

**Buckinghamshire County Council**

**Consultation Pre-Submission Draft  
Statement of Community Involvement**

**EXECUTIVE SUMMARY**

**December 2006**

## 1.0 Introduction

- 1.1 Recent reform of the planning system has introduced the need for local planning authorities to adopt a formal **Statement of Community Involvement (SCI)** explaining how and when people can be involved in planning. Whilst the District Councils are the local planning authority for most types of development in Buckinghamshire, the County Council is responsible for minerals and waste matters as well as for its own development for services that it provides, such as schools and roads.
- 1.2 In addition to influencing the form of the SCI itself, there are two areas of County Council planning where people can become involved: the preparation of the **Minerals and Waste Local Development Framework (MWLDF)**; and **development control** (planning applications and other matters).
- 1.3 The MWLDF is a portfolio of **local development documents (LDDs)**, one of which is the SCI. *Figure 1 on page 4 of the pre-submission draft SCI illustrates the documents that are proposed to make up the MWLDF.*

## 2.0 The Minerals and Waste Development Framework

- 2.1 For the SCI the County Council intends to build on established methods to encourage as much involvement of the community as possible within the resources available. As the matters that the County Council deals with are often contentious it is important that people are involved at an early stage, kept informed, and encouraged to take responsibility for the development of their area.
- 2.2 The SCI must be sound in its approach and the Government has defined a number of **tests of soundness** that it has to meet. *These are set out at paragraph 2.8 of the pre-submission draft SCI.*
- 2.3 The planning reform has also introduced the need for an annual monitoring report to measure the performance of LDDs, including the SCI. If a material shortfall in its objectives is identified, there will be a **review** of the SCI.
- 2.4 The purpose of the other LDDs in the MWLDF, on which community involvement is sought, is to provide policies and proposals for guiding where and how minerals and waste management development should be

carried out in the Council's area. In so doing a balance must be found between need for the development and protection of communities and the environment.

These LDDs include **development plan documents (DPDs)**:

- **Minerals and Waste Core Strategy**;
- Detailed Minerals Development Control Policies and Preferred Areas for Development (**Minerals DPD**);
- Detailed Waste Development Control Policies and Preferred Areas for Development (**Waste DPD**); and
- **A proposals map**,

and possibly in future **supplementary planning documents (SPDs)** to expand policies or provide additional detail.

- 2.5 In addition accompanying the Framework is a **Sustainability Appraisal (SA)**, which is an evaluation of the DPDs against social, economic and environmental criteria.
- 2.6 The County Council will comply with and exceed the **minimum statutory consultation requirements** at the various stages of producing LDDs. *The stages identified below are shown graphically for the SCI in Figure 2 on page 10 and for other LDDs in Figure 3 on page 23 of the pre-submission draft SCI.*
- 2.7 A variety of **means of encouraging involvement** and making contact may be used, ranging through: bullet point information (questionnaires, newsletters etc) for those who like to consider whether they want to get involved; full copies of documents for those who like to have more detailed information; individual contact for people who would like to discuss or clarify specific issues; and events for those who prefer to attend and talk in person. *The proposed consultation methods are set out in more detail at paragraphs 2.25 and 3.25 and Appendix 1 of the pre-submission draft SCI.*
- 2.8 There will be an initial **“scoping”** consultation phase over a six week period for all LDDs and the SA.
- 2.9 The next stage for DPDs and the SCI is a further six week consultation period. For the SCI a draft document is produced. For DPDs this stage is called **Issues and Options**, comprising a report setting out the issues that have been identified and possible options for dealing with them.

- 2.10 As the initial two consultation phases are about informing the public and ascertaining views, the methods to be used will largely be written contact, reference copies and information on the website. Getting involved at this point is the best means of influencing the form documents take. It is hoped that people will become involved early in the process, and remain involved, to foster a sense of ownership of the document. This is called “**frontloading**”. It is important that people understand the various options available. However, the documents must also work in the interests of everyone and provide a realistic and effective way forward.
- 2.11 Having taken into account the initial comments new documents are then produced and are subject to a six week public participation exercise. For the SCI a revised (or pre-submission) draft is published, for DPDs the **Preferred Options** are set out, and for an SPD, a draft document is issued. The evolving conclusions of the SA on the DPD are also available for comment.
- 2.12 This stage is about participation, so additional methods, such as exhibitions and press releases may be used to engage the public. The Minerals and Waste DPDs will also be identifying **specific preferred areas** for mineral extraction and waste management development. So there will be extra consultation with the individual communities affected by such proposals, including meetings where appropriate. Getting involved at this time helps the County Council to refine the documents. Comments on specific sites provide a better understanding of the range of issues that need to be addressed.
- 2.13 Having again been informed by the comments received the County Council finalises the documents. A **Submission** SCI and DPD are sent to the Secretary of State and there is a further period of six weeks for representations. A final SA would accompany the Submission DPD.
- 2.14 In the event that representations are received on a Submission DPD that include proposals for alternative site allocations or boundary changes to an identified site, there will be a further six week consultation period on the “**site allocation representation**”.
- 2.15 At this final stage the aim of consultation is to provide feedback, therefore the methods are likely to be very similar to those used in the initial phases. The comments received are the only ones that are considered at **independent examination** of the documents by an inspector. This would

be conducted by written representations or by a hearing if people wish to be heard.

- 2.16 The County Council must make any changes recommended by the inspector before **adoption** of the SCI or DPD. A SPD would be adopted by the County Council without being the subject of independent examination.
- 2.17 The **times** at which people can expect to become involved in preparation of LDDs are set out in the **Minerals and Waste Local Development Scheme (MWLDS)**, *which is available on the Council's website*. Whilst the consultation periods have been set at six weeks, every effort will be made to consider late responses at the draft stages, so long as this does not unduly delay matters. It is also hoped to give District and Parish/Town Councils advance notice of the consultation exercises, and to avoid main holiday periods.
- 2.18 There are two types of **consultation bodies**: "specific" and "general". The first group are defined in Regulations and are wider for DPDs and SPDs than for the SCI. The second can be any other groups, organisations or individuals who might be interested in the document. *The pre-submission draft SCI provides more detail on the nature of consultation bodies for LDDs at paragraphs 2.21, 2.22 and 3.23.*
- 2.19 The County Council aims to make specific efforts to encourage community involvement on as wide a basis as possible, including amongst those who might not think they have an interest or feel excluded. *Paragraphs 2.23-2.24 of the pre-submission draft SCI identify the types of people that might be hard to reach*, and that one of the means of encouraging their participation would be via contacts in Voluntary and Community Sector organisations (as identified in the Buckinghamshire Compact *available on the Council's website*).
- 2.20 The County Council also intends to make use of the community involvement work done for the **Community Strategy** (*more detail is given of the nature of this document at paragraph 2.18 of the pre-submission draft SCI*), and to utilise joint consultation arrangements with other strategies carried out by the County Council or other authorities/organisations.
- 2.21 The County Council will **acknowledge representations** received and will provide an explanation of how these have been taken into account in

making changes to the document as well as the rejection of any suggestions.

- 2.22 As the proposed means of community involvement in preparation of LDDs is to build on methods already in place, the **resources** to manage it effectively should be available. Locally based events are costly in terms of staff time and the need to hire premises. Consequently the County Council intends where possible to hold such events for groups of communities and reserve them for issues that cannot effectively be dealt with in any other way.

### 3.0 Development Control

The types of development control matters in which the community can become involved include:

- **Planning applications**
- Requests for **approval of details** to comply with planning conditions
- **Prior notification** of works under permitted development rights
- Applications for a **certificate of lawfulness** of existing or proposed development (**LDC**)
- **Enforcement** against unlawful development
- **Planning appeals**

- 3.1 The **existing procedures** described in the following documents, *which can be found at Appendix 3 of the pre-submission draft SCI*, set the basis for the Council's approach to community involvement in development control matters:

- **Development Control Charter**
- **Development Control Decisions How to Have Your Say**
- **Planning Enforcement Service Guide**

- 3.2 As a minimum the County Council complies with the **various statutory requirements** for involving the community in development control matters. *The full range of consultation methods that may be used is set out in more detail at paragraph 4.15 of the pre-submission draft SCI.*

- 3.3 The County Council encourages applicants to have **pre-application discussions**. These allow early identification of the key issues and can help achieve a solution that works in the interests of everyone. Where the

applicant involves the local community this can foster a sense of local ownership of the project and make for a smoother consultation process.

For all **planning applications** the County Council will:

- consult the relevant district planning authority;
- consult the relevant parish/town council/meeting, and the adjoining parish, where the proposal is on or close to a parish boundary;
- consult bodies that can provide specialist comment on the proposal;
- erect at least one site notice;
- notify occupiers of neighbouring property and land;
- make the application documents available at County Hall and the local library and ask parish/town councils/meetings to make them available;
- place information on the Council's website; and
- have officers available to discuss issues.

- 3.4 In the case of significantly **amended applications** the County Council will consult again on the revised details with the district and parish/town councils and those consultation bodies or neighbours, who are likely to have an interest in the change.
- 3.5 With regard to **other development control procedures** the County Council is likely to consult with those consultation bodies or neighbours who would be affected or whose earlier involvement has led to the application.
- 3.6 The **consultation periods** are normally 35 days for district planning authorities and 21 days for other consultation bodies. (Natural England also has 28 days in cases where a Site of Special Scientific Interest (SSSI) is affected). Comments are invited within 21 days of the date of a site notice or neighbour notification letter, or 14 days of a local newspaper public notice.
- 3.7 Parish and town councils/meetings may have **extra time** if there is no meeting available before the response deadline. In addition it may be possible to extend the consultation period (for other consultation bodies also) in appropriate cases. In co-operation with applicants efforts will be made to give advance notice of proposals to councillors, parishes and local interest groups.

- 3.8 The County Council will still take **late responses** into account, provided that they do not unduly delay decisions. The County Council is under some pressure from the Government to determine applications in a timely manner.
- 3.9 In the case of **enforcement**, officers are available to take complaints, confidentially if appropriate, and the complainant will be advised of any action taken. The local County Councillor and parish/town council/meeting will also be kept informed, so that they can let local people know what is happening if need be. Officers are also available to discuss ongoing cases and to meet on site in certain circumstances.
- 3.10 The County Council will **acknowledge representations** received from members of the public and will provide reasoning for its decision.
- 3.11 **Decisions** on development control matters are made either by the County Council's Development Control Committee or for non-contentious matters by senior officers under delegated powers.
- 3.12 All members of the public have a **right to address the Development Control Committee** on items on which they have made representations. Other individuals/organisations entitled to speak at committee are parish/town councils/meetings, the applicant and the local County Councillor(s).
- 3.13 All those who make representations on a planning application will be sent a **letter or e-mail advising of the decision** after it is issued to the applicant.
- 3.14 For **appeals** against the refusal of planning permission the County Council will notify all those people who made representations on the planning application of the opportunity to make further comment. For appeals against enforcement action and other decisions the County Council will in addition notify occupiers in the locality of the site. For all appeals interested parties will be notified of the timetable and the venue if a hearing or inquiry is to be held.
- 3.15 As the proposed means of community involvement in development control matters builds on methods already in place, the **resources** to manage it effectively should be available.