

Cabinet – 1st November 2006

Report of the Director of the Urban Environment (DUE)

Approval for Adoption of the Statement of Community Involvement

Purpose of Report

1. To seek Cabinet approval for the formal adoption of the Council's Statement of Community Involvement.

Background

2. The context for this is set by the new planning process - the Planning and Compulsory Purchase Act coming into force on 28th September 2004. The Act sets out the requirements of the new planning system advocating the production of a series of Local Development Documents on a rolling basis which make up the Local Development Framework. The Local Development Framework will gradually replace the Adopted Unitary Development Plan (2005) as the statutory development plan for Dudley Borough.
3. Under the new Act, each Local Planning Authority is required to produce a Statement of Community Involvement (SCI) to set out the standards to be achieved by the Authority in involving the community in the preparation, alteration and continuing review of all Local Development Documents which make up the Local Development Framework. It also identifies how community involvement will take place through the Development Control Process. The SCI only deals with community involvement in relation to the planning system but is linked to the Authority's wider commitment to involving all sections of the community in making its decisions.
4. A first draft version of the Statement of Community Involvement was prepared and approved for a statutory 6 week consultation period by the Cabinet at its meeting on 2nd November 2005. The results of that consultation were reported to Cabinet 15th March 2006 when the revised Statement of Community Involvement was approved for submission to the Secretary of State for independent examination.
5. Upon submission the Council published the SCI for a further 6 weeks statutory public consultation. The representations received during that

consultation were forwarded to the Independent Planning Inspector leading the examination for his consideration.

6. During the Examination the Inspector considered the soundness of the SCI and all the representations received during the statutory consultation period. The Planning Inspector has now produced a binding report setting out those changes which must be made to the SCI - the Council receiving this report on the 16th October 2006. The Inspector's Report identifies that the Council's SCI has passed the nine tests of soundness (these tests being identified in Appendix A of his report), and that only a small number of minor changes are required to be made. Those changes have now been made to the SCI, and this amended version is available in the Members Room and on the Committee Management Information System (CMIS). The Inspector's Report is also available in the Members Room.
7. The next stage is for the SCI to become adopted as part of the Council's Local Development Framework. The SCI will then be reviewed and updated periodically as part of the regular monitoring of all Local Development Documents.
8. Following its approval and adoption, Local Planning Authorities must comply with the SCI when preparing all Local Development Documents in the future. When testing such documents, planning inspectors will determine whether the Authority has complied with the SCI.

Finance

9. The SCI seeks to show how the process of involvement can be resourced and managed effectively in accordance with the resources available within the local planning authority. As part of the new planning system, local planning authorities are required to produce an Annual Monitoring Report which will identify shortfalls and requirements in putting together the Local Development Framework. This will help to identify future resource and financial needs to carry out the necessary community involvement and preparation for the various Local Development Documents as and when they are required.

Law

10. The production of the Statement of Community Involvement is a requirement of the Planning and Compulsory Purchase Act 2004 and is detailed in Planning Policy Statement 12 (PPS12). Planning Policy Statements set out the Government's national policies on different aspects of planning.

Equality Impact

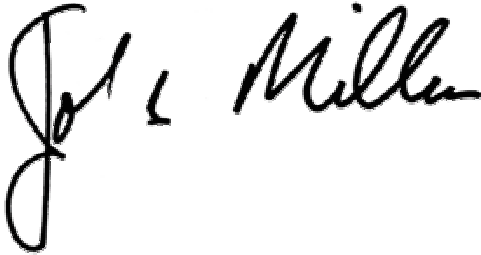
11. The revisions to the national planning system under the Planning and Compulsory Purchase Act 2004 are intended to make the system more

flexible and easier to use and understand. In this respect, the SCI is fundamental in seeking to ensure the inclusion and involvement of all sections of the community including children and young people, and to facilitate the fair and equitable operation of the planning system at a regional and sub-regional level. The new Act also requires the planning system to be even more closely tied with the Council's Community Strategy.

12. One of the purposes of the SCI is to ensure that local planning authorities, in preparing local development documents, comply with the general duty in the Race Relations Act 2000. Community involvement in planning will need to address the involvement of different racial groups. Local planning authorities must also comply with the Disability Discrimination Act 1995 which places a duty on all those responsible for providing a service to the public not to discriminate against disabled people by providing a lower standard of service.

Recommendation

13. It is recommended that Cabinet members formally adopt the Statement of Community Involvement.



J. B. Millar
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List of Background Papers

Dudley MBC Statement of Community Involvement – Available in the Members Room and on the Committee Management Information System (CMIS).

Inspector's Report following examination of the Council's SCI – Available in the Members Room

Planning and Compulsory Purchase Act 2004
<http://www.opsi.gov.uk/acts/acts2004/20040005.htm>

Planning Policy Statement 12: Local Development Frameworks (ODPM 2004)
<http://www.odpm.gov.uk/index.asp?id=1143847>