

<b>BODY</b>	<b>CABINET</b>
<b>DATE</b>	<b>12 April 2006</b>
<b>SUBJECT</b>	<b>Eastbourne Borough Council's Statement of Community Involvement (SCI)</b>
<b>REPORT OF</b>	<b>Director of Economy, Tourism and the Environment</b>

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<b>Ward(s)</b>	All
<b>Purpose</b>	To present the final version of the Council's Statement of Community Involvement (SCI) incorporating the changes required in the binding Inspector's Report for approval and subsequent publication.
<b>Contact</b>	Iona Cameron, Planning Policy Manager, 68 Grove Road, Eastbourne, Tel no: (01323) 415249, E-mail: iona.cameron@eastbourne.gov.uk
<b>Recommendation</b>	To approve formally the Eastbourne Borough Council, Local Development Framework Statement of Community Involvement for adoption and publication.

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## **1 Introduction**

- 1.1 A key element of the Local Development Framework (LDF) is the Statement of Community Involvement (SCI). It explains how Eastbourne Borough Council will try to involve the local community in planning. The Statement explains how the local community can be involved in the preparation of planning policy as well as decisions on planning applications.
- 1.2 The SCI has been subject to several rounds of public consultation, scrutinised at several previous cabinet meetings and examined by the Planning Inspectorate.

## **2 Adoption of the SCI**

- 2.1 Eastbourne Borough Council received the binding final Inspectors Report on 10 February 2006. This judged the Eastbourne SCI to be 'sound' according to the 'Nine tests of Soundness' which all SCI documents must now comply. These are a combination of tests derived directly from the Planning and Compulsory Purchase Act (2004) and good practice guidance from the Planning Inspectorate.

2.2 The nine tests of soundness are:

**Test i:** The Local Planning Authority (LPA) has complied with the minimum requirements for consultation as set out in Regulations.

**Test ii:** The LPA's strategy for community involvement links with other community involvement initiatives, e.g. the Community Strategy.

**Test iii:** The SCI identifies in general terms which local community groups and other bodies will be consulted.

**Test iv:** The SCI identifies how the community and other bodies can be involved in a timely and accessible manner.

**Test v:** 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.

**Test vi:** The resources are available to manage community involvement effectively.

**Test vii:** The statement shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents.

**Test viii:** The authority has mechanisms for reviewing the SCI.

**Test ix:** The SCI clearly describes the LPA's policy for consultation on planning applications

- 2.2 The Planning Inspector's report is attached as **Appendix A**. The Inspector's report identified only a few relatively minor amendments needed. These are incorporated in the final SCI. The full text of the SCI has been sent to Cabinet members, the Opposition Leader and Opposition Spokesperson. A copy is on the Council's website, in the Members' Room and at Reception for public inspection purposes. To view please go to:  
<http://www.eastbourne.gov.uk/council/meetings>

### **3. Consultation**

- 3.1 The SCI has been scrutinised through various stages. A draft SCI underwent consultation from 22 February to 4 April 2005. All comments received were taken into account and reported to Cabinet on 1 June 2005. The SCI was then amended to take account of any necessary changes and a submission version was then produced.
- 3.2 Consultation on the submission version was undertaken from 15 June to 26 July 2005. A second round of consultation occurred from 21 November to 5 December 2005 at the request of the Planning Inspectorate due to an omission in our mailing list. This was to ensure that all stakeholders and consultees were not prejudiced by the first omission.

3.3 No individuals/organisations wished to appear and present their case at a public examination. Four representatives, however, wished to have their objection considered as a written representation.

3.4 The final submission version was submitted to the Planning Inspectorate (PINS) on 13 December 2005 along with the necessary regulations statements outlined in the Town and Country Planning Regulations 2004.

#### **4. Implications**

##### **4.1 Eastbourne Borough Plan 2001 – 2011**

The Borough Plan consists of various chapters which will be gradually updated. All new policies and proposals must comply with the guidance set out in the SCI if they are to be judged as 'sound' by the Planning Inspectorate at Public Examination.

##### **4.2 Financial**

The LDF has been funded through the Planning Delivery Grant (PDG) as well as an annual Base Budget of £13,000. This report has no financial implications that have not already been considered as part of the Service and Financial Plan. No specific budget item has been identified for Community Consultation in Planning Policy Unit. However the PDG should be sufficient to cover future costs up to 2008. A further report will be put before Cabinet outlining the financial implications after 2008.

##### **4.3 Legal**

The production and implementation of the Statement of Community Involvement is a statutory requirement of the Planning and Compulsory Purchase Act 2004. Planning policy documents cannot be approved by the Planning Inspectorate as Local Development Framework documents unless the level of community participation conforms with the guidance set out in the Statement of Community Involvement.

##### **4.4 Human Resources**

Community Strategy consultation links and established partnership connections through Eastbourne Association of Voluntary Services (EAVES) and the Cultural Network will be harnessed to maximise community involvement in planning.

##### **4.5 Environmental/ Community Safety/ Human Rights/Antipoverty**

There are no adverse impacts on these implications as a direct result of this report.

## **5. Conclusions**

This report seeks Cabinet approval for publication of the Eastbourne Borough Council Statement of Community Involvement.

**Norman Kinnish**  
**Director of Economy, Tourism and the Environment**

### **Background Papers:**

The Background Papers used in compiling this report were as follows:

*"Submission Version of the Statement of Community Involvement"*  
(December 2005)

*"Development Plans Examination - A Guide to the Process of Assessing the Soundness of Statements of Community Involvement"*, PINS (December 2005)

To inspect or obtain copies of background papers please refer to the contact officer listed above.

Inspector: Keith Holland

Date: 10<sup>th</sup> February 2006

**Eastbourne Borough Council - Statement of Community Involvement  
(December 2005)**

**INSPECTOR'S REPORT**

**Introduction**

- 1.1 An independent examination of the Eastbourne 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 clear need in the light of tests in PPS12.
- 1.2 A total of 17 representations were received all of which have been considered.

**Test 1**

- 2.1 The Council has undertaken the consultation required under Regulations 25 and 28 of the Town and Country Planning (Local Development) (England) Regulations 2004 as evidenced by the pre-submission and submission consultation statements. The Council did not strictly follow the consultation procedures laid out under Regulation 26, but have subsequently contacted the bodies omitted at this stage and has offered them the opportunity to make comment. None of these bodies consider that it has been prejudiced by this initial omission and given the remedial action taken by the Council, I do not consider that the overall soundness of the SCI has been compromised.
- 2.2 This test is met.

**Test 2**

- 3.1 Paragraph 1.5 states that the LDF should acknowledge both the Regional Spatial Strategy and the needs and aspirations of local communities as set out in the Community Strategy. At Paragraph 1.2.3 the SCI states that the Council will work with the Eastbourne Strategic Partnership in the preparation of the Local Development Framework.
- 3.2 This test is met.

### **Test 3**

- 4.1 The Council has set out in Section 1.2 of the SCI those groups which will be consulted. However this list only cross refers to the statutory bodies from PPS12 Annex E and I consider that a complete list should be attached to the Plan. The Council state in Section 1.2 and Tables 1-7 (page 16 onwards) that they will consult with additional local stakeholders where appropriate and necessary. Table A (page 12 -14) of the SCI sets out how the Council propose to meet the consultation requirements set down in the Planning and Compulsory Purchase Act 2004.

#### **Recommendation**

- (R1)** Add an appendix to the Plan containing the list of statutory bodies set out in Annexe E of PPS12. The text of Paragraph 1.2.3 should cross refer to this appendix.

### **Test 4 and Test 5**

- 5.1 These tests are considered together as they are interrelated. Section 1.2 and 1.3, together with the associated Table A and Tables 1-7, of the SCI sets out the methods that the Council propose to use to involve the community and stakeholders. These cover a range of recognised consultation techniques that will present information via a series of different media. The Council acknowledge the benefits and disadvantages of the different methods and indicate at what stages of LDD preparation the various methods might be employed.
- 5.2 The Council clarify in Tables 1-7 the stages at which consultation will take place and who will be consulted at those stages. The Council state at 1.3.3 that it will exceed the minimum level of community consultation required by the Regulations. However the SCI needs to acknowledge that the Council may have to provide extra support to facilitate consultation with certain hard to reach groups or individuals. I have recommended that additional text be added to the SCI to address this concern.

#### **Recommendations**

- (R2)** The following text should be inserted after 'Council Services' in Paragraph 1.2.1:

*" as well as an obligation to consult with 'Hard to Reach' groups."*

An additional (5<sup>th</sup>) footnote should be added to read *"Required under The Race Relations (Amendment) Act 2000, and the Disability Discrimination Act 1995."*

- (R3)** Delete Paragraph 1.2.7 and replace it with the following text  
*"There are many ways by which Eastbourne Borough Council has directly engaged with 'Hard to Reach Groups'. This has been made possible through the Eastbourne Strategic Partnership (ESP), which has 12 Core Partner*

*organisations, including the Eastbourne Association of Voluntary Services (EAVS). The Eastbourne Cultural Community Network also enables officers to consult on policy planning proposals directly, through focus groups and specialist forums."*

**(R4)** Insert the following sentence after "have their say" in Paragraph 1.2.8: *"For instance focus groups and visits by planning officers to existing meetings and forums."*

The word "*particular*" in the last sentence should be replaced with "*addition*".

Insert the following sentence to the end of Paragraph 1.2.8 after the bullet points. An additional sentence *"Planning Policy Documents will be available in other languages through the EBC translation service as well as in other formats such as recordings on tape or CD"*

**(R5)** Change bullet-point 2 on targeted measures in Table A, page 14 to:

*"providing documents and leaflets in different formats and languages upon request with associated communication support."*

### **Test 6**

7.1 Section 2.4 of the SCI explains how the Council will seek to ensure that sufficient resources are put in place to achieve the scale of consultation envisaged and sets out any potential constraints.

7.2 This test is met.

### **Test 7**

8.1 The SCI states at section 1.5 that the Council will prepare reports at the end of the consultation period, highlighting the issues raised and how they have been taken into account. The SCI should explain more explicitly how views have influenced decisions, and documents changed in light of community involvement. I have recommended that additional text be added to the SCI to address this concern.

### **Recommendation**

**(R6)** Add the following text to Paragraph 1.5.2 after 'taken into account';

*"The report will also indicate how have influenced content of the particular local development document"*

### **Test 8**

9.1 The SCI does not clearly explain how the SCI will be formally reviewed. I have recommended that an additional paragraph be added to the SCI to address this concern

### **Recommendation**

**(R7)** Add a new Paragraph (1.6) to the SCI after Section 1.5 to read:

*"The Statement of Community Involvement will be kept under review through the Annual Monitoring Report (AMR). The AMR will highlight any significant changes which have occurred in the types of groups that EBC wishes to engage with, along with any other techniques for engagement which are to be employed. In addition to this, the Annual Monitoring Report will monitor the percentage of people who feel they are involved in and/or can influence decision making through the Borough Council's Residents Survey."*

## **Test 9**

10.1 The SCI clearly describes the Council's policy for consultation on planning applications in Paragraphs 1.1.8 to 1.1.13, Paragraph 2.8.1 and Table 7. These Paragraphs and the Table meet the minimum requirements set out in the Regulations, and provides for additional methods of consultation. The SCI distinguishes between procedures appropriate to different types and scales of application, and includes information on how the consultation results will inform decisions. However further reference to consultation procedures concerning the role of English Nature with respect to applications for development on SSSIs should be added.

### 10.2 Recommendation

**(R8)** Add the following text to Paragraph 2.8.1

*"In the case of of SSSI's the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) provides for English Nature to have 28 days to respond to applications for development potentially affecting a SSSI."*

**(R9)** Add the following text to Paragraph 1.1.11

*"The Council will notify statutory consultees by letter giving them 21 days to comment, or in the case of development affecting a SSSI or an SSSI consultation area the Council will notify consultees by letter, giving them 28 days to respond."*

### Additional Changes

11.1 The Council have set out in their Regulation 31 Statement (7<sup>th</sup> December 2005) a number of proposed changes to the SCI in response to representations received on the submission document. These suggested amendments do not affect the substance of the SCI but they do improve the clarity and transparency of the submission SCI. I therefore recommend that they be included and I set out the recommendations below.

### Recommendations

**(R10)** Amend paragraph 1.3.1 as set out below and make any necessary paragraph number changes that result from this alteration.

*“Basic Consultation Standards for all Local Development Documents  
Each of the stages in the production of all Local Development Documents will be subject to the same formal consultation procedure. This will allow everyone to make representations about a particular document. The procedure is set out below:*

*□ Copies of all documentation and any supporting information will be available to view on the Council’s website at [www.eastbourne.gov.uk](http://www.eastbourne.gov.uk) and at the Council’s main office at 68 Grove Road, Eastbourne during office hours for the whole consultation period.*

*□ Copies of the relevant documentation will be sent to all statutory consultees and any other targeted groups where appropriate.*

*□ A notice will be placed in the local newspaper (“Eastbourne Gazette”) and on the Council’s website at [www.eastbourne.gov.uk](http://www.eastbourne.gov.uk). This will advise where and when the document can be inspected, how copies can be obtained, what the closing date is, and where to send representations.*

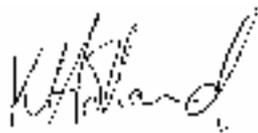
*The consultation period will last for 6 weeks for a Local Development Document and a period of 4-6 weeks for a Supplementary Planning Document.”*

**(R11)** Amend Paragraph 1.1.11 as set out below:

*“Depending on the nature of the planning application and the development proposed, the Council may also carry out statutory consultation with organisations such as South East England Regional Assembly, The Highway Authority, the Environment Agency etc.”*

## **Conclusions**

12.1 Subject to amendment in accordance with the above recommendations the Eastbourne Borough Council SCI (December 2005) is sound.



Inspector Keith Holland BA(Hons) Dip TP MRTPI ARICS