

CARLISLE CITY COUNCIL

Report to:- **Carlisle City Council**

Date of Meeting:- **13th July 2010**

Agenda Item No:-

Public

Title:- **LOCAL DEVELOPMENT FRAMEWORK - STATEMENT OF
COMMUNITY INVOLVEMENT**

Report of:- **Assistant Director of Economic Development**

Report reference:- **ED. 14/10**

Summary:-

The draft Statement of Community Involvement (SCI) Development Plan Document has been the subject of consultation. The consultation responses have been considered and some amendments made to the draft document prior to its adoption as a statutory Development Plan Document. The SCI sets out how the Planning Service will involve communities and stakeholders in the production of planning policy and decisions on major planning applications. The draft SCI was considered at Executive on 4th June 2010 where Members resolved to refer the SCI to Council to consider its adoption as part of the Local Development Framework.

Recommendation:-

That the Council adopt the Statement of Community Involvement as part of the Local Development Framework

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30 June 2010

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: DS. 60/09; Executive Report 03/10

1. BACKGROUND INFORMATION AND OPTIONS

- 1.1 The Local Development Framework introduced by the Planning and Compulsory Purchase Act 2004 requires a Statement of Community Involvement (SCI) to be produced and adopted by each Council. The SCI sets out how the Planning Service will involve communities and stakeholders in the production of planning policy and decisions on major planning applications.
- 1.2 The Planning Service can provide additional consultations and this document sets out the minimum level of consultation to be expected. Through the stages of production for this version different mechanisms were used including input of the Citizens Panel and alerts via Facebook.
- 1.3 There is no longer a requirement for the Planning Inspectorate to independently assess SCI documents and the Council can now adopt its own guideline as part of the Local Development Framework.
- 1.4 The draft SCI was considered at Executive on 4th June 2010 where Members resolved to refer the SCI to Council to consider its adoption as part of the Local Development Framework.

2. CONSULTATION

- 2.1 Consultation to date.

The SCI was published for consultation on 4 December 2009 for a 7 week period to 22 January 2010. It was available to download and to view on the Council's website; representations could be submitted online. It was also made available in the Customer Contact Centre and in public libraries. A reference to the consultation was also made on Facebook. Previous consultations have involved the Citizens Panel providing feedback and a number of comments from 14 organisations ranging from Parish Council to Government Office for the Northwest.
- 2.2 Consultation results.

Prior to the public consultation feedback was received from the Citizens Panel as well as a range of other organisations. These comments were reported to Executive on 1st September 2009 and fed into the draft SCI before the document was approved for public consultation. In addition to these earlier comments a further fourteen responses were received during the final public consultation. The consultation picked up some recent name changes to organisations and

organisations that had been omitted from the consultation lists in the SCI. These comments and the suggested changes to the SCI were reported to Executive on the 4th June. The amended document is attached at Appendix A.

3. RECOMMENDATIONS

- 3.1 That the Council adopt the Statement of Community Involvement as part of the Local Development Framework.

4. REASONS FOR RECOMMENDATIONS

- 4.1 All new planning policies and proposals will have to comply with the consultation guidance set out in the SCI if Local Development Framework documents are to be judged 'sound' by the Planning Inspectorate at Public Examination.

5. IMPLICATIONS

- Staffing/Resources – The document's production is resourced from within the Local Plans and Conservation Section.
- Financial – Costs of production are contained within the Local Plans and Conservation budgets.
- Legal – The production of the SCI is a statutory requirement of the Planning and Compulsory Purchase Act 2004 and associated regulations and guidance. Planning policy documents cannot be approved by the Planning Inspectorate as Local Development Framework documents unless the level of community participation conforms with guidance set out in the SCI.
- Corporate – The SCI will provide a framework for the Planning Service's involvement with communities and stakeholders under the Planning and Compulsory Purchase Act 2004.
- Risk Management - That the Planning Inspectorate might reject Local Development Documents at examination if procedures are not detailed in an SCI document and followed.
- Equality and Disability – Documents are available in different formats on request. This document will help ensure that equality and disability issues are addressed by Planning and it supports the Equality Impact Assessment of the Service. Minority representative groups have been included in the preparation of this document.
- Environmental – None.

- Crime and Disorder – Appropriate bodies who are involved in crime and disorder matters are included in the list of consultees.
- Impact on customers – The SCI sets out how they can get involved in the development of planning policy and express views on major planning applications.

Appendix A- Statement of Community Involvement

Draft
Statement of
Community Involvement

Sept 2009

1	Introduction	
2	The Statement of Community Involvement and the Process	
3	The Local Development Framework	
4	The Council's approach to consultation	
5	Community Involvement in the Local Development Framework	
6	Consultation in Planning Applications	
7	Management and Resourcing	
8	Monitoring and Review	
9	Planning Aid	

Appendices:

Appendix	1	Specific and General Consultation Bodies
Appendix	2	Where to View Documents; Library Opening Hours
Appendix	3	Glossary
Appendix	4	Contact Details

1 Introduction

This document sets out how people will be given the opportunity to influence future development in Carlisle. It will explain how and when the community will be consulted on planning policy and planning applications.

Planning works in a number of ways to benefit the community:

- It identifies the level of development the district requires and guides development to the most suitable locations;
- It encourages the promotion of development to the benefit of the district;
- It controls development pressures so that amenity and the environment are protected;
- It takes action to improve the quality of the environment and quality of life;
- It maintains the accessibility and safety of the public.

The approach to community involvement will be to:

- Enable communities to put forward ideas and suggestions and participate in developing visions, proposals and options for the future;
- Inform communities about emerging policies and proposals;
- Consult on formal proposals;
- Ensure that consultation takes place in locations that are widely accessible;
- Provide feedback.

2 The Statement of Community Involvement (SCI)

The Purpose of the Statement of Community Involvement

- 2.1 One of the key aims of the new Local Development Framework system is to involve the community more effectively in the process of preparing planning policy documents, with the aim of producing quality development which meets the needs of the local community.
- 2.2 This Statement of Community Involvement document sets out the Council's procedures for involving the public in the planning process, both in the preparation of planning policy documents and in the development control process. It will:
- Set out the minimum requirements for community involvement as given in the Planning regulations;
 - Identify who needs to be involved;
 - Identify the best way of involving the communities of Carlisle and district;
 - Outline the stages of consultation;
 - Show that the process can be managed and resourced effectively;
 - Set out the policy on consulting on planning applications.

The SCI Preparation Process

- 2.3 The process below applies to the preparation of the SCI:

Figure 1

Stage	Regulation
<i>Pre-Production</i>	
Evidence Gathering	
<i>Production</i>	
Initial consultation on the scope and content	Regulation 26
Document prepared taking account of comments made	
Consultation on draft	Regulation 27/28
Amend document if necessary	
<i>Adoption</i>	
<i>Monitoring</i>	

- 2.4 Any consultation on a draft document will take place for a minimum period of six weeks. The SCI will be taken to the Council's committees for consideration and approval: Executive; Infrastructure, Overview and Scrutiny; and full Council. Once adopted, the SCI will be monitored when appropriate through the Annual Monitoring Report. It will be formally reviewed if circumstances change and if it becomes factually inaccurate.

3 The Carlisle Local Development Framework

- 3.1 The Planning and Compulsory Purchase Act 2004 ('The Act') brought in a new system for planning comprising a regional spatial strategy, the North West of England Plan Regional Spatial Strategy to 2021, and a Local Development Framework, a portfolio of spatial planning documents prepared by the Local Planning Authority which delivers the spatial planning strategy for the Carlisle district.

The Local Development Framework (LDF)

- 3.2 As well as the SCI the Local Development Framework also includes:

The Local Development Scheme (LDS)

The Scheme sets out the documents to be produced under the LDF over a three year period and the associated timetables for their production. The LDS is updated and rolled forward as necessary. The current LDS can be viewed on the Council's website www.carlisle.gov.uk

Development Plan Documents (DPDs)

These set out the Council's spatial planning policies for new development. These must include a **Core Strategy** which contains the spatial strategy for the future development of the District. It will identify the development needs and the broad locations for new development to meet these needs. There must also be documents showing site specific allocations of land and a Proposals Map. Documents may also set out policies to deal with areas of change or regeneration (Area Action Plans).

When adopted by the local planning authority DPDs have the status of being part of the 'development plan' under the 2004 Act.

Supplementary Planning Documents (SPDs)

These documents contain more detail than DPDs and may explain and supplement the policies and proposals in DPDs. They are usually topic specific or site specific. Additional countywide SPDs may be prepared with the County Council and other district councils in Cumbria.

Local development documents should be aligned with national and regional plans and reflect broader scale, national policies.

Annual Monitoring Report (AMR)

The Annual Monitoring Report sets out progress made in preparing local development documents as well as providing information on the performance of policies against a series of indicators.

Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) for DPDs

An integral part of the LDF is that all documents contribute towards creating sustainable development. To ensure this happens a Sustainability Appraisal aims to assess the

environmental, social and economic effects of the implementation of the policies in the documents. The probable impacts of the proposed policies and proposals are predicted. The Scoping Report, which will set out the methodology for the appraisals, will be the subject of consultation with selected bodies and organisations in the preliminary preparation period for a DPD. The Appraisals will be subject to consultation alongside the relevant draft DPD. The Sustainability Appraisal will, when appropriate, incorporate the Strategic Environmental Assessment which is a requirement under European legislation. (European Directive 2001/42/EC)

All DPDs need to be assessed under the European Habitats Directive and Regulations Article 6 (3) and (4) for the possible effects on the integrity of European designated sites. European sites comprise:

- Special Areas of Conservation (SACs) for habitats;
- Special Protection Areas (SPAs) for birds; and
- Sites designated under the Ramsar Convention as wetlands of international importance.

The process of determining whether a plan/document complies with the requirements of the Habitats Directive is referred to as **Appropriate Assessment**. The purpose of the assessment is to determine whether the proposed plan/document might have adverse effects on sites and, if thought likely, to suggest ways of avoiding them.

Other Plans and Strategies

The LDF is required to take account of other key documents, one being the Community Plan.

The Community Plan for Carlisle was published in 2007 to cover 10 years. The Carlisle Partnership involved sharing information from the public, private, voluntary and community sectors in its preparation as well as the Carlisle Renaissance project team. Five groups regularly meet to discuss topical issues relevant to the sub-group: Healthy communities and older people, Economic development and enterprise, Safer stronger communities, Children and young people and Housing. Targets were set for achievement which may be represented in other plans such as the Council's Corporate Plan and Cumbria Constabulary's North Cumbria Policing Plan. The 2008 update of the Community Plan set a new vision and reviewed progress with new targets set.

The diagram which follows shows the integration of the Community Strategy from the Plan and Spatial Planning aims.

Diagram 1

An Integrated Approach to Sustainable Community and Spatial Planning



Source: *Carlisle Community Strategy, Carlisle Partnership*

4 The Council's Approach to Consultation

- 4.1 The Statement of Community Involvement reflects and takes into account the Council's commitment to consultation, established in the key documents:

Corporate Consultation Policy 2008

The Council is committed to conducting good quality, coordinated consultation and applies the following principles to public consultation undertaken. Consultation must be:

- **topical** – related to a decision that needs to be made
- **competent** – high quality and innovative
- **inclusive and relevant** – use a variety of consultation methods and communication formats to reach as many people as possible
- **cost effective** – use emerging technologies and innovative approaches
- **useful** – provide clear feedback to share results

The Policy gives guidance on who to select for consultation and how to consult using suggested research methods.

Communication and Accessibility Policy

The Policy sets out the Council's approach to equality, diversity, community cohesion and inclusivity. The Council will endeavour to meet the requirements of the Race Relations Act 2000 and the Disability Discrimination Act 1995.

- 4.2 **Carlisle Partnership** is the local strategic partnership which produced the Community Plan. It is an umbrella organisation bringing together community representatives and key agencies from across the city and district. Its purpose is to work together to provide quality services for local people and an improved quality of life for local residents. It has various sub groups such as Convenors, Healthy Communities and Older People, and the Children and Young People's Group.
- 4.3 **Members of the Council** are a vital link between the local community and the Council. As elected community representatives holding members' surgeries they may be the first contact residents have on planning issues. Local development documents will be taken to the relevant committees: Executive, Overview and Scrutiny and full City Council for comments/amendments, approval for consultation and later for adoption.
- 4.4 The names and addresses of elected members for each of the wards are on the City Council's website. On the Homepage use the left hand headings "Council and Democracy" and "Councillors".

5 Community Involvement in the Local Development Framework

Who are the Consultees?

- 5.1 The Town and Country Planning (Local Development) (England) Regulations 2004 as amended specify that certain organisations (the specific, general and other consultation bodies) must be consulted at various stages in document production, but only as the Council deems appropriate. The Council will go beyond these minimum requirements at the formal stages of document production by consulting various other organisations and notifying individuals, agents and companies who have asked to be informed.
- 5.2 A list of specific and general consultation bodies and other groups is given in Appendix 1. The Local Plans and Conservation Section holds a consultee database which it uses for consultations. Any body or person wishing to be added to the list or need to change their contact details may write in to the Section or email lpc@carlisle.gov.uk or telephone 01228 817193

Consultation Methods

Table 1 Consultation Strategy by Document Type

Key: Y Yes x No ? Possibly

Type of Document /Stage	Consultation Letters and Emails	Statutory Press Notices	Web site	Media Releases	Informal Discussions with Officers	Questionnaire	Formal Meetings	Exhibitions and Displays	Focus Group
SCI									
Informal consultation (Reg.26)	Y	x	Y	x	Y	?	?	x	x
Formal consultation (Reg. 27)	Y	Y	Y	Y	Y	x	?	x	x
DPDs									
Informal consultation (Reg. 25)	Y	x	Y	Y	Y	?	?	?	?
Formal consultation (Reg. 27)	Y	Y	Y	Y	Y	x	?	?	x
Submission to Secretary of State (Reg. 28)	Y	Y	Y	x	Y	x	Y	x	x
SPDs									
Informal Consultation	Y	x	Y	?	Y	?	?	x	x
Formal Public Consultation (Reg. 17)	Y	Y	Y	Y	Y	x	?	?	?

- 5.3 The planning system emphasises the ‘front-loading’ of consultation or encouraging input from the community and all stakeholders at the earliest stage possible in an effort to build consensus with communities on the content of documents and plans.
- 5.4 The Council will use a range of methods and techniques to engage the community and assimilate its views and opinions into document preparation. The general range of methods are listed in the Table above. Although the legislation covering Local Development Framework preparation requires certain aspects of consultation to be carried out at certain times and in certain ways some flexibility is permitted and many different techniques may be used to carry out this consultation. The Council will try to ensure that the methods of consultation are suitable for the intended audience and for each stage of LDF document preparation. The SCI and methods selected will follow the principles of the Corporate Consultation Policy. Alternative formats for documents and translations are obtainable from the Communications Section and reflect the minority populations of the District. The languages available are: Bengali, Lithuanian, Polish, Portuguese, Turkish and Cantonese.
- 5.5 The method selected may be influenced by the budget available at the time of a proposed consultation, by the time and staff available, as well as by the opportunity that arises.

Publicity and Availability of Documents

Table 2 Methods of Consultation for Consultee Groups

Consultee Types	/Category	Consultation Methods to Select From
Existing community representation, channels, forums	A	Inspection documents, website, media, newsletters, meetings
General Public	B	Inspection documents, website, media, newsletters, meetings
Statutory Bodies, Government Departments and other Councils	C	Inspection documents, website, media
Specific Interests (inc. developers, landowners, agents)	D	Inspection documents, website, media,
Hard-to-Reach Groups	E	Inspection documents, website, media, newsletters
Schools, Colleges and Universities	F	Inspection documents, website, media, newsletters

Table 3 Consultation Strategy by Groups

Development Plan Documents	Who will be consulted
Stage in preparation of DPD	
Evidence gathering	A
Consultation on Issues	A, B, C, D, E, F
Consultation on selected options (Reg. 27)	A, B, C, D, E, F
Statutory consultation prior to submission (Reg. 28)	A, B, C, D, E, F
Adoption	A and all who commented

Supplementary Planning Documents	Who will be consulted
Stage in preparation of SPD	
Evidence gathering	Site specific: A, B, C, D; District/wide: B, C, D
Consultation on preferred options (Reg. 17)	A, B, C, D, (E, F if relevant)
Adoption	All who commented
Sustainability Appraisal (SA)	Who will be consulted
Scoping report	C
Objectives and indicators	C, D
Sustainability Report	C, D

Stakeholder Consultees

5.6 The Council's Corporate Consultation Policy lists the range of appropriate stakeholders who will often include:

- Elected Members
- Local residents and community groups
- People working in the District
- The local business community
- Parish councils
- Community and voluntary sector
- Other public agencies and partnerships that we work with
- Cumbria Disability Network
- AWAZ (a group of representatives of black and ethnic minorities in our local communities)

5.7 The Council has a commitment to equality and effective consultation will ensure engagement with people representing the diversity of our local population which will mean taking steps to ensure appropriate consideration is given to views from:

- People from minority ethnic groups
- Faith groups
- People with disabilities
- Lesbian, gay, bisexual and transgender groups
- Residents of all ages
- Asylum seekers and refugees
- Lone parents and/or carers
- People living in areas of deprivation or on a low income

Availability of Documents

5.8 Subject to the requirements of the Regulations the Council will seek to maximise the use of electronic means of communication. Consultation documents will be made available as a matter of course in electronic and hard copy format. Consultees will be encouraged to make use of the Council's website www.carlisle.gov.uk (Look under Environment and Planning) rather than requesting hard copies of documents. For those

who do not have internet access terminals are available to the public in the Civic Centre Customer Contact Centre and in public libraries.

- 5.9 The Council has sought to produce its LDF documents in an easy to read format. Documents for inspection, meetings and exhibitions will be held at accessible locations. Large print documents are available on request as are translations. Copies will be available for purchase in hard copy form or on CD on request; however all consultation drafts sent to, or requested by specific and general consultation bodies as defined by the Regulations will be free of charge, as may be drafts sent out to some other public sector, charitable and voluntary bodies. A scale of reasonable charges for other consultees and individuals, agents and companies who have requested documents including background documents will be applied. This scale of charges is reviewed annually through Council.

Receipt of Representations

- 5.10 At formal stages of the Local Development Framework process the use of standard forms will be encouraged, although all written comments will be registered. Representations received will be acknowledged and the comments will be considered by officers for consideration at the various Committee and submission stages. These summaries are available for inspection.
- 5.11 It should be noted that it will not always be considered possible or appropriate to decide to follow and include comments as submitted. There may be other material considerations such as the requirements of legislation, or national, regional or local policies to which the Council needs to adhere to.

Background – Results of previous consultation

Citizen's Panel

- 5.12 Eleven questions on consultation in planning were included in the May 2006 Citizen's Panel sent to 1,453 people. 42% of the questionnaires were returned. The results can be summarised as follows:
- The most popular source for obtaining information was local newspapers (78% of respondents); the Civic Centre contact centre was second in preference for obtaining planning information (64%), with Carlisle City Focus free magazine a third source (60%).
 - Overall 17% of the Panel had taken part in recent planning consultations, with 14% having responded to the Local Plan consultation.
 - For those that had taken part in the consultations this was largely in response to a consultation letter. (37%)
 - 71% of the Panel has previously found out about planning applications through a newspaper notice or article.
 - 90% of the Panel thought that applicants should do some public consultation on their plans before submitting a major planning application.
 - For issues of planning policy and/or planning applications around 60% would get involved if consultations were through the 'Cumberland News'.

Draft SCI Consultation: Regulation 25 Consultation

- 5.13 A first consultation took place from 18 March to 28 April 2006. The letter was sent to 69 consultees asking if there were concerns about any planning policy-making or planning application consultation issues. Nine responses were obtained making the following points:
- Three respondees requested hard copies of documents and two of these statutory consultees asked for informal approaches for major issues of common interest;
 - Parish councils requested early consultation with longer times for responses; all methods of communication were acceptable: online, email, letters, public meetings and wireless video links.
- 5.14 The first draft SCI consultation took place from 1 December 2006 to 19 January 2007. There were 15 responses.
- 5.15 Concerns were expressed about the comprehensiveness of databases and specialist interest groups felt they might be omitted from a consultee database.
- 5.16 Other concerns centred around the Development Control process. Several respondents expressed the desire for adequate advance consultation by developers of major schemes. Other respondees requested clarity on processes such as obtaining pre-application advice, how applications are dealt with, timescales and information on current planning applications.

Preparation of the LDF – Who should be involved

- 5.17 Anyone who may have a role or interest in shaping the planning of the Carlisle district, including local people, local businesses and partnerships, community groups, landowners/developers, public sector organisations, regional and national organisations and government agencies, has the opportunity to engage in the preparation of the Local Development Framework (LDF).
- 5.18 The government has identified organisations to be consulted on certain documents at certain stages of their preparation. These are called 'Specific Consultation Bodies' and are identified in Appendix 1. These include groups such as the Environment Agency, English Nature and English Heritage. These will often have particular areas of interest.
- 5.19 The government has also identified in the planning regulations general consultation bodies which cover the range of voluntary, community, special interest, amenity and business interests and these referred to in Appendix 1. The government advises that these should not be listed in detail as the list could become out of date very quickly.
- 5.20 The general public is an identified group but is often the hardest to involve in the preparation of planning documents. The SCI will need to take a balanced approach between consultation with established groups/organisations/forums and trying to engage members of the public which can be more time-consuming.

- 5.21 To be effective planning documents there must be an awareness of smaller, marginalised groups in the community so that their interests are recognised. Such groups may include black and minority ethnic people, gypsies and travellers, refugees and asylum seekers and people of different religions and beliefs. The Carlisle Equality and Diversity Partnership, a sub group of Carlisle Partnership, involves 25 members drawn from the public and voluntary sectors. The Group seeks to raise awareness and encourage greater participation and co-operative working between voluntary, statutory and community groups to 'ensure no individual or minority group is excluded from accessing services for any reason'. It has given support to the Bangladeshi Community Association, the Asian Women's Group, Gay Cumbria and the Club Italiano di Cumbria.
- 5.22 Carlisle has 16 **neighbourhood forums**, 12 of them in the City. They meet every few months to discuss issues of importance to the neighbourhood area, community needs and to allocate grants to community groups to assist projects. They are organised and administered by Cumbria County Council. There may be opportunities to involve forums in specific LDF issues and action plans. Also developers of major schemes are encouraged to pre-consult relevant forums.

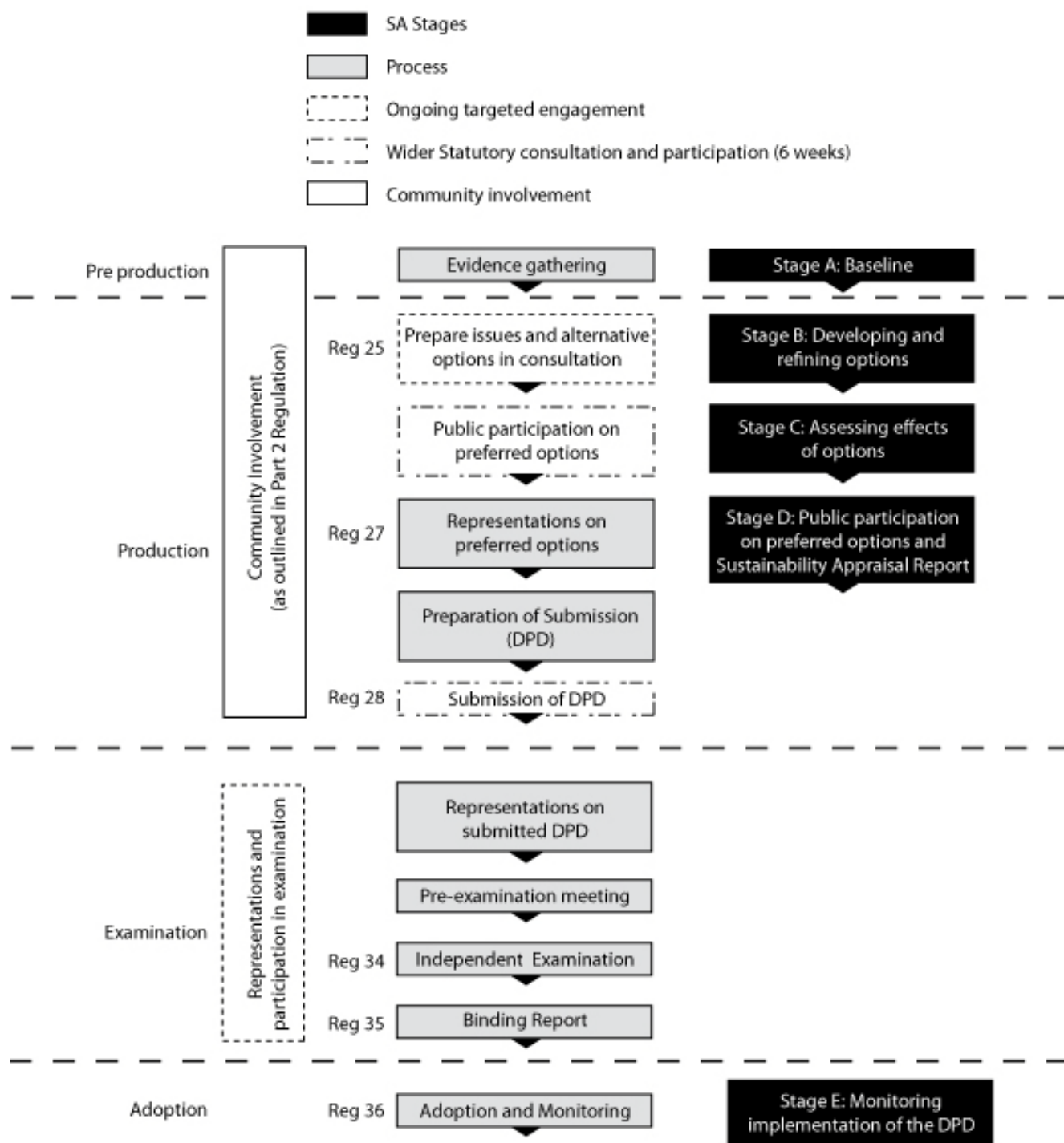
Preparation of the LDF – How and when consultation will take place

Consultation on Development Plan Documents

5.23 Two main stages of public consultation take place on development plan documents and one targeted consultation, all of which are shown in the diagram overleaf.

Diagram 2

The Development Document Preparation Process - Incorporating Sustainability Appraisal (SA)



- 5.24 Under the provisions of the Planning Act 2008 (C.29) Part 9 Chapter 2 which came into force on 6th April 2009 the requirement for the statement of community involvement to be specified in the local development scheme and for the requirement for it to be subject to independent examination was removed. The requirement for independent examination and for sustainability appraisal of supplementary planning documents was removed in this same Act.

The preparation stages are outlined in more detail on the following pages.

Pre-Production and Stage A

This is the evidence gathering stage where relevant social, economic and environmental data will be collected and the national and regional policy framework established. There may be informal meetings and discussions with consultees and identified stakeholders at this stage to discuss any specific issues arising during the evidence gathering process.

Production and Stages B and C

Issues will be extracted from the evidence and preliminary options set down. At this stage there will be consultation as prescribed under Regulation 25 of the Town and Country Planning (Local Development) (England) Regulations 2004 (SI 2004/2204). The aim of this stage will be 'front-loading' of the plan through community involvement. This will involve an informal approach to selected consultation bodies and to Infrastructure, Overview and Scrutiny Committee who will be asked for their ideas. Informal meetings will be held to discuss the alternative strategies.

At this stage the Council is required to consult certain bodies on Scoping Reports for Sustainability Appraisals.

Production and Stage D

There will be a formal, six week period for public participation. The availability of documents will be advertised. Copies of documents will be sent out if requested and others will be notified of their availability. Meetings will be arranged during this period to discuss alternative strategies.

All the comments received, whether by email, letter or fax will be considered and officers' responses to comments made available in public documents for inspection. Representations made by telephone will not be registered and formal representations should be confirmed in writing, preferably on the official form. Individual written responses to comments received will not normally be sent.

Submission Draft

A revised submission draft document and final sustainability appraisal will be prepared, the draft document being amended to take account of comments received. These will be submitted to the Secretary of State for Independent Examination. Along with these two documents a Consultation Statement will also be submitted setting out how it has complied with this Statement of Community Involvement and how it has handled comments. At the same time the Council must send a copy to 4NW (the North West Regional Planning Body), to allow it to state whether the DPD is considered to be in conformity to the Regional Spatial Strategy (RSS).

Examination

All those with an outstanding objection have a right to have their comments considered by the Independent Inspector who will conduct an Examination into the 'soundness' of the DPD. Soundness involves a consideration of whether the DPD is justified, effective and consistent with national policy. There will be a pre-examination meeting at which the Inspector will agree with all those who made representations how their views will be considered. The Inspector normally considers comments in written submissions; these carry as much weight as personal appearances at oral hearings, which can take the form of round table discussions, informal hearings and public inquiries.¹

Adoption

Following the Examination the Council will receive a binding report from the Inspector. This means that the Council must follow the Inspector's recommendations and amend the DPD as advised. There is a period during which the Council can seek to clarify factual matters.

Consultation on Supplementary Planning Documents (SPDs)

- 5.25 The procedure for preparing and adopting Supplementary Planning Documents is shorter than for DPDs and these are not subject to Independent Examination.

Pre-Production Stage

Relevant evidence is gathered to inform the preparation of an SPD.

Production

There may be a consultation on the scope and content of an SPD. A draft SPD is prepared and published. Public participation (as under Regulation 18²) for a period of six weeks will take place and be advertised in a local newspaper. (i.e. The Cumberland News) A Consultation Statement will be written and published which sets out the Council's responses to comments. The SPD will be amended in the light of comments received.

Adoption

The SPD will be adopted by full Council and then used as a background document for Development Control purposes.

¹ Development Plans examination – A Guide to the Process of Assessing the Soundness of Development Plan Documents, PINS- available at www.planning-inspectorate.gov.uk

² The Town and Country Planning (General Development Procedures) Order 1995, The Town and Country Planning (Local Development) (England) Regulations 2004 and The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008

6 Planning Applications and Consultation

- 6.1 Carlisle City Council as the local planning authority for the area deals with all the planning applications for Carlisle District. The system works within the framework set by the Development Plan. This is currently
- *North West of England Plan Regional Spatial Strategy to 2021*
 - *Cumbria and Lake District Joint Structure Plan 2001-2016: selected policies saved*
 - *Carlisle District Local Plan 2001-2016*
- 6.2 The Development Plan does not in itself prescribe how each planning application should be determined. Planning legislation and government guidance allows a considerable degree of discretion to local planning authorities in considering each proposal. The guidance attaches significant importance to seeking and taking note of the views of residents and other stakeholders. There are minimum standards set in regulationsⁱ as to who should be consulted.
- 6.3 A 'Planning Application Validation Checklist' is sent to all planning applicants, which includes a list of all the information and studies that need to accompany a planning application. Under the section 'Supporting Planning Statements' it states details of consultations with Carlisle City Council and the wider community/statutory consultees undertaken prior to submission. However, a separate statement on community involvement may also be appropriate. Design and access statements are required for most planning and listed building applications. A guidance note advising the contents of such statements is available on request.

Community involvement

- 6.4 The Council will encourage developers of **Major developments** to involve the community prior to the submission of a planning application. Developers should contact the Development Control Section of the Planning and Housing Services on 01228 817179 before submitting their application in order to establish how the community can be involved. The Council is keen to help facilitate consultation where appropriate and work with developers to ensure an acceptable outcome for the communities affected by major development. It may be appropriate to consult at a Neighbourhood Forum organised by the County Council. There are four rural forums and 12 forums in the city.

Major applications are those defined in the Town & Country Planning (General Permitted Development) Order 1995 and the ODPM PS2 Return. These include:

- Housing development sites where 10 or more dwellings proposed, or consideration of housing on sites of more than 0.5 ha in size;
- Development with a floor area 1000sqm or a site of 1ha or more; Development includes uses and infrastructure;
- Change of use development meeting these thresholds is included;
- Development requiring the submission of an Environmental Assessment.;
- Development that does not accord with the Development Plan;
- Development that proposes the closure of a public right of way.

Who the Developer needs to involve

6.5 The extent of involvement will be confirmed by the Council on a case-by-case basis. Those to be consulted should include:

- statutory consultees
- neighbours
- community groups
- service providers
- others likely to be affected by the development

How the Developer will engage with the community

6.6 The Developer should provide a Consultation Statement as part of the planning application, setting out what community involvement has been carried out. This should reflect the following steps and actions:

- Awareness raising, for example:
 - Site Notices
 - Press Releases
 - Letters to adjacent residents
 - Leaflet drops
 - Notification to Interested Stakeholders
- Consultation
 - Statutory stakeholders (eg Highway and drainage authorities)
 - Adjacent land owners
 - Interested stakeholders including Parish Councils
- Participation
 - Events and Exhibitions held
- Feedback
 - Recording, analysing and actioning comments received
 - Feedback to the community
 - Describe influences/changes to the proposed development following consultation activities

Timing of community involvement in major developments

6.7 The Council will discuss with a developer the programme for community involvement on a case-by-case basis. In any event, the developer will have to plan for an adequate period of consultation and for handling feedback.

What the Council will do

- 6.8 No charge is made for pre-application discussions. A meeting with a planning officer is normally arranged within three weeks of a meeting request being made. A note of discussions is made by the officer involved on an internal database.
- 6.9 Applications can be viewed at the Council's Customer Contact Centre on the Ground Floor of the Civic Centre, Rickergate, Carlisle (Tel. 01228 817200) between the hours of:
- Monday to Thursday 9 a.m. to 5 p.m.
 - Friday 9 a.m. to 4 p.m.
- 6.9 The Council will carry out its own consultation on all planning applications submitted in line with statutory requirements as set out in the Town and Country Planning (General Development Procedures) Order 1995. A protocol has been agreed between the District Councils of Cumbria, including Carlisle City Council, and the County Council which establishes when the County Council should be consulted on planning applications.
- 6.10 The Council raises awareness of applications and will consult with affected and interested stakeholders by direct written notification and, or, by site notices and, or, press notices. There is the statutory 21 day period to respond.
- 6.11 A Development Team approach has been introduced to consider larger applications. This takes the form of a development progress meeting where all relevant officers and statutory consultees are present to give verbal views on applications under consideration. This face-to-face meeting helps to resolve issues at an early stage and will avoid delays in the process.
- 6.12 In addition to the statutory consultations we may involve stakeholders and the community further on a major development. Cases where we may need such consultation are given below in the context of three tiers:
- Tier 1 Applications where they do not accord with Carlisle Local Plan (in the future the Carlisle Development Framework) policies or are of a large scale or controversial
- Tier 2 Applications broadly in accordance with the Carlisle Local Plan (in the future the Carlisle Development Framework) but raising controversial issues or detail, including sites 'sensitive' to development pressures.
- Tier 3 Large applications, which require wider community consultation as the site is 'sensitive' to development pressure and/or raises significant objections

6.13 Each tier will require different approaches to consultation.

Table 4 Suggested Consultation Methods for Major Applications

Major planning applications	Consultation Methods
Tier 1	Website information, letters, publications, elected representatives, stakeholder meetings
Tier 2	Open days, road shows, website information, letters, publications, elected representatives, stakeholder meetings
Tier 3	Open days, road shows, website information, letters, publications, elected representatives, stakeholder meetings

Decision Making

6.14 There is a general presumption in planning law that applications should be approved unless they adversely affect matters of acknowledged importance. The Council has to have regard to this, as well as to Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which requires applications to be determined in accordance with development plans unless material planning considerations indicate otherwise.

6.15 The Government has set targets for the determination of planning applications based on the type of application: 'major', 'minor' or 'other'. The Development Control Service will strive to achieve the following targets:

- 60% of all major applications determined within 13 weeks
- 75% of all minor industrial/commercial applications determined within 8 weeks
- 87% of all other applications determined within 8 weeks

6.16 It is the Council's aim to strive to achieve the set service levels. Regular reviews of the performance of the Planning Service are made in order to identify any major shortfalls in the process. The Council has set out to organise the way in which planning applications are processed to that a balance is achieved between meeting the performance requirements of the Government and ensuring that the rights and needs of the local community are properly considered.

6.17 The Scheme of Delegation provides for around 90% of decisions on applications to be delegated to officers when an application is fully in accordance with the Development Plan and planning policy guidance. To ensure that adequate consultation has taken place and consistency the Team Leaders of the two development control teams inspect all applications that may be determined under delegated powers prior to a decision being made. If the application is for a major development, there are a number of objections or raises significant local concerns it may be referred to Development Control Committee.

6.18 A summary of all consultees' comments is included in Development Control Committee reports. They are weighed up against a background of planning policy and taken into account by officers in reporting recommendations and by the Committee in deciding planning applications. Under the revised *Right to Speak Scheme* (January 2009) any application which attracts four or more written or verbal objections from separate

households or addresses within the 21- day publicity and consultation period is referred to Committee if the views made in representations are contrary to the prospective decision that could be made under the Scheme of Delegation. Any City councillor can request that an application be referred to Committee for determination.

- 6.19 Provided a written request has been made, anyone who has submitted written objections may address the Committee on a particular application for three minutes under the 'Right to Speak' policy. The Chairperson then invites the applicant or anyone representing the applicant to address Committee to respond. If fewer than four objections are made to an application and the application is to be decided under the Scheme of Delegation the objectors are notified in writing and are given opportunities to meet the Case Officer and express concerns verbally. They are then given a copy of the summary of reasons for the Decision and any conditions that may be imposed if planning permission is granted.
- 6.20 Planning obligations may be entered into by developers in association with planning permission. These are seen as a tool to fund the expansion or provision of services and facilities made necessary by a development. They are designed to compensate a community for any impact caused by a development. Any obligation is made under Section 106 of the Town and Country Planning Act 1990 (as amended) and is a legal agreement which runs with the land being given planning permission. Examples of obligations include the provision of employment units, highway infrastructure works, community facilities such as contributions towards school places and improvements to village halls and housing for particular needs such as local needs. More information on the subject is given in the draft SPD *Planning Obligations, February 2009*.

Post Decision

- 6.21 The Council posts decisions on planning applications on the Council's website. Parish Councils receive a copy of any decision notice relevant to the area.
- 6.22 If an appeal is made against the Council's decision the Council will notify in writing all those advised of the original application. All comments made on the application are copied to the Planning Inspectorate and all those involved in the first decision are given a further opportunity to comment in writing or make further representations at a hearing or inquiry into the appeal.

Enforcement

- 6.23 The Council has a statutory duty to ensure that development is built in accordance with the plans that are approved, including complying with any conditions or legal agreements. A separate Policy on Enforcement is available on the council's website and can be obtained from Planning and Housing Services or the Customer Contact Centre.
- 6.24 The *Planning Charter*, available on the Council's website, sets out how the Service will be delivered and defines the standards to be met. It gives background information on the operation of the Service.
- 6.25 Further information on all aspects of the Planning Service is given in the free publication, *Carlisle Planning Handbook*.

7 Management and Resourcing

- 7.1 There is a need to balance the scale, extent and format of community involvement with the resources available.
- 7.2 Methods of consultation need to make the best use of limited resources both in staff and finances. Involvement will need to be well focused to obtain views from stakeholders and the general public that are relevant and useful.
- 7.3 The Policy and Conservation Team for the LDF includes:
- 1 Planning Manager
 - 1 Principal Planning Officer
 - 2 Planning Officers
 - 2 Conservation Officers
 - 1 Tree Officer
 - 1 Planning Technician
 - 1 Monitoring Officer
 - 1 Support Officer
 - Seasonal Students
 - Assistance from Legal Services
- 7.4 The Development Control Team includes:
- 1 Planning Manager
 - 2 Principal Planning Officers
 - 7 Planning Officers
 - 2 Enforcement Officers
 - 1 Planning Technician
 - 2 Technical Officers
 - 4 Technical Clerks
 - Seasonal students
 - Assistance from Legal Services
- 7.5 Expert assistance will be sought from external consultants and facilitators when appropriate.
- 7.6 One officer has been trained in the use of *Planning for Real*³ and additional training will be taken up when available.
- 7.7 The Council has used the Planning Delivery grant to increase investment in the planning service. Additional resources have been used to create temporary posts to expand and provide a more efficient service.

³ Planning for Real is a registered trade mark of the Neighbourhood Initiatives Foundation

8 Monitoring and Review

- 8.1 The Council will monitor the success of community involvement techniques and use the results to review the types of methods used. For example, feedback from the Citizen's Panel could provide feedback about the success of community involvement techniques. Methods that provide the best results in term of quality and quantity of involvement for the most reasonable cost will be utilised more regularly.
- 8.2 It is possible that community involvement, either by developers of major schemes, or through regeneration initiatives, could present opportunities to trial some of the more advanced consultation techniques and give an indication of how useful they are. This will be picked up and commented on in the Annual Monitoring Report. If monitoring shows major omissions in the SCI arrangements will be made in the Local development Scheme for a review of it.
- 8.3 The Annual Monitoring Report will also examine the effectiveness of Local Development Documents by examining:
- what impact LDD policies are having on targets set at national, regional or local level
 - whether targets set out in Documents and proposals have been achieved, and if not, why not
 - whether any policies need to be amended or replaced.
- 8.4 The Council will review the Local Development Scheme each year and consider whether new documents or revisions to existing one are needed. The preparation of new or revised LDDs will be subject to community involvement as outlined in the SCI.

9 Planning Aid

9.1 Planning Aid provides free, independent and professional advice and support on Planning issues to people and communities who cannot afford to use a Planning consultant. Planning Aid is a registered charity and complements the work of local authorities, being wholly independent of them.

9.2 Planning Aid can help people to:

- Understand and use the Planning system
- Participate in preparing plans
- Prepare community plans
- Give assistance in commenting on Planning applications
- Apply for planning permission or appeal against the refusal of permission
- Give assistance with representation at public inquiries

9.3 For further information on Planning Aid please contact:

Planning Aid North
Joint Professional Centre for Planning & Landscape
3rd Floor
Claremont Tower
University of Newcastle upon Tyne
Claremont Road
Newcastle upon Tyne
NE1 7RU

Tel. 0870 850 9803

Fax. 0191 222 5669

Email: ntcw@planningaid.rtpi.org.uk

Availability: Monday, Tuesday, Thursday. If calling outside these days a message can be left.

Appendix 1 Specific and General Consultation Bodies

Please note that this list is not exhaustive and also relates to successor bodies when re-organisations occur.

Specific

The specific consultation bodies include:

- The Regional Planning Body i.e. 4NW
- Government Office for the North West
- Northwest Regional Development Agency
- Natural England (SEA Consultation Body also)
- The Environment Agency (SEA Consultation Body also)
- English Heritage (SEA consultation Body also)
- (Strategic Rail Authority) c/o/ Network Rail
- Highways Agency
- Cumbria County Council – Transport and Spatial Planning
- Neighbouring local authorities:
 - Dumfries and Galloway Council
 - Allerdale Borough Council
 - Eden District Council
 - Durham County Council
- Lake District National Park Authority
- Northumberland County Council
- Parish Councils within Carlisle
- Neighbouring Parish Councils
- Parish Council Association (CALC)
- Owners/controllers of electronic communications apparatus
 - Mobile Operators Association
- Cumbria and Lancashire Strategic Health Authority
- Cumbria Primary Care Trust
- Organisations which provide electricity, gas and water, or who deal with sewage
 - United Utilities
 - Transco

General and Other Bodies

The general consultation bodies include bodies that represent:

- Voluntary bodies whose activities benefit any part of the District
- Racial, ethnic and national groups
- Religious groups
- Disabled persons
- Business persons

Other Consultees

The LDF consultation database is being developed and will be updated regularly.

General and Other Consultation Bodies include groups that represent:

Community and voluntary sector

Business groups and partnerships

Local civic and amenity groups

Environmental and wildlife groups (national, regional, local)

Transport operators and organisations

Sports and open space organisations

Local developers and planning agents

Fire, police and ambulance services

Health and education organisations

Bodies which represent the interests of different racial, ethnic or national groups in Carlisle

Bodies which represent the interests of different religious groups in Carlisle

Bodies which represent the interests of disabled people in Carlisle

Riverside – Carlisle Division

Appendix 2 Where to View Documents - Library Opening Hours

- Carlisle Library, Globe Lane, Carlisle CA3 8NX
Monday 0930 - 1730 : Tuesday 0930 - 1900 : Wednesday 0930 - 1730 Thursday
0930 - 1900 : Friday 0930 - 1730 : Saturday 0930 - 1600 : Sunday 1200-1600
- Denton Holme Library, Morley Street, Carlisle CA2 5HQ
Monday 1400 - 1600 : Tuesday 1400 - 1600 : Wednesday 1000 - 1200 1400 -
1600 : Thursday 1600 - 1800
- Brampton Library, 1 Market Place, Brampton CA8 1NW
Monday 1400 - 1700 : Wednesday 1000 - 1200 1400 - 1700 : Thursday 1400 -
1700 : Friday 1400 - 1700 : Saturday 1000 – 1300
- Harraby Library, Edgehill Road, Carlisle CA1 3SL
Monday 1000 - 1200 1300 - 1600 : Tuesday 1000 - 1200 1300 - 1900 :
Wednesday 1000- 1200 : Thursday 1000 - 1200 1300 - 1900 : Friday 1000 -
1200 : Saturday 1000 - 1300
- Longtown Library, Lochinvar Centre, Longtown CA6 5UG
Monday 1300 - 1530 1700 - 1830 : Tuesday 1300 - 1530 : Thursday 1300 - 1530
: Friday 1300 - 1530 : Saturday 1030 – 1200
- Morton Library, Morton Community Centre, Wigton Road CA2 6JP
Monday 1530 - 1900 : Tuesday 0930 - 1200 : Wednesday 1000 - 1200 1400 –
1630 : Friday 1400 - 1630 : Saturday 1000 - 1200

Appendix 3 Glossary

Annual Monitoring Report (AMR):

A report produced annually that assesses the implementation and progress of the Local Development Scheme and the extent to which the policies in Local Development Documents are being achieved.

Area Action Plan (AAP):

A Development Plan Document that provides a planning framework for areas of change or conservation.

Community Strategy:

A document which aims to promote and improve the economic, social and environmental well-being of the community. It contains strategic policies.

Core Strategy:

A Development Plan Document which sets out the long-term spatial vision for the future of Carlisle District. It will contain key strategic spatial policies.

Development Plan Document (DPD):

A document which forms part of the Local Development Framework and which sets out the planning policy framework against which proposals for development are assessed. Independently assessed.

Inspector's Report:

A report written by an independent Inspector from the Planning Inspectorate (www.planning-inspectorate.gov.uk/pins) which assesses the soundness of the documents which form part of the Local Development Framework.

Local Development Documents: (LDD)

A document which forms part of the Local Development Framework. It can either be a Development Plan Document or a Supplementary Planning Document.

Local Development Framework (LDF):

A folder of Local Development Documents which will provide the framework for delivering the planning strategy for the District

Local Development Scheme: (LDS)

A public statement of the local planning authority's programme for the production of Local Development Documents over a 3 year period

Local Plan:

The Carlisle District Local Plan is a district-wide Local Plan and will be replaced by the Local Development Framework.

Material consideration:

Any consideration relevant to the use and development of land and which may be taken into account when assessing a planning application.

Local Strategic Partnership: (LSP)

Partnerships of stakeholders from the public, private, community and voluntary sectors which promotes the social, economic and environmental well-being of the community

The Regulations:

The Town and Country Planning (Local Development) (England) Regulations 2004

Regional Spatial Strategy (RSS):

A plan for the North West Region which deals with large-scale planning issues and which takes account of other social, economic and environmental issues at a regional scale.

Stakeholder:

A person, customer or group of the local community having an interest in the making of policies, decisions and operations which are intended to allow the person or group to participate in and benefit from the decisions made.

Statement of Community Involvement (SCI):

A report which sets out the standards which a local planning authority will achieve with regard to involving local communities in the preparation of Local Development Documents and development control decisions. It is subject to independent examination.

Strategic Environmental Assessment (SEA):

A report which assesses the potential environmental impacts of a proposal or Local Development Document, as required under the European SEA Directive (2001/42/EC).

Supplementary Planning Document (SPD):

A local development document which provides information which supplements the policies and proposals in Development Plan Documents. They will not be subject to independent examination.

Sustainability Appraisal: (SA)

An appraisal method which ensures that all policies and proposals in Development Plan Documents help deliver sustainable objectives

Appendix 4 Contact Information

This document is part of the Local Development Framework
produced by the Planning and Housing Services of
Carlisle City Council. If you would like this document in another format, for example large print,
Braille, audio tape or another language, please contact:

Planning and Housing Services
Carlisle City Council
Civic Centre
Carlisle
Cumbria
CA3 8QG or email: lpc@carlisle.gov.uk
Tel: 01228 817193
Fax: 01228 817199
Website www.carlisle.gov.uk