

**INSPECTOR'S REPORT**  
**CALDERDALE COUNCIL**  
**STATEMENT OF COMMUNITY INVOLVEMENT**

Inspector: David Robins BA PhD FRTPI  
Date: 29<sup>th</sup> November 2007

## **Calderdale Council Statement of Community Involvement (September 2007)**

### **INSPECTOR'S REPORT**

#### **Introduction**

- 1.1 An independent examination of Calderdale Council's Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (the Act), as applied by s18(4) of the Act.
- 1.2 Section 20(5) indicates the two purposes of the independent examination in parts (a) and (b). With regard to part (a) I am satisfied that the SCI satisfies the requirements of the relevant sections of the Act, in particular that its preparation has accorded with the Local Development Scheme as required by s19(1) of the Act.
- 1.3 Part (b) is whether the SCI is sound. 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 the tests in PPS12.
- 1.4 A total of 24 representations were received, all of which have been considered. The Council proposed a number of amendments to the SCI in response to representations received and these have been taken into account in the preparation of this report.

#### **Test 1**

- 2.1 The Council has undertaken the consultation required under Regulations 25, 26 and 28 of the Town and Country Planning (Local Development) (England) Regulations 2004. The only omission was that the adjoining Regional Development Agency (the North West Regional Development Agency) was omitted during the Regulation 25 and 26 stages due to a procedural error. This was rectified during the submission consultation where the Council consulted both the North West Regional Development Agency and the North West Regional Assembly. From the evidence before me I am confident that no prejudice has resulted from this error.
- 2.2 This test is met.

#### **Test 2**

- 3.1 Paragraphs 4.6 – 4.7 of the SCI state that the SCI has been drawn up in the context of the Calderdale Futures Plan (the Sustainable Community Strategy) and states that the Council will work with public, private and community sector organisations to make sure

that the content of the two documents complement each other. The SCI also makes reference (Paragraphs 3.1 – 3.5) to such other community strategies, as the Calderdale Compact and states that consideration will be given to how these will be linked in terms of objectives and consultation.

3.2 However, the SCI should explain more clearly how the process of community involvement will be linked to the Local Development Framework (LDF) as a way of delivering the aims of the Sustainable Community Strategy. I therefore have the following recommendation to make.

**(R1)** By working closely with the Local Strategic Partnership and any other groups flowing from the Community Strategy, the Council will ensure that Local Development Documents (LDDs) are closely integrated with the Sustainable Community Strategy.

3.3 Subject to the recommendation above, this test is met.

### **Test 3**

4.1 The Council has set out in Sections 10, 11 and 12 of the SCI those groups which will be consulted. Section 10 includes the statutory bodies from PPS12 Annex E with an exception that is noted below. It is stated at Section 13 of the SCI that the Council holds a database of consultee details and that this will be updated as necessary whilst Paragraph 1.4 gives information on how an individual or organisation may be added to this database. Furthermore, the Council states in Section 12 that it will consult with additional local stakeholders where appropriate.

4.2 Section 10 of the SCI does, however, omit two of the specific consultation bodies that the Council will have to consult during the production of Local Development Documents and I recommend below that these bodies be inserted to Section 10 of the SCI.

**(R2)** Add the following bodies under a new heading to Paragraph 10.1 after Yorkshire Forward to read:

#### **“Adjoining Regional Bodies**

The North West Regional Assembly  
The North West Regional Development Agency.”

4.3 As a result of representations received on the submission document the Council proposes the following additions and amendments to the consultee lists:

**(R3)** Add Luddenden Conservation Society to Paragraph 11.1 under Civic Societies and Community Groups.

Add Worsthorne-with-Hurstwood Parish Council to Paragraph 10.1 under Parish Councils in Neighbouring Authorities within Lancashire.

Lastly correct the reference to Pendle District Council to read Pendle Borough Council.

4.4 Subject to the recommendations above, this test is met.

#### **Test 4**

5.1 Section 6 of the SCI and specifically Tables 6.1, 6.2 and 6.3 show that the Council will involve and inform people from the early stages of LDD preparation. These tables and also Table 5.1 set out the range of methods the Council will employ to do this. The Council clarifies in these tables the stages at which consultation will take place and who will be consulted at those stages. Table 6.2 shows that consultation will take place with the key stakeholders during the issues and options stage of Development Plan Document (DPD) production in accordance with Regulation 25.

5.2 I am satisfied that providing these stages are followed the consultation proposed will be undertaken in a timely and accessible manner.

5.3 This test is met.

#### **Test 5**

6.1 Section 5 and specifically Table 5.1 of the SCI set out the methods that the Council propose to use to involve the community and stakeholders. These cover a variety of recognised consultation techniques that will present information via a range of different media. The Council acknowledges the benefits and disadvantages of the different methods in Table 5.1 and indicates in Tables 6.2 and 6.3 at what stages of LDD preparation the various methods might be employed.

6.2 The SCI acknowledges at Paragraphs 5.4 – 5.9 that the Council may have to provide extra support to facilitate consultation with certain groups or individuals and proposes (at Paragraph 5.9) how it might do this. These paragraphs make it clear that the Council will make its information accessible to all members of society and thus meeting the requirements of the Race Relations Act 2000 and the Disability Discrimination Act 1995.

6.3 However, LDF documentation should be made available in alternative formats where requested and the SCI should explain how these can be obtained. As a result of a representation received on the submission document the Council propose the addition of an advertisement for this service and I recommend accordingly below.

**(R4)** Display prominently on the inside front cover the following statement:

“This and other Local Development Framework documents can be made available in large copy print, audio cassette, Braille or languages other than English. If you require the document in one of these formats please contact: Policy Manager, Planning and Regeneration Service, Calderdale MBC, Northgate House, Northgate, Halifax, HX1 1UN  
Email: Planning.Policy@Calderdale.Gov.Uk”

6.4 As a result of this amendment, I am satisfied that the methods of consultation proposed in the SCI are suitable for the intended audiences and for the different stages in LDD preparation.

6.5 Subject to the recommendation above, this test is met.

### **Test 6**

7.1 Although the SCI does mention the resource constraints faced by the Council and also the resource implications of various community involvement methods, the SCI should clearly explain how the Council will seek to ensure that sufficient resources are put in place to achieve the scale of consultation envisaged. As a result of a representation received on the submission document the Council proposes a number of changes to make the resource issue clearer and I recommend accordingly below.

**(R5)** Make the following amendments to the submission SCI:

Add the following sentence after the first sentence of Paragraph 5.2:

“The resources available to the Council are set out within Section 9 of this SCI.”

Amend the heading of Section 9 of the SCI to read:

“9 Monitoring, Review and Resources for the SCI”

Add the following text after Paragraph 9.2:

“9.3 The following in house staff resources are available for managing community involvement and carrying out related work on the LDF: -

- 1 Planning Policy Manager;
- 2 Principal Planning Officers;
- 3 Planning Officers (Career Grade);
- 1 Planning Technician;
- 1 Technical Clerk

This is a small permanent staff resource and it is therefore important that consultation is managed effectively. Wherever

possible, consultation will be undertaken in partnership with other Council Services or external partners to minimise resources and reduce consultation fatigue. In addition the Council has already purchased, and is using, an interactive on-line community engagement system for the LDF.

9.4 The Council has a rolling budget for the LDF that will be used to fund consultation exercises. The budget will be kept under review to ensure sufficient funds are available both to produce the LDF and undertake consultation in accordance with this SCI."

Paragraphs 9.3 to 9.5 should be re-numbered as Paragraphs 9.5 to 9.7 accordingly.

7.2 As a result of these amendments, I am satisfied that the Council is alert to the resource implications of the SCI.

7.3 Subject to the recommendation above, this test is met.

### **Test 7**

8.1 Paragraph 6.16 of the SCI states that the results of community involvement will be taken into account by the Council and used to inform decisions. This paragraph also gives information on the reports the Council proposes to produce at the end of each consultation period explaining how views have been considered and documents changed in light of the community involvement.

8.2 This test is met.

### **Test 8**

9.1 Section 9 of the SCI explains that the Council will monitor and review the SCI which will be formally reviewed as part of this process and reported on through the Annual Monitoring Report. Submission Paragraph 9.3 gives information on the 'triggers' that will result in a formal review of the SCI.

9.2 I am satisfied that the Council has mechanisms for reviewing the SCI and has identified potential triggers for the review of the SCI.

9.3 This test is met.

### **Test 9**

10.1 Section 8 of the SCI describes the Council's policy for consultation on planning applications. Table 8.1 meets the minimum requirements and provides information on additional methods of consultation. This table and Paragraphs 8.13 – 8.15 distinguish between procedures appropriate to different types and scale of application.

10.2 The SCI, however, does not adequately deal with the question of how the results of consultation will be reported and how the results will be used to inform the decision making process and I recommend a change to rectify this.

**(R6)** Add the following to the beginning of Paragraph 8.19

“The results of any such consultation will be reported and taken into account in decisions made by, and on behalf of, the Council.”

10.3 Subject to the recommendation above, this test is met.

### **Conclusions**

11.1 The Council has set out in its Regulation 31 Statement (November 2007) further 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 agree that they be included.

**(R7)** Implement the following amendments to the submission SCI.

Amend Paragraph 2.5 to read

“...is subject to an Examination in Public and is finally issued by the Secretary of State....”

Amend Paragraph 2.8 to include [www.calderdale.gov.uk](http://www.calderdale.gov.uk) at the end of the paragraph.

Amend Paragraph 6.20 to read

“Where it becomes evident that new SPDs are required these will be reflected in a revised LDS”

Amend Paragraph 2.9 to read

“...included within the existing LDS. In exceptional circumstances, such as major slippages in the LDS timetable or where it becomes evident new documents are required a new timetable will be established”.

To clarify the Councils position with regards to the publicity of planning applications the following amendment is recommended to Table 8.1 under Additional Arrangements for Other Planning Applications. Replace the existing text with:

“The Council will always serve notice on any adjoining owner or occupier (neighbour notification) to satisfy the minimum requirements. In addition site notices will be displayed on or near the application site for not less than 21 days where developments are likely to have a wider impact.”

11.2 The Council has provided a list of editorial changes to the SCI. These are appropriate changes to make to the submission document and I recommend their implementation below.

**(R8)** Implement the changes detailed in Appendix B to this report.

11.3 In the event of any doubt, please note that I am content for such matters as any minor spelling, grammatical or factual matters to be amended by the Council, so long as this does not affect the substance of the SCI.

11.4 Subject to the implementation of the recommendations set out in this Report, Calderdale Council's SCI (September 2007) is sound.

Inspector:

*David Robins*

David Robins BA PhD FRTPI

**APPENDIX A**  
**TESTS OF SOUNDNESS**



### **Examination of the soundness of the statement of community involvement**

3.10 The purpose of the examination is to consider the soundness of the statement of community involvement. The presumption will be that the statement of community involvement is sound unless it is shown to be otherwise as a result of evidence considered at the examination. A hearing will only be necessary where one or more of those making representations wish to be heard (see Annex D). In assessing whether the statement of community involvement is sound, the inspector will determine whether the:

- i. local planning authority has complied with the minimum requirements for consultation as set out in Regulations;<sup>1</sup>
- ii. local planning authority's strategy for community involvement links with other community involvement initiatives e.g. the community strategy;
- iii. statement identifies in general terms which local community groups and other bodies will be consulted;
- iv. statement identifies how the community and other bodies can be involved in a timely and accessible manner;
- v. methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents;
- vi. resources are available to manage community involvement effectively;
- vii. statement shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents;
- viii. authority has mechanisms for reviewing the statement of community involvement; and
- ix. statement clearly describes the planning authority's policy for consultation on planning applications.

*From:* Planning Policy Statement 12: Local Development Frameworks

<sup>1</sup> The Town and Country Planning (Local Development) (England) Regulations, 2004.



**INSPECTOR'S REPORT**  
**CALDERDALE COUNCIL**  
**APPENDIX B – EDITORIAL CHANGES**

**Regeneration and Development**

**Planning Services**  
Northgate House  
Halifax  
HX1 1UN

**Statement of Community Involvement Editorial Changes**

The table below indicates proposed editorial changes to Submission SCI prior to adoption

<b>Page/ Paragraph</b>	<b>Current Wording</b>	<b>Proposed Change</b>
Front Cover	Consultation on Submission Document (Regulation 28)	Delete text
Front Cover	Published September 2007	Change to 'Adopted (insert relevant month/ year)'
All Pages Side Banner	Statement of Community Involvement Calderdale MBC – September 2007	Amend to 'Statement of Community Involvement Calderdale MBC – (insert relevant month/ year)
Page 3 Paragraph 1.3	Upon adoption, the requirements of the SCI will be binding upon the Council.	Delete sentence.
Page 3 Paragraph 1.3	Any comments upon this SCI or requests to be added to....	Delete 'Any comments upon this SCI or'
Page 7 Paragraph 4.4	The SCI will seek to:	Delete 'will seek to'
Page 7 Paragraph 4.4	offer clear guidance that enables...	Amend to 'offers clear guidance that enables...'
Page 35 Paragraph 9.1	As a result the SCI must be able to react to changing circumstances and will be subject to annual review once it is adopted.	Amend to 'As a result the SCI must be able to react to changing circumstances and will be subject to annual review.'