



meeting	<b>ENVIRONMENT AND SUSTAINABILITY SELECT COMMITTEE</b>		
date	<b>31 OCTOBER 2005</b>		
from	<b>Director of Environment</b>	agenda item number	

## **THE MINERALS AND WASTE DEVELOPMENT FRAMEWORK STATEMENT OF COMMUNITY INVOLVEMENT - PRE-SUBMISSION DRAFT**

### **Purpose of Report**

1. To advise Members of the proposed publication of the pre-submission Draft Statement of Community Involvement that will be considered by Cabinet at a meeting on 9 November 2005. The report also seeks the approval for the establishment of a Member sub group of this Committee as a consultative group to help steer production of future development plan and other relevant documents in the Minerals and Waste Development Framework.

### **Background**

2. For the benefit of any Members unfamiliar with the background to this matter, the County Council must prepare a Statement of Community Involvement (SCI) as a requirement of the Planning and Compulsory Purchase Act 2004. The SCI will set out how the County Council will consult and involve the local community and other interested bodies and organisations when carrying out its planning functions which are:
  - preparing new development plans and other documents that will make up the Minerals and Waste Development Framework; and
  - determining planning applications for minerals and waste development and the County Council's own development such as schools and roads.
3. Public consultation has always been an important part of planning and the County Council's methods and approaches have been improved and developed over time in line with good practice. However, the new planning system means that all planning authorities must now reassess how they consult and involve communities in order to meet new standards and expectations. Once adopted, the SCI will provide a formal basis for consultation and community involvement which the County Council must adhere to when carrying out all its planning functions.

### **Progress on the Preparation of the SCI to Date – Consultation on Key Issues**

4. The SCI has to go through various stages of public consultation, including an independent examination, before it can be adopted. The first informal consultation stage on key issues has already taken place. This followed approval by the former Cabinet Member for Environment of a report dated 2<sup>nd</sup> February 2005 which detailed the initial consultation proposed.
5. Over 500 organisations were consulted and asked to complete a questionnaire that would help identify who should be consulted, and at what stage in the planning process and on which issues. Questions on which types of consultation and methods of communication were preferred were also asked. Parish councils were sent special questionnaires to try and gauge how they deal with planning issues and what factors constrain their ability to raise such issues with their communities.

### **Results of Consultation**

6. Nearly 200 responses were received, including over 120 from parish councils within and adjacent to Nottinghamshire (further details of the consultation exercise and a breakdown of the responses received is set out in Appendix 1). This was a very good response and has provided valuable information on how the SCI can best achieve its objectives. The responses have since been analysed by an independent consultant who has made recommendations as to how the SCI should take these findings into account. A copy of this report has been placed in the Local Government Library, County Hall.
7. These recommendations have been considered and a separate report has been prepared setting out officer views on which recommendations should be accepted and which should not. Some key themes emerging from the responses are:
  - There is widespread support for near-neighbour notification with specific distances being set.
  - Parish councils have an important role but one that is often constrained by resources.
  - There is general enthusiasm about being involved in planning issues but some consultees wish for a more selective approach as not all are interested in every issue, eg Government bodies are mainly interested in strategic rather than site specific proposals, whilst the converse applies to local groups and organisations.
  - Consultation by post remains the preferred option.
  - Consultation at early stages is preferred and pre-application consultation by developers is also supported.

### **The Pre-Submission Draft Statement of Community Involvement**

8. The pre-submission draft SCI has been prepared with simplicity and clarity in mind. (A pre-publication Draft will be circulated to Members prior to meeting).

The new planning system has introduced a whole range of new planning documents and terms which anyone with little or no previous experience in planning matters is likely to find bewildering. It is therefore essential that the SCI provides a straightforward approach so that any interested party can feel able to contribute effectively, without first having to acquire an encyclopaedic knowledge of the subject.

9. The proposals in the draft SCI are based on the following 4 key principles:

- **Front loading** – this means providing opportunities to comment on planning proposals at the earliest possible stage and well before decisions are made. This should allow communities to be more effective in shaping forward plans and future development. Previously, consultation tended not to begin until much later and when decisions had already been taken as to what proposals should go forward.
- **Continuous involvement** – ensuring communities are continually engaged throughout the planning process. This should result in a greater understanding, consensus and ownership of planning decisions.
- **Transparency** – ensuring the reasons why certain proposals and options are being promoted, and what others have been considered and why they have been rejected, is available for public scrutiny and consultation.
- **Providing feedback** – letting the community know when and why a decision has been made and how their views have been taken into account.

Of the various consultation and community involvement measures proposed in the SCI the following three are of particular note:

#### **(i) Near-Neighbour Consultation on Proposed or Potential Allocations**

10. Near-neighbour consultation is standard for planning applications so it may seem surprising that this is rarely practised when consulting on forward plans when local communities are likely to be most affected. One practical problem is that forward plans (especially District Council plans) can contain a whole range of site specific proposals and constraint areas so a significant proportion of the local population may be affected in a variety of different ways. In contrast, near-neighbour consultation on planning applications can be much more focused and tailored to correspond to the expected impacts of a detailed proposal.
11. For minerals and waste plans, where site specific proposals are likely to be relatively limited in extent, near-neighbour consultation should be a more practical proposition. Indeed, the County Council has carried out near-neighbour consultation with a good deal of success in recent years. The SCI therefore proposes to develop this approach of notifying those properties within a certain distance of the boundary of a proposed allocation and sets out how and when it will be applied. This approach reflects the limited details that the County Council will have regarding proposed allocations but will ensure that those most likely at risk of being affected are notified.

## **(ii) The Role of Parish/Town Councils**

12. The SCI places a high degree of importance on the role of parish and town councils in ensuring that local communities are fully engaged in the planning process. The County Council wishes to build on its existing strong relationship with parish/town councils to make their role even more effective in the future. Parish/town councils can also assist the County Council in identifying suitable and accessible venues for meetings and exhibitions, for example.

## **(iii) Stakeholder Groups for Forward Plans**

13. Stakeholder meetings are an important element of 'front loading' and can be used from the very start of the plan making process in order to advise on options and strategies. They allow issues and options to be discussed in an open forum with the aim of reaching consensus far more effectively. Stakeholder groups have no decision making powers, but can help ensure that the plan making process is robust, thorough and balanced.
14. Such groups need to contain a good range of expertise and viewpoints. Representatives from Government bodies and agencies; the industry; environmental and community organisations would normally be invited. A stakeholder group already exists to help guide the emerging Waste Core Strategy and this has proved very beneficial in evidence gathering and drawing up options that will form the first stage of general public consultation. Membership of this group includes the Environment Agency, Health Protection Agency, English Nature, the waste, recycling and composting industries, waste collection authorities, Friends of the Earth and the Nottinghamshire Association of Local Parish Councils.

## **Proposed Member Working Sub-Group**

15. It is recommended that new development planning documents are subject to Member scrutiny at key stages up to the point where recommendations for the submission draft are finalised by the Executive. The pre-submission draft SCI is one example of this. As part of this scrutiny there could be merit in establishing a small sub-group of Environment and Sustainability Select Committee. The group would have no decision making powers but would have regular briefing sessions with officers, with the aim being to further improve Members' involvement in and understanding of the planning process.

## **What Happens Next**

16. The Draft SCI will be published to allow a statutory six-week period of public consultation.
17. All representations received during this consultation period will be considered and the SCI revised as necessary before being submitted to the Secretary of State. At this time, a further six-week period of public consultation will take place. An independent examination, held before a Government-appointed inspector, will test the soundness of the whole SCI, not just those parts which have raised

objections. An examination will be held regardless of whether objections are raised or not, which is a key difference between the former and the new inquiry arrangements.

18. The Government anticipates that objections at SCI independent examinations will be mostly dealt with by written evidence although objectors will have the right to appear at the examination in person should they so wish. Following the examination, the inspector will prepare a report recommending any alterations to the SCI deemed necessary before the SCI is adopted. This report will be binding upon the County Council.

### **Timetable**

19. The timetable for the preparation of the SCI towards adoption is detailed in the County Council's Local Development Scheme which was brought into effect on 9<sup>th</sup> June 2005. The relevant extract from the Local Development Scheme is attached to this report as Appendix 2. The timetable has slipped by about 5 months. This is due to the high level of response to the Key Issues questionnaire which required more consideration and analysis. Subsequently, the time taken to prepare the Draft SCI was longer than anticipated.

### **RECOMMENDATION**

It is RECOMMENDED:

- (a) That the contents and approach used to prepare the pre-submission draft Statement of Community Involvement be supported.
- (b) That a Member working sub-group of Committee be established to be consulted on the preparation of future Development Plan and other relevant documents in the Minerals and Waste Development Framework.

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Director of Environment

EPD.RH.ep4772  
4 October 2005

## **Appendix 1 – Detailed breakdown of responses to the SCI Key Issues questionnaire**

### **The Initial Consultation Exercise**

A total of 569 stakeholders were consulted in line with the requirements of Government regulations and guidance. Each consultee was sent a Key Issues leaflet which outlined why an SCI was required and the issues it needed to address. To accompany this leaflet, each consultee was sent a questionnaire which centred on the following key issues regarding community involvement and consultation:

- Who should be involved?
- How should they be involved?
- When should they be involved? and
- What types of planning matter should they be involved in?

Parish councils within and adjacent to the county were sent a separate questionnaire which explored how they involve their communities on planning matters; what methods of consultation they found most helpful; and what constrained them.

The consultation period ran for six weeks until 4<sup>th</sup> April, although later responses were taken into consideration where practical to do so. These included four responses from a total of 21 adjacent parish councils who were consulted only recently, having been omitted from the initial consultation exercise due to an administrative error. In total, 194 responses were returned which can be broken down as follows:

<b>Type of Consultee</b>	<b>Total Number Consulted</b>	<b>Total Number Responded</b>
Government departments/agencies	30	9
District councils and unitary authorities within the county	8	3
District councils adjacent to the county	9	0
Metropolitan borough councils, county councils and unitary authorities adjacent to the county or within the East Midlands	12	0
Parish councils within and adjacent to the county	273	123
Interest and action groups	138	41
MPs	11	0
The minerals and waste industries and their trade associations	64	11
Utility companies	18	1
Other relevant departments within the County Council	5	3
District Council Local Strategic Partnerships	7	0
Consultants/agents	0	3
<b>Total</b>	<b>575</b>	<b>194</b>

## **Appendix 2 – Extract from the Minerals and Waste Development Scheme**

### **The Statement of Community Involvement ❶**

#### **Overview**

<b>Role &amp; Subject</b>	To outline public consultation arrangements for future minerals and waste planning policies and proposals, and all planning applications for minerals and waste and the County Council's own development
<b>Coverage</b>	Nottinghamshire (excluding City of Nottingham). Consultation arrangements on the joint Waste Development Document will be synchronised with Nottingham City Council
<b>Status</b>	Local Development Document (but not part of Development Plan)
<b>Conformity</b>	Town and Country Planning (Local Development) (England) Regulations 2004

#### **Timetable**

<b>Stage</b>	<b>Dates</b>
Scoping/Evidence Gathering	Jan – Apr 2005
Consultation on draft SCI	June 2005
Submission to Secretary of State	Oct 2005
Pre-examination meeting	Feb 2006
Independent Examination	Mar 2006
Adoption	Jun 2006

#### **Arrangements for Production**

<b>Organisational Lead</b>	County Council's Head of Development Planning
<b>Political Management</b>	County Council's Environment Portfolio Holder and Environment Select Scrutiny Committee
<b>Internal Resources</b>	Minerals and Waste Policy Manager, Local Plan Officer and Planning Support Officer
<b>External Resources</b>	Legal Advice, possible use of consultants
<b>Community &amp; Stakeholder Involvement</b>	Statutory consultees and other known interest groups in accordance with Town and Country Planning (Local Development) (England) Regulations 2004

#### **Post Production**

<b>Monitoring &amp; Review Mechanisms</b>	Annual monitoring report with formal review if monitoring report indicates this is necessary
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