

DUDLEY METROPOLITAN BOROUGH COUNCIL

MEETING OF THE CABINET – 15TH MARCH 2006

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

SUBMISSION OF THE STATEMENT OF COMMUNITY INVOLVEMENT TO THE SECRETARY OF STATE FOR INDEPENDENT EXAMINATION

Purpose of Report

1. To seek approval for the submission of the Statement of Community Involvement to the Secretary of State for independent examination.

Background

2. The context for this is set by the new planning process of which many members will already be aware. The Planning and Compulsory Purchase Act came 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.
5. As part of the formal consultation a public workshop was held on the evening of the 8th December at Dudley Council Plus by Dudley MBC and Dosti. The purpose of the workshop was to involve interested members of the public, people involved in community groups and others in the community and voluntary sector in determining suitable participation processes in relation to Local Development Documents and planning applications. That workshop was well attended by 29 residents and community representatives.

6. The Council also received 31 written responses to the consultation. The main issues arising from both the workshop and written consultation and the Council's response to those issues are available in the Members' Library and on Committee Management Information System (CMIS).
7. A second public workshop was then held on the evening of 2nd February to feedback the results of the consultation, explain what changes could be made to the SCI as a result of the comments made during that consultation and to come to agreement on any issues arising. Proposals were made at this meeting for an on-going SCI Focus Group whereby Dudley MBC and the community can work together in the long term to take forward some of the ideas and issues raised during the consultation.
8. The Statement of Community Involvement has now been revised in response to the consultation and a copy is available in the Members Library. The next stage is to submit the SCI to the Secretary of State for Independent Examination. Upon submission the Council must also publish the SCI for a further 6 weeks statutory public consultation. The document will be accompanied by a short questionnaire for people or organisations to comment. This questionnaire is attached to the SCI in the Members Library.
9. Any representations received during this consultation period will be forwarded to the Independent Planning Inspector leading the examination for his or her consideration.
10. Following the Examination the Planning Inspector will produce a binding report setting out the changes which must be made to the SCI. Those changes will then be made and the SCI will be 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.
11. 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

12. 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

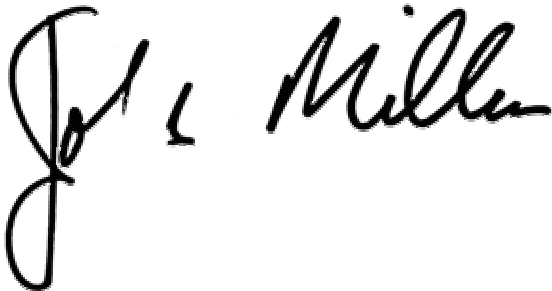
13. The production of the Statement of Community Involvement is a requirement of the Planning and Compulsory Purchase Act 2004 and is detailed in Planning Policy Statement 12 (PPS12). Planning Policy Statements set out the Government's national policies on different aspects of planning.

Equality Impact

14. 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.
15. 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

16. Cabinet members are asked to approve the submission of the Statement of Community Involvement to the Secretary of State for independent examination and the associated 6 weeks statutory public consultation.



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List of Background Papers

Dudley MBC Statement of Community Involvement – Available in Members Library

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>