

INSPECTOR'S REPORT

**CITY OF WAKEFIELD METROPOLITAN
DISTRICT COUNCIL**

**STATEMENT OF COMMUNITY
INVOLVEMENT**

Inspector: Terrence Kemmann-Lane JP DipTP FRTPI MCMl

Date of Hearing: 1 December 2005

File Reference: LDF 00099

City of Wakefield Metropolitan District Council - Statement of Community Involvement (July 2005)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of the City of Wakefield Metropolitan District Council Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act. 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 a clear need in the light of the tests in PPS 12.
- 1.2 A total of 41 representations were received, from 21 individual organisations and individuals, all of which have been considered. A requested hearing was held on 1 December 2005: the attendance sheet listing those present is attached. Since this report is into the soundness of the SCI, I have not referred to matters raised in the representations unless they result in a recommendation for a change.

Test 1

- 2.1 This test, in respect of the requirements of Regulations 25 and 26, is dealt with in the pre-submission consultation statement at Appendix 1 and in Appendix 2 of the submitted SCI, and the requirements have been met. However, in relation to consultation required by Regulation 28, whilst the main requirements have been met as can be seen from the Regulation 31 Statement, Regulation 31 requires the Council to publish representations on its website "where practicable". Representations were not available on the website. I note from paragraph 5.3 of the SCI that the Council is in the process of modernising its computer systems to allow more information about LDF documents, planning applications, etc, to be made available on its website. Whilst it might be thought that such improvements are overdue in the light of the government's well established policy on 'e-government', the important thing is that the modernisation is now being

undertaken. I consider that paragraph 5.3 should be amended in the form that I set out below.

2.2 Recommendation

Amend paragraph 5.3 as follows:

5.3 "The Council is in the process of modernising its computer systems to allow more information about LDF documents, planning applications and associated plans and documentation to be made available on its website. As part of this modernisation all relevant documents, including consultation responses, officers' reports and Committee agendas will be posted on the website as soon as practicable after they are completed or sent out to Members. This will improve access to information and allow people to respond to consultations and comment on proposals electronically."

Test 2

3.1 Paragraph 1.3 of the Introduction of the SCI sets out the ways in which the Council intends to ensure that the involvement of the community in the production of Development Plan Documents (DPDs) links in with other strategies. The Wakefield District Partnership is referred to, and in particular its vision, which is outlined in the Community Strategy, Fast Forward, and the approach in its Engagement Framework. Appendix 1 provides more information relating to the Engagement Framework

3.2 This test has been met.

Test 3

4.1 This test is dealt with by the information provided in Appendix 2. This Appendix lists the specific organisations and other 'general organisations'. The organisations listed in Appendix 2 are extensive, but inevitably it cannot be exhaustive. I therefore consider that there should be added the statement that "This list is not exhaustive, and will be updated as necessary".

4.2 I note that under the "Specific organisations" the Planning Inspectorate is included. However, this is not a statutory consultee and should be deleted. Section A2.4 of the Appendix lists other organisations to be consulted. In fact it also includes individuals, and therefore, for the sake of clarity,

the first line under the heading should have the words “and individuals” added after “organisations”, and the heading should be amended accordingly.

- 4.3 It is clear from Appendix 2 that the various bodies will only be consulted if the subject matter of the LDD affects them. Subject to the two amendments which I have already mentioned, I regard the test as being met.

4.4 Recommendation.

Delete “Planning Inspectorate” from ‘Specific organisations to be consulted’;

Add “and individuals” added after “organisations” in the first line under the heading at A2.4 ‘List of other organisations to be consulted’, and amend the heading to “List of other organisations and individuals to be consulted”.

Test 4 and Test 5

- 5.1 These tests are considered together as they are interrelated. Section 5 of the SCI sets out the process to be followed in general terms, whilst the charts which follow deal with process in some detail. Chart 1 sets out ‘The Engagement and Consultation Process for Development Plan Documents’. This details the processes and methods of engagement for the various stages of preparation from ‘Early Community Engagement’ at issues and options stage, through to public examination, adoption and feedback. I consider that this indicates how the Council will involve the community and other bodies in a timely and accessible manner.
- 5.2 Chart 1 sets out community involvement and consultation at the different stages of LDD preparation. It also provides a very general indication that activities and events will be set up, but this does not provide the level of detail which satisfies the part of test 5 which considers whether methods are appropriate. In response to submission stage representations the Council has suggested an addition to section 2 in the form of a table which sets out the methods which may be used for community engagement. This table highlights target groups, including ‘hard to reach’ groups. With the addition of this table, the tests are met.

5.3 Recommendation.

Add at the end of paragraph 2.12 the following: “The following table sets out in some detail the various methods that may be used for community engagement depending on the nature and circumstances of the document being consulted on. For the sake of completeness it also sets out methods to be used in relation to planning applications.

Methods that will be used for Community Engagement”

(Take in the table which is set out at Appendix C of this report).

Test 6

6.1 Chapter 4 of the SCI deals with resources, setting out the post holders with responsibility for the preparation of the various documents and the control of development through the processing of planning applications, and the staffing complement available to them. It also indicates the efforts which will be made to link consultation on LDDs with other community engagement activities, thus avoiding duplication (and implied waste of resources) and avoiding ‘consultation fatigue’. I consider that this is a full and adequate demonstration of the resources available and their link with the type and scale of community involvement proposed.

6.2 This test has been met.

Test 7

7.1 The SCI clearly explains how the results from the various community involvement techniques will be fed into LDD and DPD production. Paragraph 2.12 refers to Charts 1 and 2 which set out how the Council will engage and consult on development plan documents and supplementary planning documents. In turn, these charts outline how the Council will take account of comments received in response to consultations. However, there should be an explicit statement in paragraph 2.12 that comments made on proposed policies and plans will be carefully considered by the Council on the basis of reports which set out the issues, concerns and opinions of the community and stakeholders before decisions are taken.

7.2 Recommendation

- 7.3 Add at the end of paragraph 2.12: "The Council will carefully consider reports which set out the issues, concerns and opinions of the community and stakeholders before decisions are taken."

Test 8

- 8.1 Section 6 sets out how the SCI will be kept under review, and the circumstances in which changes will be made. However, it is not made entirely clear that the main means of review will be the Annual Monitoring Report, although this is referred to in bullet point 5. I recommend additional text to section 6 which makes this clearer and outlines the methods which will be used.

8.2 Recommendation

Change the first sentence of paragraph 6.1 so that it reads: "The Statement of Community Involvement will be kept under review through the LDF Annual Monitoring Report and changes..."

Add a paragraph under Section 6 as follows:

"6.2 When consulting on the LDDs the Council may use the following methods of monitoring to find out how effective consultation has been and whether people think improvements can be made:

- A monitoring form will be attached to the representations form. Following consultations for each Development Plan Document the returned forms will be analysed.
- At consultation events such as workshops or public meetings an evaluation form will be distributed and analysed after the event.

Monitoring will be an ongoing process carried out as consultations on documents are undertaken. If it is found that the consultation methods do not successfully involve people in the LDF process the methods used, and if appropriate the SCI, will be reviewed."

Test 9

- 9.1 In connection with planning applications, Section 3, along with Charts 3 and 4, sets out in considerable detail the way in which the community will be involved, including ways in which

applicants for planning permission can involve the community before and during the submission of an application.

- 9.2 However, there is no indication of the way in which the results of community involvement will be fed into the decisions on planning applications. I recommend an addition to Charts 3 and 4 to rectify this.
- 9.3 The second sentence of paragraph 3.3 states that "The Council *may* (my emphasis) be able to take account of the comments...". I understand this was intended to reflect the fact that the weighing of decisions must start with the development plan and that there is always a balance to be struck: it will not always be possible to make decisions in accordance with the wishes of those making representations. However, the current wording is capable of misinterpretation, with the suggestion of an arbitrary use of its obligation to consult and take into account the views expressed. Again I recommend a modified text.

9.2 Recommendation

In Charts 3 and 4, at the 'Decision Stage', at the end of the fourth bullet point in the boxes in the column 'Method of Engagement', add: "The relevant planning matters and an analysis of the comments made by the public will be set out in a report on the decision made by an Officer when delegated powers are being exercised, or with the Officer's recommendation to the Council when Elected Members are making the decision. These reports will be published as soon as they are completed or sent out to Members"

Amend paragraph 3.3 as follows:

3.3 "When the Council makes a decision on a planning application, it must take account of the policies and proposals in the development plan and any other planning considerations which apply. The Council will take account of relevant comments made by people who would be affected by a proposal. General advice on the issues which the Council can and cannot consider is provided on the Council's website, at www.wakefield.gov.uk//Planning/WMDCBuildingsAndPlanning/EnvironmentalPlanning/PlanningBoard/guidancenotes.htm

Information and advice are also available by contacting Planning & Development Control, see Appendix 3 for details."

Council's Response to Representations

10.1 The Council has produced a statement of the representations received to the Submission SCI which, in response, contains a number of suggested amendments to the submission draft (July 2005). Some of these concern matters which I have already dealt with. Whilst not affecting the substance of the SCI, there remain useful amendments which add clarity, as follows:

- i) Add at the end of paragraph 1.2: "The Council will ensure that Local Development Documents are prepared and planning applications considered in accordance with the SCI"
- ii) Amend paragraph 2.8 to read:
"2.8 This approach is relatively straightforward, and one that is familiar, and therefore appropriate, to the organisations targeted. It also has the advantage that it helps to reach residents who are sometimes hard to engage such as young people, ethnic minorities and elderly people."
- iii) Add a new paragraph at the end of Section 2:
"Of importance in this context is the agreed 'Compact' between the Council and the voluntary/community sector. The Wakefield District Compact is a written agreement between the statutory sector (Wakefield Council, the primary care trusts, the police and other local government organisations) and the community sector - charities, community groups, housing organisations, voluntary groups, religious organisations, sports groups, arts groups and environmental groups. The compact sets out the key principles and ways of working towards better coordinated services and quality of life for the people of Wakefield District. We will use the opportunities the Compact provides to engage hard to reach groups and maximise the use of forums and the enthusiasm that exists within the voluntary and community sectors."
- iv) Add new paragraph to section 3
"The Council is required to inform the Secretary of State before making decisions on certain applications. In a small number of cases, the Secretary of State decides to intervene, and make the final decision. Where this happens it is usual for a local inquiry to be held, providing a further opportunity for people to comment on proposals. Further details of this process

can be found at www.planning-inspectorate.gov.uk/pins/appeals/index.htm"

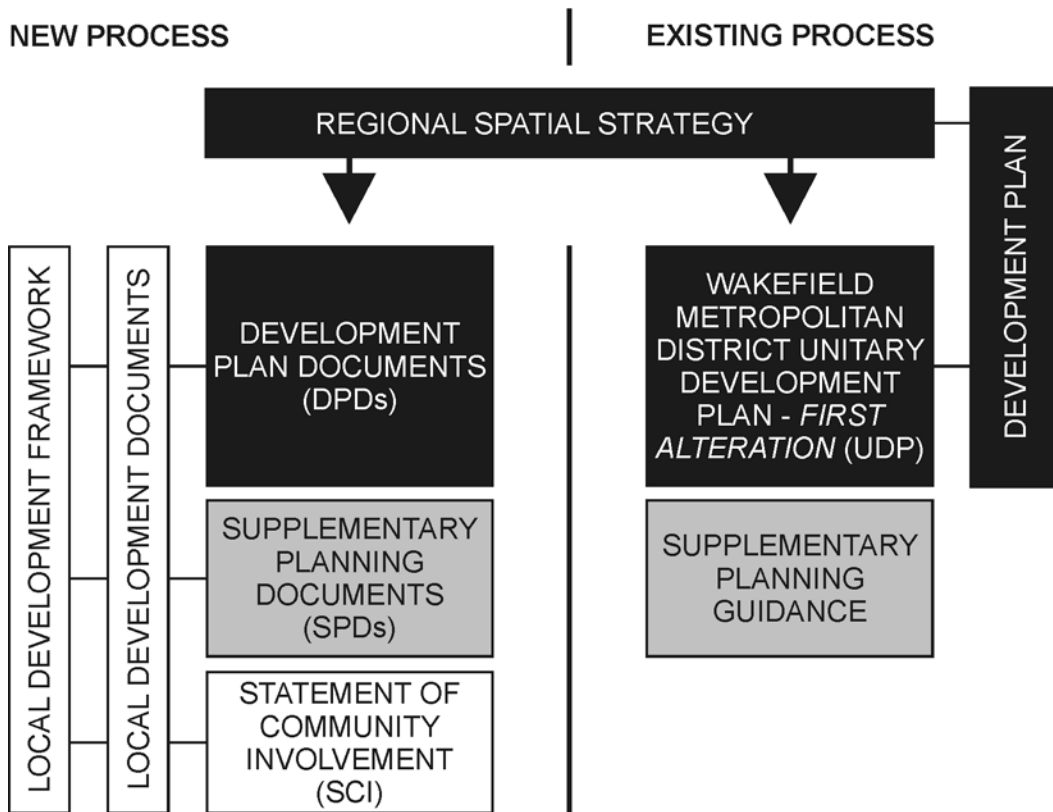
- v) Insert two new paragraphs after paragraph 5.3, (and renumber present paragraph 5.4 as paragraph 5.6) as follows:
 - 5.4 A LDF consultation database has been set up by the Spatial Policy Team which includes statutory consultees, local organisations identified from the Engagement Directory, and any interested parties who have requested that they be consulted on the LDF. The database is reviewed and updated at each consultation stage in the LDF process.
 - 5.5 The Engagement Directory held within the Head of Partnerships and Neighbourhoods Engagement Team will be used to identify local organisations which may be consulted. The list includes representatives from over 600 voluntary, community sector and other organisations, along with minority interest groups in the District. Consultees for the LDF are identified with advice from the Community Engagement Team. The Engagement Directory is updated continually by the Community Engagement Team."
- vi) Add web addresses to process 6 in Charts 3 and 4.

Other Matters

11.1 There are a number of minor matters which I have identified, or which were mentioned at the hearing. Again they do not affect the substance of the SCI, but they add to its clarity and accuracy.

- i) The Section "Making Your Comments" should be deleted, since this refers to the pre-adoption stage of Submission of the SCI for examination.
- ii) Figure 1 following paragraph 2.2 is not as clear as it could be. It should be replaced with the following diagram:

Figure 1. The Local Development Framework and the Development Plan



iii) Amend paragraphs 2.6 and 2.7, as follows:

“2.6 For the ‘Specific’ and ‘General’ organisations as well as ‘Government departments and additional’ organisations specified by legislation and identified in Appendix 2, it is appropriate to send copies of the Local Development Documents, covering letters and comments forms for them to consider. ‘Interested parties’ who have asked to be kept informed about the LDF process will also be consulted using this method.”

2.7 For local ‘General’ organisations the Council will use both this method and will also, where appropriate, contact the representative groups and organisations for consultation. Discussions with the representative groups will help decide the most appropriate method of consultation for the various organisations. This will be done via:

- Wakefield District Partnership (as this involves organisations and agencies which work in partnership with the Council to improve the quality of life in the District)

- Local Area Partnerships (forums for local area community planning, through which there are a range of engagement activities within the Area Partnership Constituency areas)
- Parish Councils (as representatives of geographic areas)
- Voluntary Action Wakefield District (VAWD) and the VOX network of community and voluntary groups in the District (as these represent most of the voluntary and community groups in the area)
- Black and Minority Ethnic Steering Group (as this represents most of the black and minority ethnic communities in the District)
- Involving Young People Team (A Council service for engaging young people through a range of activities, including "Wakies Watchdog" – a group of young people representing the interests of young people in the District and "Wakies World" – a Council website for young people)
- Older Peoples Forums (four independent groups supported by the Wakefield District Partnership considering the interests of older people across the District)
- Various Community Groups (see Appendix 2)

iv) Amend parts of Chart 1 and 2 to clarify how the Council deals with consultation comments and feedback:

Chart 1 – Box 5

Replace text with "Consider comments and feedback received from consultation on the Issues and Options Report and Initial Sustainability Appraisal"

Chart 1 – Box 6

Replace text with "Produce statements assessing the comments and feedback received from the Issues and Options and Initial Sustainability Appraisal consultation and outlining the Council's response"

Chart 1 – Box 9

Replace text with "Consider comments and feedback received from consultation on the Preferred Options Report and Sustainability Appraisal Report"

Chart 1 – Box 10

Replace text with "Produce statements assessing the comments and feedback received from the Preferred Options Report and Sustainability Appraisal Report consultation and outlining the Council's response"

Chart 2 – Box 3

Replace text with "Consider comments and feedback on initial consultation and undertake an initial sustainability appraisal"

Chart 2 – Box 5

Replace text with "Produce a statement assessing the comments and feedback received from the initial consultation and outlining the Council's response"

Chart 2 – Box 8

Replace text with "Consider comments and feedback received from consultation on the Draft Supplementary Planning Document and Sustainability Appraisal"

Chart 2 – Box 9

Replace text with "Prepare statements assessing the comments and feedback received from consultation on the Draft Supplementary Planning Guidance and Sustainability Appraisal and outlining the Council's response"

vii) Add new paragraph to Section 5:
"Comments made about planning policies and proposals will be carefully considered by the Council when determining planning applications or preparing the development plan. However, planning by nature often has a number of conflicting issues which must be assessed and balanced. The Council takes comments into account but there will be instances where the outcome may not satisfy all concerned".

viii) In Appendix 3, add new paragraph A3.4:

A3.4 For funding advice for Community Groups

The Charities Information Bureau provides help and advice for community groups and voluntary organisations who are seeking funding, and has pages for Yorkshire and Wakefield at www.cibfunding.org.uk

There is also a website offering community support funding for the Wakefield area at www.open4community.info/wakefield1

Links can also be found via the Council's website www.wakefield.gov.uk (click on Council and Democracy then Funding)

ix) In Appendix 4 - Glossary, make the following changes:

Under 'PPG' and 'PPS', add after "preparing the LDF" the words "or when considering planning applications".

Under 'RSS', third line, replace "land use" with "development".

Under 'Examination', in the first line, delete "inquiry where" and insert "examination into the soundness of a LDD, including the consideration of any"; and delete in the same line the words "about the LDDs are considered".


Under 'Planning Inspectorate'. in the first line, insert between the words "which" and "makes the final decision" the words "appoints an Inspector who"; and at the end of the entry after "Examination" insert the words "or who determines planning appeals or makes recommendations to the First Secretary of State on planning appeals and called-in planning applications"

11.2 Recommendation

Insert the amendments set out in paragraph 11.1 above.

Conclusion

11.3 Subject to the above recommendations the City of Wakefield Metropolitan District Council's Statement of Community Involvement (July 2005) is sound.

A handwritten signature in black ink, reading "Terrence Kemmann-Lane". The signature is written in a cursive style with a horizontal line extending to the right from the end of the name.

Terrence Kemmann-Lane
Inspector

APPENDIX A

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;¹
- 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

**Statement of Community Involvement
Examination
Attendance List**

Thursday 1 December 2005

Name	Address	Representing (if applicable)
Neville Ford	WMD C	WMD C
Suzanne Mithun	WMD C	WMD C
Paul Davitor	64 ALSTON LODGE DAVID WISE 200	RATS
Alex Warburton	WMD	WMD
Helen Matic	MARKFIELD VOICE CITIZENS ASSOCIATION	
	13 SANDRETTA ROAD	
Ruth Haskinham	HURST WAREHOUSES WEG BUIL	VOICE
Bill O'Farrell	22 Kestrel Place, Leek, ST6 1RA	---
SIA STASIS SMART	29 LINDSAY ROAD CHURCHILL WRE 2012	---
Kathy Allen	CHURCHILL ROAD CHURCHILL WRE 2012	---
	WMD C	

APPENDIX C

Methods that will be used for Community Engagement

METHOD	CONSULTING ON	BENEFITS	RESOURCE COSTS	TARGET GROUPS
Documents and letter by post	LDF documents	Provides detailed information allowing detailed responses and ensures everyone with an interest is fully informed	Cost – medium Staff time - high	Statutory consultees, Councillors, and interested parties such as developers/agents on the LDF database
Local Newspapers	LDF documents and planning applications	Wide coverage of the District	Cost – low Staff time – low	Citizens and general public
Council's website	LDF documents and planning applications	Provides detailed information which is accessible any time	Cost – low Staff time – medium	General public, agents and developers
The Citizen newsletter	LDF documents	Distributed to every household in the District	Cost – low Staff time - medium	Citizens of Wakefield District
Wakefield District Partnership meetings	LDF documents	Uses existing network of strategic partners which includes a wide range of stakeholders	Cost – low Staff time - medium	Strategic Partnership organisations in Wakefield District
Local Area Partnership meetings	LDF documents	Uses existing network of local community partners which includes a wide range of stakeholders	Cost – low Staff time - medium	Community groups and organisations in Wakefield District
VAWD/VOX meetings	LDF documents	Uses existing network of local community and voluntary action groups which includes a wide range of stakeholders	Cost – low Staff time - medium	Some of the harder to reach groups such as disabled people, young people, the elderly, and carers.
Black and Minority Ethnic Steering Group meetings	LDF documents	Uses existing network of local groups and representatives	Cost – low Staff time - medium	Some of the harder to reach groups such as ethnic minority and refugee groups
Public meetings	LDF documents and planning applications	Able to inform the public and get their views on issues of local interest	Cost – low Staff time - high	Communities affected by specific proposals
Workshops	LDF documents	Able to inform organisations and community representatives and get their views on issues	Cost – low Staff time - high	Target organisations and communities affected by specific proposals, Members of the Council and Town & Parish Councillors
Focus groups	LDF documents	Able to inform target groups and get their views on specific issues	Cost – medium Staff time - high	Target groups such as young people, low income families and elderly people

Letter by post	Major planning applications	Interested parties are informed of proposals	Cost – low Staff time - medium	Neighbours and community groups which may be affected by specific proposals
Copies of plans and letter	Planning applications	Provides detailed information allowing detailed responses	Cost – medium Staff time - medium	Statutory consultees and organisations on specific types of planning proposal
Site notice	Planning applications	Informs neighbours who may be affected by proposals	Cost – low Staff time - medium	Communities affected by specific proposals