

# **APPENDIX 1**

## **STATEMENT OF COMMUNITY INVOLVEMENT**



### **SUMMARY OF PRE-SUBMISSION CONSULTATION REPRESENTATIONS AND THE COUNCIL'S RESPONSE**

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These representations to the 6-week pre-submission consultation on the Draft Statement of Community Involvement have been summarised from both the public workshop held on the evening on Thursday 8<sup>th</sup> December at Dudley Council Plus offices and the formal written responses. 29 people attended the public workshop and 31 people responded to the written consultation. A variety of other issues were also raised. For more information on the full range of issues please refer to the workshop reports and schedule of all representations. A summary of the main issues arising in those representations and the Council's responses are set out below:

#### **WHO SHOULD BE INVOLVED**

##### **1) Many respondents requested that further consultees be added to the list given in Appendix D of the Draft Statement of Community Involvement**

All individuals and groups will have the right and opportunity to be involved in the planning process. In most cases where respondents have requested that additional groups/organisations are added into the list of statutory and non-statutory consultees in the appendices of the Statement of Community Involvement, officers have included them. However, it should be noted that it is not feasible or possible to list every individual consultee, group and organisation under these appendices as the list required would be too extensive and would quickly become out-of-date. In addition, the list is not exhaustive, as from time to time, the list is expanded and adjusted by the Council in order to include new consultees where these are required. As such, the Planning Policy team are currently building and maintaining a consultation database which anyone can request to be added to and which will be used for consultation on Local Development Documents.

Paragraph 6.5 of the amended SCI states: "We will keep a database of groups, organisations, partners and individuals and liaise with them as and when appropriate. If any individual or group wish to be on this list, please contact the planning policy team at the address given in Section 1.0 of this document."

##### **2) The Council should go to greater efforts to get more people involved in planning, particularly hard to reach groups and individuals. Most people currently don't get involved because they don't understand the planning system and feel that they can't make a difference.**

As the planning system is in a period of great change, so too is the general perception of planning. Planning is becoming more open to interaction and the processes of involving members of the public are being enhanced. It would be expected alongside this that interest in planning may also grow. In light of this, there is a clear responsibility for the Council to provide adequate opportunities for everyone who wishes to be involved, to be able to do so. The Statement of Community Involvement proposes various methods for the publicity of planning applications and Local Development Documents and of involvement methods with the community. These measures taken by the Council provide everyone with the opportunity to participate. The Council cannot and would not force people to be involved. It is the responsibility of each member of the community to decide whether they want to use the opportunities provided to play an active part in planning in Dudley.

The Council recognises that it is often very difficult to get a fully representative view from all parts of the community such as younger people, but the Council are taking measures to ensure that everyone who wishes to voice their opinion has the opportunity to do so. In particular, Dudley MBC will continue to work with umbrella organisations such as Dosti and Dudley Community Partnership to identify individuals and groups who can be involved.

Paragraph 6.8 of the SCI will be amended to reflect this as follows:

"Part of the community involvement process will involve identifying under represented groups. Dudley Community Partnership and umbrella organisations will have a role here in identifying these groups. As the community involvement process progresses, the methods to be used for working with under represented groups will develop."

Paragraph 6.12 of the SCI will also be amended to read: "Dudley recognises that the process of community involvement is constantly evolving, and that further revisions and changes may need to be made to the Statement of Community Involvement. If certain groups do not participate, Dudley MBC will actively seek involvement with them."

The Council accepts that further methods for encouraging greater involvement, particularly of hard to reach groups, will still need to be explored. We will do this as a process of continual improvement within the planning service. If any individual or group has a specific suggestion on good practice for achieving a more representative input from the community this would be welcomed. Following a suggestion made at the community involvement workshop on 8<sup>th</sup> December 2005, a SCI Focus Group will be set up which can be used as a forum both for monitoring implementation of the SCI, exploring how methods can be improved and agreeing 'best practice'. This will be a means for the community to work with the Council to further develop consultation methods. Reference to the Focus Group will be included in paragraph 10.1 of the SCI with contact details for people to register their interest in taking part as follows:

"Dudley Council will endeavour to review and improve the effectiveness of all of its documents on a regular basis in consultation with all communities and

individuals as and where possible, including this Statement of Community Involvement. This will be done by monitoring the implementation of this document on an annual basis through a 'Statement of Community Involvement Focus Group' comprising interested individuals and Council officers responsible for implementing and reviewing the Statement of Community Involvement. This Focus Group will aim to meet at least annually in late summer/early autumn to discuss how well people feel the SCI is being implemented and whether any changes to it are necessary. The results from this discussion will then be fed into Dudley MBC's Annual Monitoring Report which will be published on Dudley Council's website every year by the end of December. If you would like to be involved in this Focus Group please contact us on 01384 816967."

The Council are legislatively required by Central Government to undertake involvement exercises and as part of this, the views and comments which are obtained will be fully considered and acted upon where appropriate. All of the comments which have been received as part of this consultation are being responded to and action is being taken on them. In this respect, there is definitely a 'point to the consultation' and the people who have made representations can be assured that their comments are being taken seriously. Indeed, one of the many purposes of the Statement of Community Involvement is to give a public statement of the Council's intention to encourage local people to make a difference in their area.

### **3) The Statement of Community Involvement should be clearer on the role of umbrella organisations, Dosti, Local Neighbourhood Partnerships, Dudley Community Partnership, Dudley Council for Voluntary Services and other existing communications systems.**

New text will be added to the SCI on the role of umbrella organisations as follows:

"Umbrella organisations act as networks of community organisations. Basically, they are the methods for reaching these groups. Umbrella organisations will include, for example, the following:

- Dudley Council for Voluntary Service which represents the community and voluntary sector
- Dudley Racial Equality Council which acts for Black Minority Ethnic communities
- Action for Disabled People and Carers which acts as a group for disabled people and their carers
- Dudley Federation of Tenants and Residents Association which represents tenants and residents
- Dosti which acts as network of community and voluntary organisations
- Federation of Small Businesses which represents small businesses
- Chamber of Commerce which represents business interests
- Local Neighbourhood Partnerships which are community led strategic bodies concerned with issues that affect the local area

These umbrella groups will act as first points of contact for identifying relevant individuals and groups.

Umbrella organisations will have a role in facilitating involvement. In particular, they will have a role in providing information, hosting engagement and developing longer term involvement processes. Umbrella organisations have a wealth of experience to draw on in terms of working with communities, and it will be Dudley's aim to use this experience to strengthen the involvement process. Many of these groups will also be aware of the best methods for reaching certain individuals and groups.

Dudley Council recognises that the process of community involvement is constantly evolving, and that further revisions and changes may need to be made to the Statement of Community Involvement. If certain groups do not participate, Dudley MBC will actively seek involvement with them."

Furthermore, the proposed SCI Focus Group will provide a forum for exploring in detail the best processes for utilising and working with these umbrella organisations.

## **METHODS AND PROCESS OF INVOLVEMENT**

### **4) Consultation periods are currently insufficient for Local Development Documents and planning applications. More time should be allowed.**

Dudley MBC must comply with the law in undertaking its planning functions. Legislation governing the process and formal consultation timescales for the Statement of Community Involvement and the production of Local Development Documents is set out in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2004. This states that any person may make representations about a local planning authority's proposals for a SCI or Local Development Document and that any such representations must be made within a period of 6 weeks starting on the day the local planning authority publish and advertise the document. If the local authority exceed that 6 week timescale it would be possible for an objector to argue that Dudley MBC has not complied with the proper lawful process and the Statement of Community Involvement or Local Development Document in its entirety could be quashed.

In terms of planning applications, paragraph 7.13 of the Statement of Community Involvement has now been amended to read as follows:

"The Government sets statutory publicity requirements for planning applications in the Town and Country Planning (General Development Procedure) Order 1995. Dudley MBC's Development Control team will as a minimum satisfy these requirements when considering planning applications".

The 21 days consultation period is set down in law in that legislation. However, if any representations are received on a planning application after those 21 days, but before the case officer has fully considered their

recommendation and written their report, that representation will normally be accepted and given full and proper consideration.

**5) How are the Council going to go over and above the minimum requirements – particularly in terms of publicising planning applications and Local Development Documents?**

In terms of planning applications the Council agrees that for particularly large or significant planning applications additional consultation will be undertaken beyond the minimum legal requirements. The following paragraph will be added to Section 7.0: “The local authority will usually go above and beyond these minimum requirements, particularly for significant developments“.

Respondents made several other useful suggestions for going above these minimum requirements on planning applications and Local Development Documents including greater use of the internet, making applications available on-line in libraries, in schools and supermarkets and greater use of advertisements.

All libraries with internet access will be able to access planning applications and Local Development Documents through the Council’s website and reference to this will be included in the SCI. Indeed, applications have been available on-line everywhere since December 2005, including in libraries. The Council is working with library services to improve access to this service. In terms of the other suggestions the Council will bear these in mind and use them where appropriate. However, Dudley MBC has a duty of best value to deliver services to clear standards – of cost and quality – by the most economic, efficient and effective means available. Resources and budgets are constrained and in all circumstances, the local authority seeks to use those budgets in the most efficient manner possible.

We do however recognise that the press could be utilised more effectively. We therefore propose to strengthen the Statement of Community Involvement by including a commitment to the production of press releases where appropriate. Please note however that whilst the Council can provide information to local newspapers in the form of a press release and encourage them to publish them as a local interest story, the only way the Council can guarantee space in those papers and the content of the article is by paying for a formal advertisement.

The Council also accepts that we need to continue to explore more effective ways of communicating and surveying public opinion. This Statement of Community Involvement will not be the end of a process in terms of community involvement. The Council will continue to develop its methods and publicity, striving for continuous improvement. Should anyone wish to make a suggestion as to best practice for publicity, bearing in mind resource constraints, this would be welcomed. The newly formed SCI Focus Group will provide a forum for the community and the Council to work together to agree how methods can be improved.

**6) A clearer distinction should be made between consultation and involvement.**

New paragraph added to SCI to read:

“Dudley Council considers involvement to mean much more than consultation. Where as consultation implies asking for an individual or groups opinion, involvement implies involving individuals and groups in the actual decision making process. Involvement is therefore a much broader concept than consultation. Dudley MBC will use the methods outlined above to seek involvement.”

**PLANNING APPLICATIONS**

**7) Pre-application consultation should be made a material consideration in the determination of planning applications and if a developer fails to undertake such consultation the local authority should require that to be rectified before making a decision.**

Material considerations have been established in case law as any planning consideration which relates to the use and development of land. Among the matters commonly regarded as relating to the use and development of land are the siting of buildings, their number, area, height, mass, design and external appearance, means of access, landscaping, impact on neighbouring land, availability of infrastructure, traffic considerations and communications. The grounds of objections submitted to the local authority may well be material considerations. However, the local authority is not in a position to say that objections just in themselves are a material consideration until confirmed otherwise through case law.

The Council has no powers to force a developer to undertake pre-application community involvement. We can however encourage them to do so, as stated in paragraph 7.5 of the Statement of Community Involvement. The Council agrees with respondents in that we can also give them advice on how the consultation could take place and the methods that would be appropriate. A new paragraph and table will be inserted under 'How we will involve the community' in Section 7.0 to give further guidance to developers undertaking pre-application community involvement according to the nature and scale of the planning application. This will read as follows:

“Dudley Council’s Development Control Team already takes part in pre-application discussions with and is actively promoting pre-application discussion. The Council will seek to build upon this approach and will actively encourage such developers to involve the community at the earliest practicable opportunity by using appropriate suggested methods from those given below. This community involvement should inform developer’s proposals and final plans before submitting their planning application to the local authority.

- Documents available for inspection at local planning authority offices and electronically in libraries

- Internet
- Local Newspapers
- Public exhibitions/ displays/ stalls/ roadshows
- Public meetings/area, town and township meetings
- Workshops (interactive) e.g. 'enquiry by design' and 'planning for real'
- Pre-existing panels, forums and design teams
- Citizens panels (where appropriate)
- Focus Groups
- One to one meetings with selected stakeholders

This is not an exclusive list.”

**8) Further detail should be given on the Development Control Process in terms of what happens to people’s comments and the policy for public speaking at Development Control Committee.**

The Council agrees with this observation and proposes to add new sections in the Statement of Community Involvement on the determination of planning applications and public speaking at Development Control Committee as follows:

**‘Making Your Views Known**

- 7.17 As outlined above, required publicity is undertaken on all planning applications to enable neighbours and others who may be interested to make their views known to the Council before the application is determined. The Council will take into account all relevant views expressed by interested parties whether they be supporting or objecting to the proposal. These must, however, relate to planning considerations.
- 7.18 To enable a full assessment of the proposed development to take place the planning officer who is responsible for the application will visit the site. This is essential to ensure that the proposals and surroundings can accurately be visualised in order to assess whether there would be any problems if the development were to take place.
- 7.19 The next stage is to consider the proposed development in the light of the Government’s and the Council’s planning policies and advice, in particular Dudley Council’s Local Development Framework and guidance notes. It is at this stage that any representations made by interested parties will first be considered. This is done by the planning officer who co-ordinates all relevant information and prepares a report on the application and recommends how it should be determined. Any views received by the Council will be put on the case file making them publicly available. They will also be scanned and made available on the internet. Dudley MBC will also acknowledge and send a copy of the final decision notice to those who made representations on the planning application.
- 7.20 If a planning application not subject to objection or has minimal objections it may be determined under delegated powers. Delegated powers for determining planning applications means that the Director of

the Urban Environment or the Chair of the Development Control Committee has been authorised by the Development Control Committee to make decisions on planning and other applications in accordance with clearly stated and published guidelines. The applications which are determined in this way are usually straightforward small scale applications in line with adopted policy which have attracted few or no material objections, and may include refusals of applications.

- 7.21 All other applications are presented to the Development Control Committee for determination. The Development Control Committee, which normally meets every 3 weeks, is comprised of 9 elected councillors. The Committee is responsible for the planning functions carried out by the Council. At their meetings (which are held in the Council House and are open to individuals) the reports of the Director of the Urban Environment are considered and then the application is determined. Before a decision is made on an application the Committee is informed by way of a summary of the representations made regarding each application and will consider these before reaching a balanced decision. Opposition to a proposal is not in itself a ground for refusing planning permission and in reaching a decision the Committee will have due regard to all the planning merits of the application.

#### **Public Speaking at Development Control Committee**

- 7.22 As part of its commitment to openness and to public participation in local government, Dudley Metropolitan Borough Council offers those affected by development proposals the opportunity to put their case personally and directly to the Council Committee which makes decisions on planning and other similar applications. Dudley MBC has a set procedure for public speaking at Development Control Committee. A leaflet on this procedure is available from the Council's planning reception at 3 St. James's Road, Dudley or on the Council's website at:

<http://www.dudley.gov.uk/environment--planning/planning/development-control/development-control-committee->

- 7.23 The current policy on public speaking gives an objector to development proposals which are to be considered by the Development Control Committee the opportunity to speak. Applicants themselves will also be invited to speak in response to individuals who have indicated an intention to speak. The opportunity to speak is also available to the applicant for development proposals which are being recommended to Committee for refusal of planning permission, or to their supporters, but not to both i.e. only one person may speak in support of the proposal.”

This procedure is used to ensure that Development Control Committee meetings are run efficiently and in a simpler, more transparent manner. The requirement for people who wish to speak to notify the Council in advance allows us to pull those planning applications to the front of the agenda and thereby save people from sitting through often lengthy meetings waiting for their



turn to speak. These arrangements are necessary to ensure that each application is dealt with properly and fairly and that the Committee meeting runs smoothly and in a businesslike way. Please note that regardless of who speaks on behalf of the objectors, before a decision is made on an application the Committee is informed by way of a summary of the representations made regarding each application and will consider these before reaching a balanced decision.

#### **9) Planning applications shouldn't be delegated to officers.**

All effective and efficient planning services include delegation of decisions as part of best practice. As a reflection of this, the Government monitors the percentage of delegated decisions made in each local authority. Delegation enables officers to determine applications quickly and efficiently including refusals of applications. The delegation system also allows elected members to focus their time and discussion on issues of significance. It is felt that this system operates in the best interests of all parties by enabling the Council to determine applications more quickly without adversely affecting quality of service.

### **DECISION MAKING POWERS**

#### **10) Local decisions should be made locally.**

Decisions on planning applications are made locally. It is only when an applicant decides to appeal against the decision of the local authority that the case is put before a Planning Inspector (from the Planning Inspectorate based in Bristol).

When an individual planning application is refused planning permission by the Council the applicant always has the legal right to appeal to the Secretary of State. This is called a "Planning Appeal". Further guidance on this particular matter is available from the Planning Inspectorate or from the development control service at Dudley MBC. The Council has no flexibility or room for manoeuvre with regard to this issue as this is a legal statutory requirement of the planning system.

#### **11) Area committees should have greater weight and ultimately have the power to make decisions.**

The power to make decisions is vested in the Development Control Committee. The development process and the work of the Development Control Committee is a judicial process determined by national legislation. With reference to Area Committees, the Council's Constitution states that the terms of reference for the Area Committees include "to be consulted on any planning application which would have a significant impact on a substantial part of their area" and "to be consulted on draft supplementary planning guidance, development briefs, designation of conservation areas and the exercise of compulsory purchase powers". Whilst power to make the decision would not be devolved to that area committee, this forum is an ideal place for local views to be expressed and give

the local community assurance that their voice will be heard and passed on to the appropriate level of decision making i.e. the Development Control Committee.

## **RESOURCES**

### **12) What resources are available to fully involve the community and to help them engage in the planning process?**

It is essential that sufficient resources are made available to implement the involvement measures set out in this SCI. The Council will be responsible for making appropriate resources available and it is envisaged at this stage that the proposed involvement measures can be met through in-house resources. Indeed, investment has recently been made to increase capacity within the planning service to deliver the requirements of the new planning system including the Statement of Community Involvement. Dudley MBC cannot however, at this stage, make any further commitment to increasing the capacity within the relevant teams. However, the Council is committed to undertaking effective community involvement and providing value for money. We will do this by using resources as best we can through effective partnership working and using the most appropriate involvement methods according to the purpose of involvement and the audience.

## **MONITORING, REVIEW & FEEDBACK**

### **13) How will the community be kept informed of the Council's decisions?**

The SCI has been amended as follows:

“The primary aim of reporting back is to present to local communities the results of the involvement process. This can be done at various stages in the process from the inception and formulation of documents through to their adoption and beyond that, in the review of the effectiveness of each document.

Reporting back will therefore result in a continuous process whereby feedback will ensure the continuing improvement of both the process of involvement and the plans upon which involvement is taking place. This will happen through the Local Planning Authority taking appropriate comments on board and incorporating them into the future production of plans as and when permitted by resources, legislation and wider policies.

Section 3.0 of this document sets out where community involvement will take place in the production of Development Plan Documents and Supplementary Planning Documents. To view this chronologically and to establish at which stage the Council will report back please refer to the Local Development Scheme Timetable (available on the Council's website - [www.dudley.gov.uk](http://www.dudley.gov.uk)) which sets out the production stages for all Local Development Documents.

To report back the results of community involvement in the preparation of Local Development Documents the Council will use a variety of methods as

appropriate. This may include sending letters and information to people who have previously written in, asking umbrella organisations to distribute news, publicity in local newspapers and workshops or public meetings.”

**14) Dudley MBC needs to set out an agreed clear cut role for involvement. A statement should be included setting out how the process actually happens and the formal set processes for the area/community driven partnerships and umbrella organisations.**

The Statement of Community Involvement sets out the process of producing Local Development Documents and determining planning applications including the opportunities for community involvement. It also sets out who will be involved and the methods of involvement. The Council nevertheless accepts that further work can to be done to continue to develop these methods and processes of involvement to produce a ‘best practice’ formal process which can be used and adapted as necessary for the various different planning documents. We will do this as a process of continual improvement within the planning service and will utilise the proposed SCI Focus Group as a means of developing that best practice process for involvement, particularly for the front loading stage of involvement. The role of area/community driven partnerships will be considered in detail as part of the work of that Focus Group. If any individual or group has a specific suggestion on good practice this would be welcomed.

**15) The Statement of Community Involvement does not say how it will be reviewed and updated.**

Paragraphs 10.1-10.2 of the Draft Statement of Community Involvement (SCI) state that the implementation of the SCI will be monitored on an annual basis within the Annual Monitoring Report. However, the Council recognises that the Statement does not currently describe how monitoring will occur and how that will trigger a review of the Statement of Community Involvement.

Dudley Council believes that the Annual Monitoring Report is the correct vehicle for identifying whether the SCI is being implemented effectively and whether review is needed. As such, paragraph 10.1 of the SCI will be amended as follows to make this process clearer:

"Dudley Council will endeavour to review and improve the effectiveness of all of its documents on a regular basis in consultation with all communities and individuals as and where possible, including this Statement of Community Involvement. This will be done by monitoring the implementation of this document on an annual basis through a ‘Statement of Community Involvement Focus Group’ comprising interested individuals and Council officers responsible for implementing and reviewing the Statement of Community Involvement. This Focus Group will aim to meet at least annually in late summer/early autumn to discuss how well people feel the SCI is being implemented and whether any changes to it are necessary. The results from this discussion will then be fed into Dudley MBC’s Annual Monitoring Report which will be published on Dudley

Council's website every year by the end of December. If you would like to be involved in this Focus Group please contact us on 01384 816967."

## **OTHER**

### **16) There is a conflict between the Governments objectives of speeding up the planning system and effective and meaningful community involvement.**

The Governments reforms to the planning system have been intended to streamline the process and promote a positive, proactive approach to managing development. A key aim of the new planning system is strengthened community and stakeholder involvement. Another key aim of the new system is to give local planning authorities the flexibility to respond to changing local circumstances and ensure that spatial plans are prepared and reviewed more quickly than development plans under the old system. These key aims are explicitly stated in the ODPM publication "Planning Policy Statement 12: Local Development Frameworks". There need not be an inherent conflict between greater community involvement and quicker reviews of policy. The concept of 'front loading' is to seek consensus on essential issues early on in the preparation of Local Development Documents and so avoid late changes being made and therefore contribute to a more efficient planning process. This will not however mean that any more or any less weight is given to comments received later on in the process or during the examination of the plan.

### **17) Planners need to use plain English and avoid the use of jargon.**

The Council agrees with this comment. The planning department is aware of the need to make its guidance and reports easily understandable by all. It is the Council's intention to ensure that future planning documents are written in plain English, avoiding jargon and technical terms as much as possible. The aim is to convey the planning process in a comprehensible manner, explaining what is involved and how the public can participate and contribute in an effective manner.

The Development Control section operates a duty officer system where a professional officer is made available for the general public to either come in and see or speak to on the phone between the hours of 9am to 5pm Monday-Friday. The planning policy team are available to answer queries and give help and advice as requested. The opportunity is therefore available for anyone who would like to talk to an officer about a planning application, related guidance or to just get some help and advice, to do so. The contact details for the planning policy team and development control teams, the Council's website and the on-line planning and building control service have been inserted into the Statement of Community Involvement in Section 1.0.

## **FOR FURTHER INFORMATION PLEASE REFER TO:**

- Workshop Report from 8<sup>th</sup> December 2005

- Full Schedule of Workshop Responses with Dudley MBC's Response
- Full Schedule of Written Representations with Dudley MBC's Response
- Workshop Report from 2<sup>nd</sup> February 2006

These documents are all freely available from the planning policy team at Dudley MBC (please contact Nicki Dale on 01384 816967 for copies).