

Copeland Borough Council Statement of Community Involvement September 2008 Addendum in response to PPS12: Local Spatial Planning (June 2008)

This addendum should be read in conjunction with the full Statement of Community Involvement (SCI) that is available online at www.copeland.gov.uk or in hard copy at local libraries.

This addendum to the SCI details the changes introduced to the local plan-making process following the publication of PPS 12 'Local Spatial Planning', by Communities and Local Government on 4 June 2008 and the accompanying amendments to the 2004 Regulations.

Part A) New consultation arrangements for Development Plan Documents required by new Regulations

- A1 The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 came into force on 27 June 2008. These have changed the requirements for consultation on Development Plan Documents (DPD).
- A2 Paragraphs A3-A15 describe the new stages in preparing DPDs and how the Council will engage the community and stakeholders. They replace para. 5.1-5. of the SCI.

The Development Plan Document (DPD) Preparation Process

Stage 1 – Preparation

- A3 The new Regulations remove the requirement for the formal 'Preferred Options' consultation stage (the 'Regulation 26' stage). Instead, new Regulation 25 introduces a single preparatory stage for DPDs.
- A4 The minimum requirements of Regulation 25 are:
- 1) The Council must notify each of the 'specific consultation bodies' and 'general consultation bodies' that the Council considers may have an interest in the subject of the proposed DPD. 'Specific consultation bodies' and 'general consultation bodies' are listed in Appendix D.
 - 2) The Council must invite these bodies to make representations on what the DPD should contain.
 - 3) The Council must also consider whether it is appropriate to invite representations from people resident or carrying out business in Copeland Borough Council administrative area.

A5 The Council will continue to go beyond these minimum requirements and seek early, effective and ongoing engagement with the community and stakeholders on each of its proposed DPDs.

A6 Depending on the type and nature of the DPD being prepared this engagement will include encouraging participation on:

1) Scoping and evidence gathering

Pre-production scoping and the gathering of evidence will ensure that the Council has an understanding of the main issues to be addressed. Where appropriate the Council will invite the input of stakeholders depending on the issues concerned.

2) Consideration of Issues and Options

The consideration of Issues and Options will explore reasonable alternative approaches to the DPD. The results will help develop and refine its policies and proposals. The community and stakeholders will be encouraged to participate at this stage and a wide range of methods of involvement, consultation and information will be required to attract a broad input:

- Information through direct Council communications (email or letter), the media, the Council's website and publicity in community centres.
- Involvement through focus groups or workshops, links with existing community involvement activities, discussions with statutory consultees, stakeholder groups as well as other interested groups and individuals.
- Targeted work to involve those who are traditionally less involved.

3) Consideration of draft DPD proposals and policies

In seeking continuous engagement and aiming for optimum consensus on the DPD, it is likely to be appropriate for the Council to engage the community and stakeholders on draft proposals and policies that follow on from consideration of Issues and Options. Those involved in the consideration of Issues and Options will particularly be encouraged to take part and the following approaches to involve, consult and inform will be used:

- Information through direct Council communications (email or letter), the media, the Council's website and publicity in community centres as well as making documents available at libraries and at the Copeland Centre and Millom Council offices.
- Involvement through questionnaires or online or at public events and exhibitions.

- Links with existing community involvement activities.
- Discussions with statutory consultees, stakeholder groups as well as other interested groups and individuals.
- Targeted work to involve those who are traditionally less involved.

Stage 2 – Publication of the proposed submission DPD

A8 Following preparation of the DPD during Regulation 25, new Regulation 27 requires the Council to publish the proposed submission DPD before it submits the document to the Secretary of State for examination.

A9 New Regulation 28 then requires the Council to invite representations on the proposed submission DPD for a period of at least 6 weeks.

A10 As this is a statutory stage, formal arrangements will apply:

- The DPD and supporting documents will be made available at public libraries and at the Copeland Centre and Millom Council Offices for inspection, as well as being published on the Council's website.
- Publicity and notification will also take place through direct Council communications (email or letter), the media, the Council's website and in community centres.
- Each of the specific consultation bodies (outlined in Appendix D) invited to make representations will be sent:
 - i) A copy of each of the proposed submission documents, and
 - ii) A statement of the representations procedure.

Stage 3 – Submission of the DPD for examination

A11 The Council will consider the representations received at Stage 2. In response, it is allowed to, if necessary, propose focused changes to the DPD.

A12 If the Council wishes to make a focused change it will:

- prepare an addendum to the proposed submission DPD setting out the proposed change;
- conduct a Sustainability Appraisal of the implications; and

- consult the community and stakeholders on the addendum for a minimum period of 6 weeks. At the close of this consultation the Council will submit the proposed submission DPD, the first representations, the addendum and the responses to the addendum to the Secretary of State.
- Each of the specific consultation bodies (outlined in Appendix D) invited to make representations will be sent:
 - i) A copy of the DPD and the relevant documents
 - ii) Sustainability appraisal report for the DPD
 - iii) A submission proposals map if the adoption of the DPD would result in changes to the adopted proposals map
 - (iv) A community consultation statement
 - (v) If practicable copies of any representations made in accordance with regulation 28(2); and any supporting documents relevant to the preparation of the DPD.

Stage 4 – Independent examination

A13 An examination of the DPD will be carried out by an independent Planning Inspector to test its soundness, taking into account the representations that have been received. Those who make representations may be invited by the inspector to attend the parts of the examination held in public.

Stage 5 – Binding Inspector’s Report

A14 Following the end of the examination, the Inspector will submit their report to the Council. This Report will recommend either that the DPD is ‘unsound’, ‘sound’ or can be made sound if specific changes are made to it. The Report’s recommendations will be binding on the Council.

Stage 6 – Full Council adoption of DPD

A15 Provided that the DPD receives a ‘sound’ rating from Inspector’s Report, the Council will then adopt the DPD as part of its statutory Local Development Framework.

Part B) Sustainability Appraisal and Strategic Environmental Assessment

B1 Paragraphs B2-B3 describe the new approach the Council will take in relation to Sustainability Appraisal and Strategic Environmental Assessment (SA / SEA), they replace para. 7.3.

B2 The traditional interpretation of the Sustainability Appraisal process has been to prepare a series of separate reports alongside each DPD, and at each stage of the process. This is a resource intensive process and is highly repetitive. In response to these concerns the Council will be

following a methodology that integrates the various elements of SEA / SA with the key stages of the LDD preparation process.

- B3 This methodology will ensure that there is increased synergy between the SEA / SA and the LDD preparation process. The Scoping Report will be designed in such a way as to cover all documents in the LDF and will be updated on a regular basis. Alongside the Scoping Report a Stage 1 Habitats Regulations Assessment / Appropriate Assessment Screening Report will be carried out, this will analyse the likely impacts of the LDDs proposed within the LDF and will identify whether a LDD is likely to have a significant effect on a European Site and thus if the LDD requires a Stage 2 and Stage 3 Habitats Regulations Assessment / Appropriate Assessment.
- B4 When a LDD is being prepared, an interim SA will be integrated into each stage of the consultation and included within the consultation material. Comments received will be considered before the final Sustainability Appraisal Report and Development Plan Document / Supplementary Planning Document is published. The SCI does not require a Sustainability Appraisal.

Part C) Who will we Consult?

- C1 Paragraphs C2-C5 outline the public bodies the council is now required to consult under new Regulation 25. The requirement to consult the public includes specific and general bodies, as well as consulting those residents and/or businesses the council considers appropriate.
- C2 Specific consultation bodies
- The regulations for the Planning and Compulsory Purchase Act 2004 sets down the specific consultation bodies that must be consulted, these are listed in Appendix D.
- C3 General consultation bodies
- The regulations for the Planning and Compulsory Purchase Act 2004 sets down the general consultation bodies that must be consulted, these are listed in Appendix D.
- C4 The exact organisations that fall into these types will vary locally. When preparing the development plan document, the council will consult those general consultation bodies it considers appropriate.
- C5 Other Consultees
- The new regulations also list a variety of other agencies and organisations which local planning authorities should also consider consulting in the preparation of Local Development Documents where appropriate, see Appendix D for listing.

Part D) Appendix A - Copeland Profile

- D1 Following the publication of PPS12: Local Spatial Planning the council have decided to incorporate the Area Action Plans (AAPs) for West Whitehaven and Whitehaven Town Centre and Harbourside plus Supplementary Planning Documents (SPDs) designed to assist Market Town Initiatives at Millom and Egremont and further regeneration work at Cleator Moor and for improving housing design quality overall in the Borough into the Core Strategy.

Part E) Appendix C- Examination of the soundness of Development Plan Documents

- E1 Paragraphs E2 describes the new tests of soundness for DPDs.
- E2 To be “sound” a DPD should be JUSTIFIED, EFFECTIVE and consistent with NATIONAL POLICY.

“Justified” means that the document must be:

- founded on a robust and credible evidence base
- the most appropriate strategy when considered against the reasonable alternatives

“Effective” means that the document must be:

- deliverable
- flexible
- able to be monitored

(taken from Planning Policy Statement 12: Local Spatial Planning)

Part F) Appendix D - List of Consultees (adapted from Planning Policy Statement 12)

- F1 Paragraphs F2-F5 outline the public bodies and other organisations the council is now required to consult under new Regulation 25.
- F2 Specific consultation bodies

The regulations for the Planning and Compulsory Purchase Act 2004 sets down the specific consultation bodies that must be consulted, these are:

- the regional planning body (if the council's area is in a region other than London)
- the Mayor of London (if the council is a London borough)

- a relevant authority, any part of whose area is in or adjoins the area of the local council, such as:
 - a council
 - a county council
 - a parish council
 - a police authority
- The Coal Authority
- The Environment Agency
- English Heritage
- Natural England
- The Secretary of State for Transport
- a regional development agency whose area is in, or adjoins, the area of the council
- any person to whom the electronic communications code applies by virtue of a direction given under Section 106 (3)(a) of the Communications Act 2003
- any person who owns or controls electronic communications apparatus situated in any part of the area of the council
- any of the bodies from the following list who are exercising functions in any part of the area of the council:
 - primary care trust
 - person to whom a license has been granted under Section 7(2) of the Gas Act 1986
 - sewage undertaker
 - water undertaker.

The Council will also consult Government Office North West on the production of Local Development Documents.

F3 General consultation bodies

The general consultation bodies are:

- voluntary bodies some or all of whose activities benefit any part of the council's area
- bodies which represent the interests of:
 - different ethnic or national groups in the council's area
 - different religious groups in the council's area
 - disabled people in the council's area
 - people carrying on business in the council's area.

F4 The exact organisations that fall into these types will vary locally. When preparing the development plan document, the council will consult those general consultation bodies it considers appropriate.

F5 Other Consultees

- Age Concern
- Airport Operators Association

- British Geological Survey
- British Toilet Association
- British Waterways and other canal owners and navigation authorities
- Centre for Ecology and Hydrology
- Chambers of Commerce, local CBI and local branches of the Institute of Directors
- Chemical Business Association
- Church Commissioners
- Civil Aviation Authority
- Commission for Architecture and the Built Environment (CABE)
- Crown Estate Office
- Diocesan board of finance
- Disabled Persons Transport Advisory Committee
- Electricity, gas and telecommunications companies, and the National Grid company
- Environmental groups at the national, regional and local level, such as the Campaign to Protect Rural England, Friends of the Earth, the Royal Society for the Protection of Birds and wildlife trusts
- Equality and Human Rights Commission
- Fire and rescue services
- Forestry Commission
- Freight Transport Association
- Gypsy Council
- Health and Safety Executive
- Help the Aged
- Home Builders Federation
- Homes and Communities Agency
- Learning and Skills Councils
- Local Agenda 21 organisations, including civic societies, community groups, local transport authorities and local equalities groups
- National Playing Fields Association
- Passenger transport authorities
- Passenger transport executives
- Port operators
- Post Office property holdings
- Regional development agencies
- Regional housing boards
- Regional sports boards
- Road Haulage Association
- Sport England
- Theatres Trust
- Train operating companies (passenger and freight)
- Transport for London
- Traveller Law Reform Project
- Water companies
- Women's National Commission

NB. This list of organisations is not exhaustive and also relates to successor bodies where re-organisations occur.