  Publication on the website (21 days)
Development affecting the setting of a listed building	Advertised in local newspaper (21 days).  <b>and</b> Display site notice (7 days)	Section 67 of the Planning and Listed Buildings and Conservation Areas) Act 1990.	Advertise in the press (21days)  Site Notice (21days)  Publication on the website (21 days)
Development affecting the character or appearance of a Conservation Area	Advertised in local newspaper (21 days).  <b>and</b> Display site notice (7 days)	Section 73 of the Planning( Listed Buildings and Conservation Areas) Act 1990	Advertise in the press (21days)  Site Notice (21days)  Publication on the website (21 days)

## Planning Application consultees

## Appendix 3

Advantage West Midlands	Legal Services
Ancient Monuments Society	Leisure Services Manager
Aquila Networks Plc	Malvern Hills AONB
Building Control (Malvern Hills DC)	Malvern Civic Society
British Gas Transco	Malvern Hills Conservators
British Rail Property Board	Malvern Hills Footpath Society
British Waterways	Malvern Hills Highway Partnership Unit
British Wind Energy Association	Midlands Electricity Board
Camping and Caravan Club	Midlands Electricity Board – Wayleaves Officer Midlands Electricity Board
Civic Trust	Ministry of Defence - Estates Midlands Electricity Board – Wayleaves Officer
Civil Aviation Authority	National Trust Ministry of Defence - Estates
Commission for Archaeology and the Built Environment Architecture	Parish/Town Councils National Trust
Commission for Social Care Inspection	Railtrack Parish/Town Councils
Community Safety Officer	Ramblers Association Railtrack
Council for British Archaeology	Royal Commission – Historical Monuments Ramblers Association
Council for the Protection of Rural England	Royal Fine Arts Commission Royal Commission – Historical Monuments
Countryside Agency	Severn Trent Water Royal Fine Arts Commission
Defence Estates	Social Services Severn Trent Water
DEFRA	Society for the protection of Ancient Buildings Social Services
Department of Culture, Media and Sport	South Shropshire District Council Society for the protection of Ancient Buildings
Development Plans and Conservation (Malvern Hills DC)	Sports and Recreation Services South Shropshire District Council
Early and Childcare Service	Sport England Sports and Recreation Services
Economic Development (Malvern Hills District Council)	Sport England Theatre Trust
Elgar Housing Association/Festival	Tenbury Historical Society
English Heritage	Tewkesbury Borough Council
English Nature	Twentieth Century Society
Enigma Business Park Partnership	Upton Civic Society
Environment Agency	Upton upon Severn Civic Society
Environmental Health (Malvern Hills DC)	Victorian Society
Farming and Rural Conservation Agency	Warwickshire County Council
Forest of Dean	West Midlands Regional Planning Body
Georgian Group	Wildlife Trusts
Government Offices for the West Midlands	Worcester City Council
Government Pipeline and Storage System	Worcestershire County Council – Archaeology
GPU Power Engineering	Worcestershire County Council - Education
Gypsy Services Officer (WCC)	Worcestershire County Council – Environmental Services
Health and Safety Executive	Worcestershire County Council – Public Rights of Way
Heart of England Tourist Board	Worcestershire County Council – Street Lighting Section
Hereford and Worcester Garden Trust	Worcestershire County Council – Tipping
Herefordshire Highways	Worcestershire County Council – Trading Standards
Herefordshire Council	Worcestershire Wildlife Trust
Highways Agency	Wychavon District Council
Housing (Malvern Hills DC)	Wyre Forest District Council
Landscape Officer (Malvern Hills DC)	Consulting Civil and Structural Engineer

The District Council is also required to consult the Regional Development Agency (Advantage West Midlands) on regionally significant applications / proposals under the requirements of the Town and Country Planning (General Development Procedure) (England) Order 2003. In addition the District Council has endorsed a regional consultation protocol for regionally significant proposals with the Regional Planning Body for the West Midlands (details of which can be supplied upon request).

## LDD Consultees

### Specific Consultation Bodies

The following bodies have been identified in accordance with PPS12:

- West Midlands Regional Assembly – **Regional Planning Body for the West Midlands**
- Forest of Dean
- Herefordshire Council
- South Shropshire District Council
- Tewkesbury Borough Council
- Worcester City Council
- Worcestershire County Council
- Wychavon District Council
- Wyre Forest District Council
- The Countryside Agency
- The Environment Agency
- Highways Agency
- The Historic Buildings and Monuments Commission for England
- English Nature
- The Strategic Rail Authority
- Advantage West Midlands
- Relevant telecommunications companies
- Strategic Health Authority
- Relevant electricity and gas companies
- Relevant sewerage and water undertakers
- **English Heritage**
- **The Theatre Trust**

### Government Departments

- Home Office
- Government Office for the West Midlands (GOWM)
- Department for Education and Skills (GOWM)
- Department for Environment, Food and Rural Affairs (DEFRA)
- Department for Transport (GOWM)
- Department of Health
- Department of Trade and Industry (GOWM)
- Ministry of Defence
- Department of Work and Pensions
- Department of constitutional Affairs
- Department for Cultural , Media and Sport
- Office of Government Commerce (property Advisers to the Civil Estate)

### General Consultation Bodies

- Advance Housing and Support Ltd
- Central Technology Belt (CTB)
- Citizens Advice Bureau (Malvern Hills District)
- Community Action (Malvern and District)
- DIAL South Worcestershire
- Federation of Small Businesses, Herefordshire & Worcestershire

- Herefordshire & Worcestershire Chamber of Commerce
- Local Parish and Town Councils
- Malvern Baptist Church
- Malvern Community Car Scheme
- Malvern Evangelical Church
- Malvern Priory Church
- Malvern Volunteer Centre
- MHHYAT Foyer
- Roundabout
- Say It Yourself
- Shoparound Community Action
- Stay Put Service
- Turning Point
- Upton Community Care
- Worcestershire Telecare
- Worcester Volunteer Centre
- Worcestershire Racial Equality Council

### Other Consultees

- Age Concern (Malvern and District)
- British Waterways
- **British Wind Energy Association**
- Church Commissioners
- Civil Aviation Authority
- Commission for Architecture and the Built Environment
- Commission for Racial Equality
- Community Safety Officer
- Council for the Protection of Rural England
- Crown Estate Office
- Diocesan Board of Finance
- Disability Rights Commission
- Disabled Persons Transport Advisory Committee
- Environmental Groups at national, regional and local level
- **English Heritage**
- Equal Opportunities Commission
- Fire & Rescue Services
- Forestry Commission
- Freight Transport Association
- Friends of the Earth
- Gypsy Council
- Health & Safety Executive
- Housing Associations
- Independent Schools Council (Central)
- Local Agenda 21 **including voluntary community group**
- Civic Societies
- Community Groups
- Local Transport Authorities
- Local Transport Operators
- Local Race Equality Councils and other local equality groups

- Local Agents
- Local Landowners
- Local Resident Associations / Tenant Consultative Committees
- Malvern Hills District Footpath Society
- National Playing Fields Association
- Registered Social Landlords
- Royal Society for the Protection of Birds
- Sport England
- The Diocese of Worcester
- The Homeuse Builders Federation
- The Housing Corporation
- The Showmans Guild of Great Britain
- Vision 21 Malvern Hills Local Strategic Partnership
- West Mercia Police
- Wildlife Trusts

## Appendix 4

### Consultation on Conservation Matters

The Council will also consult with the public on the following activities and initiatives:

1. Conservation Area designation or review
2. Introduction of Article 4(2) Directions
3. Serving Tree Preservation Orders
4. Works to protected trees and important hedgerows.

#### Conservation

The Council will notify property owners where there is a listed building considered to be at risk and advise of changes to, additions or removals from the Statutory List.

In the case of Conservation Area designation or review the Council would also normally engage in meetings with the Parish/ Town Council and local community groups with opportunities for comment. Information would also be available for public view in Customer Service Centre (Hub) in Malvern and where possible a location local to the Conservation Area.

The Council's web site will be used to provide information about the service and activities undertaken by the Conservation Team within Planning Services, with contact details available for staff.

#### Protected trees and hedgerows

In making, serving, reviewing or revoking Tree Preservation Orders, the Council will consult with those landowners and residents deemed to be affected by the Order. This will involve sending copies of the Order to the interested parties including the local Member and Parish/ Town Council (and associated Tree Wardens) and inviting comments within the statutory 28 day period. Where the landowner cannot be identified a copy of the Order will be posted on the tree(s) affected. The Council will consider all representations received within 28 days of the date of serving and a decision on whether to confirm, modify or revoke the Order will be made by the relevant Development Control Committee within 6 months of the date of serving. Where no objections are received the Order will be confirmed without modification and without reference to the Development Control Committee.

Applications for works to trees covered by a Tree Preservation Order will be determined within 8 weeks from the date of receipt. Notification for works to trees in conservation areas will be determined within 6 weeks from the date of receipt and if consent is not given, the Council will consider placing a Tree Preservation Order on the tree(s).

With respect to applications and notifications for works to protected trees, Officers have delegated powers to determine all, (with the exception of works to protected trees on Council owned land), taking into account representations received.

Consultations on works to protected trees will be undertaken with the local Members, Parish/ Town Council and other interested parties where appropriate. Details of

applications for works to trees covered by a Tree Preservation Order and within Conservation Areas are published on the Council's web site on a daily basis.

Following any decision, a decision letter will be sent to the applicant and letters setting out the decision will be sent to those interested parties who made representation.

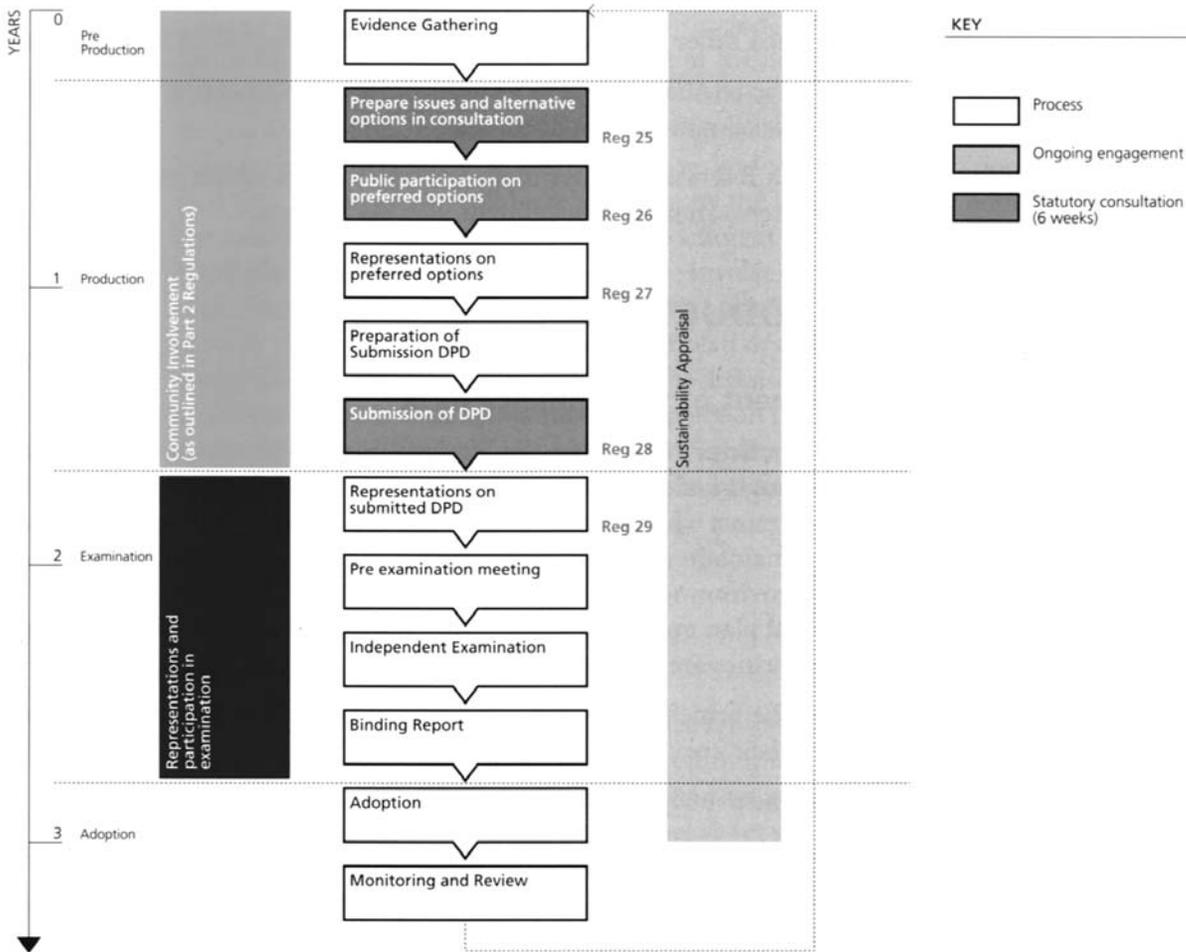
Important Hedgerows - All notifications to remove hedgerows under the Hedgerow Regulations 1997 will be determined within 6 weeks of the date of receipt. Consultation will be carried out with all relevant statutory and interested bodies, including Worcestershire Wildlife Trust and Worcestershire County Council, in addition to the local Member and Parish/ Town Council. All comments received will be taken into account in making a decision to consent removal or issue a Hedgerow Retention Notice.

With respect to Conservation and other related planning enforcement matters, the Council intends to produce separate from the SCI more detailed guidance regarding enforcement policy, procedures and arrangements for handling comments.

**Appendix 5(a)**

**Statutory Process for the Preparation of DPDs**

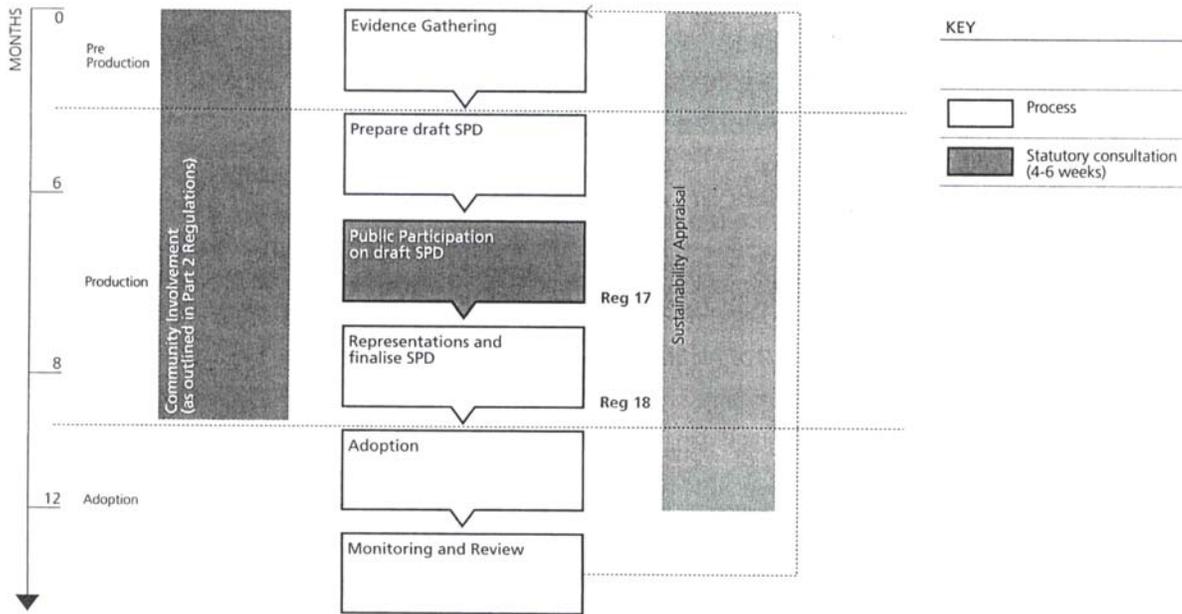
**Figure 4.1 The Development Plan Document Process**



Appendix 5(b)

Statutory Process for the Preparation of SPDs

Figure 4.2 – The Supplementary Planning Document Process



**Appendix 6**

**Other Useful Publications**

- Planning Policy Statement 12 (ODPM)
- Creating Local Development Frameworks – A companion Guide to PPS12 (ODPM)
- Local Development Framework: Assessing the Soundness of SCIs (PINS)
- Statement of Community Involvement 7 Planning Applications (ODPMS)
- Sustainability Appraisal of Regional Spatial Strategies and Local Development Framework – Consultation Documents (ODPM)

Need help with this? Tel: 01905 25121

এটার জন্য কি সাহায্য দরকার? টেলিফোন : ০১৯০৫ ২৫১২১	(Bengali)
需要幫助嗎? 請致電 01905 25121	(Chinese)
ਇਹਦੇ ਬਾਰੇ ਮਦਦ ਦੀ ਲੋੜ ਹੈ? ਨੰਬਰ 01905 25121 'ਤੇ ਫੋਨ ਕਰੋ।	(Punjabi)
Bisogna di aiuto con questo? Telefona 01905 25121	(Italian)
Jezeli potrzebna pomoc do tego, zadzwon : 01905 25121	(Polish)
کیا آپ کو اس کیلئے مدد کی ضرورت ہے؟ ٹیلیفون : 01905 25121	(Urdu)

Malvern Hills District Council  
Customer Services Centre  
The Library  
Graham Road  
Malvern,  
Worcestershire,  
Tel: 01684 862185

Malvern Hills District Council  
Planning Services  
The Council House  
Avenue Road  
Malvern  
Worcestershire

[www.malvern hills.gov.uk](http://www.malvern hills.gov.uk)

