

**Supplement to Braintree District Council's Statement of Community Involvement , setting out new consultation arrangements for Development Plan Documents, required by the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.**

**Portfolio Area:** Cllr N Harley Cabinet Member for Enterprise and Culture  
**Report Presented by:** Eleanor Dash

<b>Background Papers: -</b>	<ul style="list-style-type: none"> <li>• Planning Policy Statement 12: Creating Strong, Safe and Prosperous Communities through Spatial Planning.</li> <li>• The Town and Country (Local Development) (England) Regulations 2004.</li> <li>• The Town and Country (Local Development) (England) Amendments Regulations 2008.</li> <li>• The Town and Country (Local Development) (England) Amendments Regulations 2009.</li> <li>• BDC Statement of Community Involvement July 2006</li> <li>• 'Manual for Plan Making' PAS</li> </ul>
<b>Corporate Implications:</b>	<ul style="list-style-type: none"> <li>• <i>Financial</i> – None</li> <li>• <i>Legal</i> – Compliance with PPS 12 and the revised Regulations (2008/2009).</li> <li>• <i>Equalities and Diversity</i> – The community and stakeholders are encouraged to participate in the preparation of the Development Plan Documents using a wide range of methods of involvement. This provides an opportunity for those traditionally less involved to have their say.</li> <li>• <i>Customer Impact</i> – The new regulations place a greater emphasis on community participation at the pre submission stage of DPDs.</li> <li>• <i>Environment and Climate Change</i> – Sustainability Appraisal is prepared with a DPD.</li> </ul>
<b>Options:</b>	<p>To approve this supplement.</p> <p>To re-write the Statement of Community Involvement to incorporate these changes and consult on the revision.</p>
<b>Risks:</b>	<ul style="list-style-type: none"> <li>• Non-compliance with PPS 12 and the revised Regulations (2008/2009).</li> </ul>

**Executive Summary**

The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 came into force on 27<sup>th</sup> June 2008. These have changed the process for preparing Development Plan Documents (DPD) and the requirements for consultation.

This report has been prepared as a supplement to the Braintree District Council's Statement of Community Involvement (SCI) which was adopted in July 2006.

The report explains how the Council intends to engage the community and stakeholders in the preparation of its Development Plan Documents under the revised Regulations and reviews each stage of the DPD process.

## **Decision**

- That the Local Development Framework Panel approves the attached supplement to the Statement of Community Involvement.

### **1. Background**

- 1.1 The Statement of Community Involvement (SCI) is one of the key documents in the Local Development Framework (LDF).
- 1.2 The Braintree District Council Statement of Community Involvement (SCI) was adopted on 13th July 2006 at the meeting of the District Development Committee. The SCI sets out the Council's proposals for involving local people and organisations in the planning system. It is used as the basis for involving people and organisations in the consideration of planning applications and the preparation of planning documents.
- 1.3 Since the SCI was adopted, the Government has issued new regulations and related policy guidance (*Planning Policy Statement 12: Creating Strong, Safe and Prosperous communities through Local Spatial Planning*). On the 27<sup>th</sup> June 2008 the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 came into force. This has changed the requirements for consultation on all Development Plan Documents (DPD).
- 1.4 This report has been prepared as a supplement to the Council's Statement of Community Involvement (SCI) which was adopted in July 2006. This report is an update to the SCI, rather than a complete review, or replacement of it. When a review of the SCI takes place it will be subject to the amended planning regulations.
- 1.5 This report describes the new stages (at Regulation 25 and 27) in preparing DPDs and how the Council will engage with the stakeholders and local community. A revised flow chart detailing these new DPD stages can be viewed in Appendix 1 of this report.

### **2. Stages in Preparation of DPD's (replacing pages 7/8/9) of the SCI 2006**

#### **2.1 Stage 1 – Public Participation in Plan Preparation**

- 2.1.1 The revised Regulations (2008) remove the requirement for the formal consultation on the preferred options (formally the 'Regulation 26' stage). Due to the dropping of this previous requirement there are now fewer consultation stages in the preparation of a DPD.

##### *Scoping and evidence gathering*

- 2.1.2 DPD's should be based on a clear understanding of the long term economic, social and environmental needs of the District. To achieve this, evidence will be gathered and there will be a need to commission studies and undertake research at the beginning of the DPD preparation. Depending on the issues concerned, input from stakeholders may be required.

##### *Development of policy options*

- 2.1.3 The new Regulation 25 encourages the continuing engagement with the community and stakeholders particularly at the beginning of the process as part of the pre – submission stage using a wide range of methods (please see Appendix 1 of SCI 2006).

The minimum requirements of Regulation 25 are:

- i) The Council must notify each of the ‘specific consultation bodies’ and ‘general consultation bodies’ that the Council considers may have an interest in the subject of the proposed DPD. Specific consultee bodies now include the Police Authority and Coal Authority. The requirement to consult the Countryside Agency has been removed, as it has been replaced by Natural England. The Primary Care Trust replaces the Strategic Health Authority and the Secretary of State for Transport replaces the Strategic Rail Authority. A revised list of these bodies is set out in Appendix 2 to this report which replaces the list set out in Appendix 4 of the SCI.
- ii) The Council must invite these bodies to make representations on what the DPD should contain.

2.1.4 The Council must also consider whether it is appropriate to invite representations from people resident, or carrying out business in the Council’s administrative area.

2.1.5 Although it is not a statutory requirement, the Council will continue to go beyond the minimum requirements and seek early, effective and ongoing engagement with the community and stakeholders by carrying out consultation on the issues and options, alternatives and the Council’s preferred options for a DPD.

## **2.2 Stage 2 – Publication of the proposed submission DPD**

2.2.1 After the engagement and preparation of the DPD at the Regulation 25 stage, and before the DPD is submitted to the Secretary of State for examination it will be published for a period of six weeks and representations will be invited on the ‘soundness’ of the document. This is in accordance with the new Regulation 27. Statutory and non statutory consultees will be consulted at this stage.

2.2.2 Before submitting the DPD to the Secretary of State, the local planning authority must –

- a) make a copy of each of the proposed submission documents and a statement of the representation procedure available for inspection during normal office hours at –
  - (i) their principal office, and
  - (ii) other such places within their area as they consider appropriate
- b) publish on their website –
  - (i) the proposed submission documents
  - (ii) a statement of the representations procedure, and
  - (iii) a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected;
- c) send to each of the specific consultation bodies invited to make representations
  - (i) a copy of each of the proposed submission documents, and
  - (ii) a statement of the representations procedure
- d) send to each of the general consultation bodies invited to make representations
  - (i) a statement of the representations procedure, and
  - (ii) a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected;
- e) give by local advertisement notice which sets out –
  - (i) a statement of the representations procedure, and
  - (ii) a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected.

2.2.3 The following proposed submission documents will also be published:

- The sustainability appraisal report of the DPD.
- If the adoption of the DPD would result in changes to the adopted proposals map, a map showing these changes will also be published.

- Any supporting documents that are considered to have been relevant to the preparation of the DPD.
  - Statement setting out which bodies and persons were invited to make representations; how bodies and persons were invited to make such representations; summary of main issues raised by those representations; how these main issues have been addressed.
- 2.2.4 Regulation 28 requires the Council to invite representations on the proposed submission DPD for a period of at least 6 weeks.
- 2.2.5 The 2008 Regulations no longer require the Council to advertise alternative site allocation representations, with the opportunity to make representations on these. This requirement set out in paragraph 2.11 of the SCI has been removed.

### **2.3 Stage 3 – Submission of the DPD for examination**

- 2.3.1 The Council will consider all the representations received and if necessary propose changes to the DPD. The Government's Plan Making Manual describes three types of changes which the Council might wish to make in response to representations before submitting the plans. These are:
- **Minor post publication changes** – changes to improve legibility or make sure the plan is up to date.
  - **Focused changes** – which may cover only two or so subject areas or a limited part of the plan area, and which would involve only a small proportion of the text in the DPD.
  - **Extensive changes** – where changes to the development plan document are very significant, the nature and scale of the issues go to the heart of the plan and where it is difficult to see how these issues could be addressed by changing limited parts of it.
- 2.3.2 The different actions which the Council may need to take are set out below:
- **Minor post publication changes:**
    - List as an attached schedule to accompany the development plan document when it is submitted to the Secretary of State. The Inspector would be asked to consider recommending these changes in his report.
  - **Focused changes:**
    - Prepare an addendum to published plan setting out the proposed changes.
    - Conduct a sustainability appraisal of the implications
    - Consult people and organisations on the addendum.
    - At the close of this consultation the Council would submit the original development plan document, the first representations, the addendum and the responses to the addendum to the Secretary of State.
  - **Extensive changes:**
    - Council would withdraw the plan and undertake further work and evidence gathering.
    - Consult specific consultation bodies and other relevant stakeholders as necessary.
    - Undertake a sustainability appraisal of any new material in the plan.

- Once the Council is satisfied with the altered DPD it would then resolve to publish and submit the altered plan under Regulation 27 for formal representations. At the time that the Council publishes the new development plan document, it would explain to those who have already made representations what the changes are (the differences between the first version and the second version). In light of these changes, the Council would ask people to either:
  - confirm their representation still stands
  - indicate any changes
  - withdraw their representation.
- They would not need to re-submit their original representations in order for them to be considered by the Inspector.
- The Development Plan Document would then be submitted together with the original representations and any later representations as well as the sustainability appraisal which encompasses the changes made, along with any other material originally submitted.

## **2.4 Stage 4 – Independent Examination**

- 2.4.1 A Planning Inspector considers the ‘soundness’ of the DPD during the examination considering the representations submitted at the proposed submission version stage.
- 2.4.2 Those that make representation may be invited by the Inspector to attend the parts of the examination held in public

## **2.5 Stage 5 – Binding Inspector’s Report**

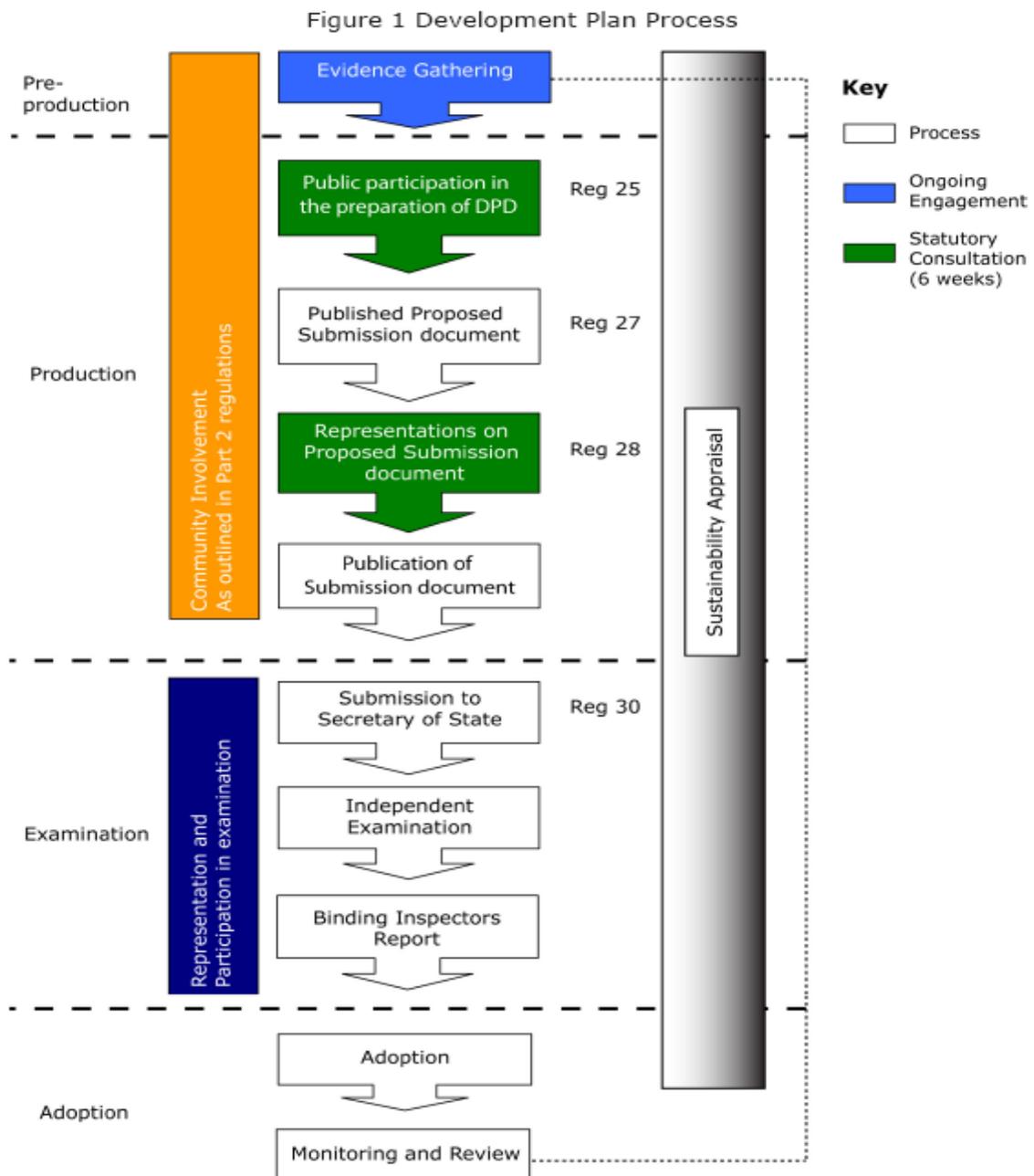
- 2.5.1 Following the end of the examination, the Inspector will submit their report to the Council. This report will recommend either that the DPD is ‘unsound’, ‘sound’ or can be made sound if specific changes are made to it. The Inspector’s recommendations will be binding on the Council.

## **2.6 Stage 6 – Full Council adoption of DPD**

- 2.6.1 Provided that the DPD receives a ‘sound’ rating from Inspector’s report, the Council will then adopt the DPD as part of its statutory Local Development Framework.
- 2.6.2 Once the Council adopts the DPD it will:
  - Publish a statement of adoption and the Inspector’s report on the Council website
  - Make the DPD, Sustainability Appraisal, statement of adoption and the Inspector’s report available at the locations set out in the adopted SCI.
  - Publish an advertisement containing the adoption statement and the availability of the plan for inspection.
  - Send the adoption statement to anyone who requested notification of adoption.
  - Send the DPD and adoption statement to the Secretary of State.

<b>Corporate Implications</b>				
<b>Financial:</b>	None			
<b>Legal:</b>	Compliance with PPS 12 and the revised Regulations (2008/2009).			
<b>Equalities &amp; Diversity:</b>	The community and stakeholders are encouraged to participate in the preparation of the DPD's using a wide range of methods of involvement. This provides an opportunity for those traditionally less involved to have their say.			
<b>Customer Impact:</b>	The new regulations place a greater emphasis on community participation at the pre submission stage of Development Plan Documents (DPD's).			
<b>Environment &amp; Climate Change:</b>	Sustainability Appraisal is prepared with a DPD.			
<b>Consultation/Community Engagement:</b>	Local Committees	N	Partners	N
	Public	N	Staff	N
<b>Key Decision:</b>	No			
<b>Public/Private Report:</b>	Public			
<b>Officer Contact:</b>	Juliet Strathern			
<b>Designation:</b>	Senior Planning Policy Officer			
<b>Ext No:</b>	2559			
<b>Email:</b>	julst@braintree.gov.uk			

**Appendix 1 – Revised flow chart detailing DPD stages.**



## Appendix 2 Specific Consultation Groups

These will include:

- i) The East of England Regional Assembly
- ii) Essex County Council
- iii) Parish and Town Councils, including those within the District and those Councils that adjoin the District
- iv) Adjoining District Councils i.e. Babergh DC, Colchester BC, Maldon DC, Chelmsford BC, Uttlesford DC, South Cambridgeshire DC and St. Edmundsbury DC
- v) Adjoining County Councils i.e. Suffolk CC and Cambridgeshire CC
- vi) A Police Authority
- vii) The Coal Authority
- viii) The East of England Development Agency
- ix) Natural England
- x) The Environment Agency
- xi) The Highways Agency
- xii) The Historic Buildings and Monuments Commission for England
- xiii) The Primary Care Trust
- xiv) The Secretary of State for Transport
- xv) Sewage Undertakers
- xvi) Water Undertakers
- xvii) Any person to whom the electronic communication code applies by virtue of a direction given under section 106 (30(a)) of the Communications Act 2003,
- xviii) Person to whom a licence has been granted under section 6 (1) (b) or (c) of the Electricity Act 1989
- xix) Person to whom a licence has been granted under section 7 (2) of the Gas Act 1986

### General Consultation Bodies

When preparing Development Plan Documents, Supplementary Planning Documents and the SCI the Council will seek to engage and consult, where appropriate, with the general public, the wider community, and hard to reach groups. These may include:

#### Community and Voluntary Bodies

- voluntary and community bodies whose activities benefit Braintree District, including:
  - residents and tenants group
  - registered social landlords
  - wildlife groups including Essex Wildlife Trust, Royal Society for the Protection of Birds
  - environmental organisations including CPREssex and Friends of the Earth
  - historical / archaeological organisations
  - sports organisations
  - arts organisations
  - Braintree District Voluntary Support Agency
  - neighbourhood watch groups
  - Citizens Advice Bureau
  - town and village societies and associations
  - local amenity societies

#### Special Interest Groups

- bodies which represent the interests of different racial, ethnic, religious and national groups and disabled groups in the District including:
  - the Braintree District Access Group
  - disability groups
  - older people's groups including Age Concern
  - youth groups

- mental health groups
- local trusts
- ethnic organisations
- faith groups and churches
- woman's groups
- gay/lesbian groups
- gypsies and travellers
- travelling showpersons

### Business Groups

- bodies which represent the interests of the Business Community in the area including:
  - the Braintree Business Council
  - Chambers of Trade and Commerce
  - Town Centre Strategy Groups
  - Business groups
  - Landowner and farming organisations

### Other Bodies

- Other bodies, including:
  - schools, colleges and other education and training providers
  - developers and planning consultants and agents
  - health organisations
  - environmental groups
  - rail and bus companies
  - community transport providers
  - Freight Transport Association
  - British Waterways
  - Civil Aviation Authority
  - Church Commissioners
  - house builders
  - Home Builders Federation
  - National Playing Fields Association
  - Commission for Architecture and the Built Environment CABI
  - Crown Estate Office
  - housing associations
  - sport and cultural organisations including Sport England
  - utility providers including gas, water, electricity and telecommunication
  - Essex Police
  - Fire and Rescue Services
  - Forestry Commission
  - Regional Development Agencies
  - local branches of professional institutions
  - anyone that made a representation on the Review Local Plan for Braintree District will be invited to get involved with the local development framework

Whenever possible the Council will consult with existing groups and use meetings already programmed.

### Government Departments

The Council will consult the Government Office for the East of England and central Government Departments where they are appropriate to the document being prepared or if they have large land holdings in the District. These may include the Department for Transport, the Department for Environment, Food and Rural Affairs, English Heritage and the Ministry of Defence. This will allow us to take account of Government priorities and plans in the Local Development Framework.