
CHARNWOOD BOROUGH COUNCIL

Statement of Representations made during the Formal Submission Stage of the Statement of Community Involvement (SCI)

In accordance with The Planning and Compulsory Purchase Act and Regulation 31 of the Town and Country Planning (Local Development) (England) Regulations 2004.

Introduction

The Statement of Community Involvement (SCI) outlines how Charnwood Borough Council intends to involve the local community and key organisations in the preparation of the Local Development Framework for the Borough. It also outlines the arrangements for consultation on applications for planning permission.

This statement has been prepared in accordance with Regulation 31 of the Town and Country Planning (Local Development) (England) Regulations 2004. It sets out;

- The number of representations made in response to the Borough Council's Submission version of the SCI.
- A summary of the main issues raised in response to the SCI
- Copies of the representations submitted

Representations on the SCI were invited over a 6 week period from the 27th May 2005 until the 8th July 2005. It invited respondents to identify where they thought the document was not sound which is based on 9 tests of soundness, outlined in Planning Policy Statement 12 - Local Development Frameworks, paragraph 3.10. A copy of the SCI was made available on the Council's website (www.charnwood.gov.uk). Copies were also made available at Charnwood Borough Council Offices, Leicestershire County Council Offices and all local libraries.

Number of Representations Received

A total of 22 written representations were received on the SCI from organisations and individuals. 5 representations supported the SCI. 17 objections have been received.

A summary of the representations is attached at Appendix A. Full copies of the representations are included at Appendix B.

In the Draft SCI there was one comment from The Storer and Ashby Resident's Group who also have responded to the Submission SCI. Their comments are different to those raised at the initial stage. 8 of the respondents from the Submission Stage SCI made representations at the Preferred Options Stage. The National Farmers Union, S. Rassiah, National Trust, House Builders Federation and Leicestershire County Council made representations at the Preferred Options Stage, of which all or parts of these representations have been repeated at the Submission Stage SCI.

Summary of Main Issues Raised

Under the 9 tests of soundness, 6 tests of soundness have been highlighted as not being met. However, some representations did not specifically identify on the representation form which test of soundness they thought the SCI did not meet.

The tests of soundness that the objectors considered the SCI did not meet have been highlighted below with a summary of the main issues raised and changes requested.

- **It complies with the minimum requirements for consultations as set out in the Town and Country Planning (Local Development) (England) Regulations 2004**

Appendix 4 part I needs to include Primary Care Trusts.

- **It identifies in general terms which local community groups and other bodies will be consulted**

Expansion of the list of consultees in Appendix 4 Part I to include more people/organisations including British Waterways, National Trust, Police Architectural Liaison Officer, NFU, Woodland trust, WM Morrison and HBF.

The voluntary bodies should state 'voluntary bodies some or all of whose activities benefit any part of the authority's area'.

The types of bodies set out in Other Consultation Bodies is limited. The Council should satisfy itself that all appropriate types of organisations have been consulted and the list reflects this.

- **It identifies how the community and other bodies can be involved in a timely and accessible manner**

Ethnic radio stations should have press alerts, which should be written into the document.

- **The methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents**

Due to the size and extensive land and property interests of the National Trust it should be included within future planning consultations in the Borough.

There should be the opportunity to make representations other than in written form.

- **Resources are available to manage community involvement effectively**

Not satisfied that hard to reach communities will be engaged within the planning process.

- **It clearly describes the policy for consultation on planning applications.**

Policy regarding consultation on planning applications should be clarified.

Objection to range of applications, which will be encouraged for consultation.

Types of applications are too prescriptive.

Objection to the inclusion of the first two descriptions of major applications described on Table 2, Residential development in excess of 100 dwellings or 3 hectares and employment development in excess of 5 hectares.

The first 2 categories of application detailed in Table 2 should be removed.

Objection to developments on sites in the third tier of Table 2 entitled “other applications” where developments on sites of 0.5 hectares or more are likely to be contentious or generate local concern. The threshold of 0.5 is too low and should be deleted.

A copy of the Submission Document SCI is enclosed. The Council considers there are no additional documents relevant to the preparation of the document.

**APPENDIX A:
SUMMARY OF RESPONSES TO SUBMISSION DOCUMENT**

Respondent	Summary of Representation
Supporting Representations	
RN: 03 National Farmers Union	<p>Pleased to see landowners included in the target groups.</p> <p>Do not overestimate the use of the internet. Many people in rural areas are without broadband and cannot download large documents.</p> <p>We hope that the NFU is included in the list of other consultation bodies mentioned in Appendix 4 Section 3.</p>
RN: 189 Peacock & Smith	WM Morrison would like to be kept informed and consulted on further stages of preparation of documents, which will comprise the LDF.
RN: 363 National Forest Company	NFC supports the inclusion of the NFC as a consultation body for the Charnwood LDF.
RN: 372 Charnwood Disability Forum	Supports document in terms of reference to disability groups.
RN: 379 Gordon Smith Associates	Would like notification of the submission of a DPD to the Secretary of State, the publications of an inspector's report and the adoption of a DPD or SPD and all stages in the plan review process.
Objections	
RN: 24 Leicestershire Constabulary	In accordance with PPS12, Appendix 4 should be expanded to cover where appropriate other consultees including Police Architectural Liaison Officer.
RN: 164 Storer & Ashby Area Residentis Group	<p>Paragraph and page numbering on all public documents. These responses would have been far simpler if the SCl had been done in this format.</p> <p>Where documents are on the website there should be an electronic link directly to the document. All documents should be provided in an electronic format.</p> <p>Leaflets and documents that have been distributed should be monitored to ensure they have been delivered, as there have been a number of instances where the notification period does not appear to have worked. The solution is a selective monitoring process to provide audit trail of process effectiveness.</p> <p>The address database on P5 could not be found and or how to sign up for it.</p> <p>The validity and sustainability of the entire consultation process depends on there being respect for the systems being used to carry it out. Any consultation must contain a transparent and independently verifiable mechanism to demonstrate it is effective. The mechanism must be available to anyone who is interested. For example, where leaflets are distributed to inform stakeholders of a consultations and /or requesting feedback from the leaflet, it is essential to know that a defined fraction of the target audience could have known and participated in that process. One way to ensure this is to set up a contact database throughout the Borough, who can be randomly sampled to determine whether any particular communication reached the intended destination. This process should be subcontracted out from the</p>

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	<p>Council to ensure no conflict of interest could arise.</p> <p>Page 6- Early warning notices should also be subject to monitoring.</p> <p>Page 8-, Feedback. Where the answer appears to have misunderstood the point or avoids the issue, the response must be challengeable and a further response issued as an addendum to the consultation process.</p> <p>Meetings with groups to provide feedback welcomed, but an audit trail of such meetings must be maintained to demonstrate this is happening.</p> <p>Page 10, Column 3, Key stakeholders should all be listed on each consultation document and a method to correct the list should be in place.</p> <ul style="list-style-type: none"> • Give confidence this assessment is being carried out • Will inform participants which stakeholders have been designated in any particular consultation • Correct any errors or omissions <p>Column 3, possible use of Citizen's panel is potentially of great merit. Reference should be to Appendix 3.</p> <p>Column 5 (also page 12) Each consultee should be advised that a summary of responses has been published, (including the website link to the document).</p> <p>Page 11, Column 1, consider the use of free papers for adverts or inserts for this.</p> <p>Page 18- The time limit for addressing Planning Committees imposed upon mandated councillors should be removed. Alternatively the same time limit should be placed on officers.</p> <p>Pre Application Discussions -We are concerned about the terms larger, sensitive and controversial. Table 2 goes some ways to outline what is larger, but completely avoids the other two designations.</p> <p>We are concerned who deems what is sensitive or controversial and on what basis.</p> <p>At present it seems that such important designations are used in an arbitrary way by unmandated officers without firm guidance. We propose this is rectified.</p> <p>Our experiences with controversial 106 agreements are that they do not involve dialogue with either officers or developed pre submission. We propose that both these dialogues should be offered, though not on the same occasion. This would enable an officer to advise on policy, preventing immaterial objections while maintaining officer neutrality highlighted on P19 and it would help diminish the impression that the planning process is heavily in favour of the applicant, which undermines confidence in the planning process.</p> <p>At final para a new designation of significant and strategic are introduced without explanation which makes the remainder of the document</p>

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	<p>difficult to understand.</p> <p>Why should major applications have less consultation than significant applications?</p> <p>Page 20, paragraph 1 says “It is not prescriptive”. There is concern about this sentence.</p> <p>Guidelines should be followed unless there is a public presentation of the reasons not to do so. There must be a mechanism to challenge any reasons given.</p> <p>P26, Citizen’s panel. 1600 persons is ambitious given the low turnout to ABC consultation meetings. The Needs to ensure representative comment applies here too, despite the large number base,. Please explore in subsequent consultation.</p> <p>Citizen’s Jury. Is this similar to Town Team? Small number of members is a concern.</p> <p>Page 28 (comments below also apply to the Statement of Consultation pages 21 & 22). We feel there is scope to enhance the credibility of the planning system using simple methods.</p> <p>Notification level should reflect the scale of the development. For example, an application for 100 dwellings should notify the immediate neighbours plus an additional 100 nearest to these, An application for 10 dwellings should notify the immediate neighbours plus 10 additional to these. Where developments have few neighbours, consideration should be given to directing an equivalent notification level to stakeholders adjacent to roads principally affected by the traffic associated with the development.</p> <p>We have experienced instances where the notification process did not appear to work. An audit trail needs to be available to resolve such instances, as this brings the planning process onto disrepute. This could be achieved by sending all notifications by recorded delivery.</p> <p>Council Office opening times are a significant barrier to people who work during those hours. Documents in an application file should be available to download from the website at all times. Please give a comment to a date from which this can be expected in every instance.</p>
<p>RN: 165 House Builders Federation</p>	<p>The HBF would like all its details included on the Council’s database of interested parties, so it can be involved at all relevant opportunities in the planning process.</p> <p>The Council should communicate by letter and/or emails with regard to the production of draft or adopted DPDs and SPDs. Clear and detailed information on the Council’s website is welcomed, but, it will be of little benefit unless it is specifically drawn to the attention of all interested parties.</p> <p>Hopefully landowners, planning agents and developers will be directly consulted in relation to new documents and where appropriate invited to be involved in developer’s workshops and focus groups.</p> <p>A developer’s forum should be considered.</p>
<p>RN: 166 Leicestershire County Council</p>	<p>Good practice to have a redress procedure for people who are not happy with the way their representation is handled.</p> <p>In relation to press alerts sent to local radio stations - should include ethnic radio stations.</p>

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	<p>The proposals of the Community Cohesion Pathfinder project to seek funding for a community Engagement and Empowerment Project to enable hard to reach groups in the identified areas actively participate in the range of activities is commendable. It is unclear, what alternative strategies will be explored should funding not be available.</p> <p>The option to provide representation other than in the written format should be offered to people who have difficulty writing. Staff could be made available to scribe. Not clear whether planning documents are available free of charge to enable full inclusivity.</p>
RN: 195 Environment Agency	For large developments the Council should involve Key Stakeholders to resolve potential planning issues prior to the submission of planning applications. The Environment Agency welcomes early engagement on issues, such as flood risk, that can require in-depth analysis and the preparation of reports, which often cannot be achieved within the target timescale for the determination of a planning application.
RN: 196 S Rasaiah	<p>P21 Involving hard to reach groups. Relating to the final paragraph, the funding is from the Learning and Skills Council's Neighbourhood renewal Fund distributed by the Learning Partnership.</p> <p>The first phase of the project ends in July 2005. There has not been any capacity development to engage in the planning process. If this community engagement and development could be sustained in terms of funding then there could be scope to empower residents to take an active role in neighbourhood renewal and the planning process.</p> <p>The fact that the Council is committed to engaging a wide range of groups in the planning process is welcomed, and in keeping with the new planning legislation. However the SCI does not address how communities in the most deprived parts of Charnwood will be engaged from an early stage and kept involved throughout the planning process.</p> <p>With the end of the Pathfinder Project there is not a process for engaging with these communities. The SCI does not identify how these groups will be engaged.</p>
RN: 212 Pegasus Planning Group	<p>The SCI does not clearly describe the policy for consultation on planning applications.</p> <p>Objection to Table 2 on P19. The types of applications described in the LPAs second tier entitled 'major applications' are too prescriptive and not in accordance with advice contained at paragraph 6.2.4 of the ODPM guidance "Statements of Community Involvement and Planning Applications".</p> <p>Objection to the inclusion of the first two descriptions of major applications described in Table 2, Residential development in excess of 100 dwellings or 3 hectares and Employment development in excess of 5 hectares. The first two categories of application detailed in Table 2 should be removed.</p> <p>Objection to the third tier of Table 2, Other Applications where development on sites of 0.5 hectares or more that are likely to be locally contentious or generate significant local concern following submission of the application. The threshold of 0.5 hectares is too low and should be deleted.</p>
RN: 311 British Waterways	British Waterways should be listed in the other consultation bodies section of Appendix 4.
RN: 326 R I Porter	Objecting to the SCI. However, Planning has tried hard to engage a response from the public, but people are still unaware of the community involvements. The forms are hard to understand, the tight timescale and the cost of the reports.

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	<p>How will people respond who do not usually respond?</p> <p>Planning has proposed changes to make the system more open and proactive for residents, it however does not go far enough. Objectors in the planning service are disregarded, however applicants are helped.</p> <p>It is difficult to be taken seriously under this present system.</p> <p>Planning finds it easier to pass applications than to assist objectors. Planning is supposed to be fair and unbiased so will resources be there to enable this.</p> <p>Planning cannot see the long term consequences of its decision s it places before planning committees. No wonder Charnwood has had such bad feeling expressed to this department. Can you bring a sense of fairness to deliberations? A fair system should be in place now.</p> <p>Expresses serious concerns about experiences of Planning Committee meetings. Does not appear to be a fair system.</p> <p>I have noticed 106 agreements are used by the planning department. They know it is not their job to enforce them, nor can they be enforced affectively. Are they used to give the department an easier life?</p> <p>Major applications should have two planning officers dealing with the application. One makes a case for and the other a case against. Both reports are presented at committee for voting on. Option of a two stage pass, where the developer commits the idea to planning who look at it also engaging community involvement. This way enables key guidelines to be followed as the developer draws up a final plan for submission.</p> <p>If a planning officer recommends a controversial project, he must defend his recommendations against objectors at committee.</p> <p>The role of total decision making should be taken away from Planning and all departments should be involved. They should comment on the relevant parts which should then go to an independent council department, not connected with developers or objectors who decide how best to proceed.</p>
<p>RN: 329 William Davis Ltd</p>	<p>Policy regarding consultation on planning applications should be clarified.</p> <ul style="list-style-type: none"> • The text of post submission consultation refers to public exhibitions or meetings being held but table 2 suggests that these two methods are not interchangeable. • Table 2 uses mixed descriptions of strategic and significant. • Table 2 refers to planning aid without explanation as to how this can assist consultation,
<p>RN: 366 East Midlands Development Agency</p>	<p>Notification criteria were sent to all local authorities, which detailed the types of planning applications that the Agency wished to be consulted on. This should be referred to in the section on Consulting on Planning Applications on PI7 of the SCI. An additional category of development should be included in the table.</p>

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RN: 367 The Woodland Trust	The Woodland Trust wants to be added to the list of environmental organisations consulted on planning policies and to the list of consultees for planning applications that directly or indirectly affect ancient woodland.
RN: 368 East Midlands Regional Assembly	No comments about the SCI other than DPDs must be able to demonstrate general compliance with the policies set out in RSS8.
RN: 369 The National Trust	<p>The National Trust should be added to the list of other consultees at Appendix 4.</p> <p>Table I in respect of DPDs it is stated under “informing” that copies of documents will be sent to appropriate specific and general consultation bodies. This reference is not made in respect of SPDs. All these bodies should receive these documents automatically.</p> <p>Concern about how the Council will decide which bodies are appropriate in respect of DPDs. The text should be amended so that the specific and general consultation bodies either receive a copy of the document, or receive individual notification of the relevant consultation. Table I should be amended accordingly in respect of the consultation stages for DPDs.</p>
RN: 373 Sure Start	<p>The SCI does not address the point of how ‘hard to reach communities’ and those who are faced with considerable new development, will be effectively engaged, empowered and involved in the planning process.</p> <p>Community representatives should be involved in formulating planning briefs and short listing developers.</p> <p>There is mention in the table of ‘possible use of planning for real’. The majority of consultation approaches are still about doing more of the same, leafleting, exhibitions, LSP Forum etc. Work needs to be done talking to those who do not normally engage, but are often the most affected by development to see how they would like to be involved before adopting the SCI. Local groups are emerging who could help with this.</p>
RN: 374 Melton Rutland & Harborough PCT	Appendix 4, Part I Specific Consultation Bodies needs to include Primary Care Trusts.
RN: 375 GOEM	<p>Appendix 4 should be expanded to identify in general terms the local community groups and other bodies that will be consulted.</p> <p>General Consultation Bodies - the voluntary bodies should state ‘voluntary bodies some or all of whose activities benefit any part of the authority’s area’ as the remainder of this section quotes exactly from the Regulations.</p> <p>Other Consultation Bodies - The types of bodies set out in this part of the appendix looks rather limited when compared to the other consultees just given in Annex E of PPS 12. The council should satisfy itself that appropriate types of organisations have been consulted and the list as Appendix 4 reflects all the types of groups involved. Should refer to consultation with Government Office and other government departments.</p> <p>Other Comments:</p> <p>The word significant in the first paragraph should be deleted.</p> <p>The word ‘draft’ in line 5 of the second paragraph should be removed. The final sentence needs to make it clear that the Council’s consideration of planning applications will follow the procedures for consultation and engagement in the SCI.</p>

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	<p>P6 - first sentence of the final paragraph should read The Town and Country Planning (Local Development) (England) Regulations 2004.</p> <p>Table 1 Preparation of DPDs under Participating. Issues and Options and initial sustainability report column, it may be useful to indicate how the community and stakeholders can assist in developing the evidence base for DPDs.</p> <p>Stage of Production - Submission of DPD to SoS - Informing Column. Mention the sustainability appraisal report will be sent to the DPD bodies at this time.</p> <p>Stage of Production - Adoption - informing column. This could note that the sustainability report will also be available for inspection.</p> <p>The adoption statement must be sent to any person who has asked to be notified of the adoption of the DPD as set out in Regulation 36(d) of the Town and Country Planning (Local Development) (England) Regulations 2004.</p> <p>Table 1 Preparation of SPDs - Adoption - Informing Column. The adoption statement must be sent to any person who has asked to be notified of the adoption of the SPD.</p> <p>P19 - Post Submission consultation - Table 2, it would be desirable to adopt the same terminology or the categorisation of applications; either strategic or significant.</p> <p>Appendix 2 - Criteria for assessing soundness - fifth bullet point. To accord with wording in paragraph 3.10(v) of PPS12 the words "and for particular communities" should be deleted.</p> <p>Appendix 2 - Criteria for Testing Soundness. The Appendix omits the final test set out in paragraph 3.10(ix) of PPS12.</p>

APPENDIX B- COPIES OF REPRESENTATIONS