

INSPECTOR'S REPORT
DARTFORD BOROUGH COUNCIL
STATEMENT OF COMMUNITY INVOLVEMENT

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Dartford Borough Council - Statement of Community Involvement (June 2005)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of the Dartford Borough Council Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act. Following paragraph 3.10 of Planning Policy Statement 12: Local Development Frameworks the examination has been based on the 9 tests set out (see Appendix A). The starting point for the assessment is that the SCI is sound. Accordingly changes are made in this binding report only where there is a clear need in the light of the tests in PPS 12.
- 1.2 A total of 21 written representations were received all of which have been considered. Clarification on several matters was sought from the Council and the response received has been taken into account in preparing this report (see Appendix B).

Test 1

- 2.1 The Council has undertaken the consultation required under Regulations 25, 26 and 28 of the Town and Country Planning (Local Development) (England) Regulations 2004 as evidenced in the submission and pre-submission consultations statements.
- 2.2 This test is met.

Test 2

- 3.1 The SCI does not precisely set out the relationship between other consultation exercises, particularly the community strategy and LDF consultation.

Recommendation:

(R1) The following text should be inserted between paragraphs 2.17 to 2.18.

"The Council recognises the advantages of joint community involvement processes where these other processes can be used to gather further information or validate local objectives and priorities. Where there are common aims or needs, the Council will co-ordinate its efforts to make more efficient use of resources and emerging information."

- 3.2 Subject to the insertion of the above amendment the test is met.

Test 3

4.1 The SCI does not provide details regarding who will be consulted. However, the requirement is for Council to identify in "general terms" the bodies and groups to be consulted. Given the reference to PPS12 and the information therein it is considered that this test has been met, albeit minimally.

4.2 This test has been met.

Test 4 and Test 5

5.1 These tests are considered together as they are interrelated. Section 2 sets out the type of methods that will be used for public consultation and Appendix 2 sets out which methods are most suited to the preparation of particular documents. However the SCI does not acknowledge the importance of early consultation and I recommend an insertion into the text at Paragraph 2.12 to address this concern. Furthermore the SCI also needs to clarify the role of developers in the consultation process and the availability of information. I consider that the post submission changes suggested by the Council meets this legitimate concern.

5.2 Paragraphs 2.31 to 2.37 sets out the Council's approach to hard to reach groups, setting out potential barriers to access and solutions to these difficulties, meeting this aspect of the tests.

Recommendations:

(R2) Add the following text to the end of paragraph 2.12 "The LDF system places considerable emphasis on frontloading – that is early and effective consultation. As such the Council will ensure that there is sufficient time and resources made available for early consultation."

(R3) Add to the end of paragraph 2.8: "We will write to those who have asked to be kept in touch by letter."

(R4) Insert new paragraph after paragraph 2.6 to read: "We will send out consultation documents for the start of each consultation period, in either electronic or paper format as requested."

(R5) Amend the third sentence of paragraph 2.13 to read: "The Council is aware that this list does not include local businesses, landowners, developers or groups or private individuals and will include them as specific groups to target."

(R6) Amend the first sentence of paragraph 2.20 to read: "After you have had the opportunity to comment on the draft Local Development Framework documents toward the end of 2005, all representations received will be presented to the Cabinet and General Assembly of the

Council who will consider them, form a view, and decide what changes need to be made.”

(R7) Paragraph 2.24: Replace the phrase ‘the community’ in paragraph 2.24 by: “landowners, developers, statutory consultees and the local community”

(R8) Amend paragraph 2.28 to read: “Once we have heard what you have to say about the LDF your comments will be presented to the Cabinet and General Assembly of the Council who will consider them, form a view and decide what changes to the plan are needed, and include these before the next draft is published.”

5.3 Subject to the insertion of the above amendments the test is met.

Test 6

6.1 Section 3.1 of the SCI provides adequate detail about resources and management of the process. Although the SCI does not contain specific financial information on resource management, the Council is clearly aware of the labour, time and cost implications of effective community involvement.

6.2 This test has been met.

Test 7

7.1 Section 2.28 to 2.30 sets out how the Council will utilise information obtained from consultation, and that it will prepare a compliance document for each LDF document in order to report how the results of consultation have been addressed.

7.2 This test has been met.

Test 8

8.1 Paragraphs 2.38 – 2.41 of the SCI provides general information on monitoring and review including the use of the Annual Monitoring Report.

8.2 This test has been met.

Test 9

9.1 The SCI meets the minimum legislative requirements in terms of consultation as set out in Section 4 and Appendix 3. Paragraphs 4.3 and 4.4 provide information on pre-application consultations. Appendix 3 distinguishes between minor and major applications. However additional text is necessary as it is not clear from the SCI how the results of this consultation will feed into the decision making process. Greater clarity is also needed regarding pre-application discussions.

Recommendations

(R9) Paragraph A3.7 should be amended to read:

“Planning applications are determined by the Council’s Development Control Board (DC Board) unless the application satisfies the Council’s delegated authority criteria. The Board is made up of elected members who are responsible for determining planning applications. Planning officers prepare written reports for the Development Control Board, which summarise all planning related comments received.

The Council has given delegated authority to named senior planning officers to approve planning applications, with or without conditions, where they comply with the Development Plan and other relevant planning policies and there has been no written objection on planning grounds. Delegated authority has also been given for these named officers to refuse planning applications where the application does not comply with the Development Plan or other relevant planning policies and no clear letter of support on planning grounds has been received.

This delegated authority is given for the following types of planning application:

- Full or outline;
- Reserved matters or discharge of planning conditions;
- The felling, lopping etc., of trees covered by a Tree Preservation Order or in a Conservation Area;
- Consultations undertaken by the Kent County Council in respect of their proposals to carry out development or applications which fall to them to be determined;
- Consultations from neighbouring authorities inviting comment on proposed development in their area.

Delegated authority for refusal also includes planning applications for Listed Building Control and for Conservation Area Consent.”

(R10) Amend paragraphs 4.3, and add a new paragraph 4.3a and amend the last sentence of paragraph 4.4 as set out below:

Paragraph 4.3 “The best time to influence development proposals can be before a planning application has been submitted and ideas have become fixed. The Council encourages developers to discuss their proposals with the Council at an early stage.

Paragraph 4.3a “In certain cases, such as proposals that are large in scale, or are likely to affect a local community or perhaps do not comply with the Council’s planning policies, we will encourage developers to undertake pre-application public consultation. This could take the form of leaflet drops, public meetings or public exhibition so that members of the public can discuss their proposals with them. Some developers also

provide websites for their developments. In these cases, we will provide links from the Council's own website."

Paragraph 4.4: "Where developers propose a public exhibition we will aim to ensure as follows:"

(R11) Delete bullet points 8 and 9 and insert the text as given below as a new bullet point 8:

"• The developers should prepare a report summarising the process, identifying local concerns (where appropriate the Council will seek verification of this summary) and showing how these have influenced the resulting application process. This report should be submitted to the Council at the time of application."

9.2 Subject to the insertion of the above amendments the test is met.

Conclusion

10.1 In order that the SCI correctly reflects current circumstances the Council have suggested amending the document in line with the recommendations set out below:

(R12) Amend Section 1 as given below: (The following convention has been used – new text is emboldened and deleted text has been struck through.)

1. Delete Notice of Submission Statement of Community Involvement.
2. Contents
"Section 1: Introduction

~~About the Statement of Community Involvement Process – How you can influence the way the Council proposes to involve the community in planning."~~
3. Page 1 – Stages in the Process of Approving the SCI. Delete the process diagram.
4. Paragraph 1.2: delete the word 'Submission' in the third line.
5. Delete paragraphs 1.4 to 1.7 inclusive and insert the following text as a new paragraph 1.4:

"An independent examination of the Dartford Borough Council Statement of Community Involvement has been carried out by the Planning Inspectorate in accordance with the regulations. This Statement has been amended to incorporate the binding changes set out in the Inspector's Report and it has been adopted by the General Assembly of the Council at its meeting on (date to be inserted)."

(R13) The Council have also proposed further changes to correct a typographical error, to ease understanding of acronyms and to reflect the adopted status of the document:

- 1) At paragraph 2.1 after 'Local Development Framework' insert '(LDF)'.
 - 2) At paragraph 2.23 after 'Supplementary Planning Documents' insert '(SPD)'.
 - 3) At paragraph 3.1 in the fifth bullet the spelling of Groundwork Kent Thameside needs correcting to 'Groundwork Kent Thames-side'.
 - 4) The recommended changes will result in changes to the page numbering which will need to be reflected on the Contents page.
 - 5) The header on each page will need to be amended to read:
"Dartford's Statement of Community Involvement – (publication date – month and year – to be inserted).
 - 6) The title page will need amending by the deletion of the word 'Submission' and the inclusion of the correct publication date.
- 10.2 Subject to amendment in accordance with the above recommendations the Dartford Statement of Community Involvement (June 2005) is sound.



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