



meeting	COUNTY COUNCIL	
date	18 JANUARY 2007	agenda item number

REPORT OF THE CABINET MEMBER FOR ENVIRONMENT

**THE MINERALS AND WASTE DEVELOPMENT FRAMEWORK –
ADOPTION OF STATEMENT OF COMMUNITY INVOLVEMENT**

Purpose of Report

1. To seek adoption of the Statement of Community Involvement (SCI) for the Minerals and Waste Development Framework in line with the Inspector's Report and binding recommendations which propose a number of mostly detailed changes to the draft approved by the County Council in May 2006. Members are requested to consider the proposed changes and, if satisfied, approve them. Such approval would enable this document to be adopted and so form the County Council's basis for community involvement when carrying out its range of land-use planning functions.

Background

2. As a requirement of the Planning and Compulsory Purchase Act 2004, the County Council must prepare a Statement of Community Involvement (SCI) for the Minerals and Waste Development Framework setting out how the Council will consult and involve the local community and other interested bodies and organisations when carrying out its planning functions. These are:
 - preparing new development plans and other documents that will make up the Minerals and Waste Development Framework; and
 - determining planning applications for minerals and waste development and the County Council's own development such as schools and roads.
3. Public consultation has always been an important part of planning and the County Council's methods and approaches have been improved and developed over time in line with good practice. However, the new planning system means that all planning authorities must now reassess how they consult and involve communities in order to meet new standards and expectations. Once adopted, the SCI will form part of the Minerals and Waste Development Framework and the County Council must adhere to it when carrying out all of its planning functions.

Preparation of the SCI - Stages Completed to Date

4. Progress on the preparation of the SCI was last reported to the County Council at the meeting of 18 May 2006 which approved the proposed 'Submission Draft SCI'. This was formally submitted to Government on 12 June 2006 to allow an independent examination to be held (see paras 6-8 below for details). The draft SCI was drawn up in line with the Council's Public Engagement Policy. At the same time the draft was also subject to a 6 week period of public consultation which ended on 28 July 2006. This was the third and final public consultation exercise. All valid representations received during this period also had the right to be considered at the independent examination.

Response to the Submission Draft

5. A total of 101 representations was received, comprising 85 objections and 16 statements of support. Most sections of the SCI received representations whether in support or objecting. Many objections were quite detailed or comprised qualified support seeking minor changes. None fundamentally queried the whole thrust of the SCI. The most substantial points included a wish to see much more extensive 'near neighbour consultation' with respect to development plan allocations and planning applications. A number of representations also put forward additional methods of community involvement.

The Independent Examination

6. The independent examination was held by Mr DLJ Robins BA PhD FRTPI, a Planning Inspector appointed by the Government. The Inspector assessed whether or not the document was 'sound', ie fit for purpose. For the SCI there are nine 'tests of soundness' to consider. These include procedural matters (e.g. have the correct consultation measures been carried out?), links to the County Council's other community involvement initiatives, suitability of community involvement measures proposed, feedback and review mechanisms. The Inspector also considered the 85 objections received. Some objectors indicated that they wished to have their objections heard in person so a one day hearing was held at the Nottinghamshire County Cricket Club ground on 25 October.
7. To assist the Inspector and objectors, County Council officers prepared and published a preliminary Statement of Response to every objection. This response recommended seven detailed changes where officers felt these would improve the accuracy and clarity of the SCI. None of these changes materially affected the SCI. All objectors were advised of this response. Further responses were prepared in order to deal with objections heard in person at the independent examination and in response to additional written evidence submitted by objectors. Officers made three further proposed changes at this stage.

The Inspector's Report

8. The Inspector's Report was published 1 December 2006. This followed a draft report submitted to the County Council in November which the County Council

checked for accuracy and clarity. A copy of the Inspector's Report has been placed in the Local Government Library, County Hall and is also available on the County Council's website. In summary the Inspector concluded that, subject to a number of detailed revisions set out in his report, the SCI was sound. These changes mainly comprised the changes proposed by officers as noted above, along with six new revisions put forward by the Inspector. None of the revisions recommended by the Inspector have any significant material impact on the County Council's proposals for community involvement. County Council officers therefore see no reason to challenge the Inspector's recommendations which should help add to the clarity and factual accuracy of the SCI. A copy of the proposed revisions is set out as Appendix 1.

Adopting the SCI

9. Under the new planning system the Inspector's Report and recommendations are binding. The scope for planning authorities to reject any of the Inspector's recommendations is now very limited and would normally involve a legal challenge. There is no longer a modifications stage so, subject to approval at this meeting, the SCI can proceed straight to adoption. The timing of adoption will be in accordance with that set out in the current Minerals and Waste Development Scheme which came into effect in June 2006. A copy of a pre-publication proposed Adopted SCI is attached as Appendix 2 to Members' reports only.

Legal Challenges and complaints

10. There will be a six week period after the notice of adoption is served when legal challenges can be mounted. These must be based on points of law and not simply because a third party disagrees with what is proposed. There is also a right to complain to the Local Government Ombudsman. The timescale for making such a complaint is normally within 12 months of adoption or when the matter came to the knowledge of the complainant.

Service Diversity Review

11. The SCI has been subject to the County Council's new Service Diversity Review procedure, and the results were published on the County Council's webpage in July 2006. A copy of the findings was provided to the Inspector.

Key Decision

12. This report leads to a Key Decision as there would be a significant effect on communities in two or more electoral divisions in the County Council area. Notice of intention to make the decision was published in the County Council's Forward Plan on 4th December 2006.

RECOMMENDATION

13. It is RECOMMENDED that the County Council:
 - (a) approve the adoption of the Statement of Community Involvement;

- (b) allow the Director of Communities to make any final detailed editing changes to the above documents prior to formal adoption. These could include any consequential changes in response to implementing the Inspector's recommendations which the Inspector has advised may be required;
- (c) approve the publication of the statutory notice of adoption.

COUNCILLOR STELLA SMEDLEY
Cabinet Member for Environment

Legal Services' Comments

County Council is authorised to take the decision set out in the report. [LM 19.12.06]

Financial Comments of the Strategic Director (Resources)

Whilst there are no direct financial implications arising, any subsequent costs would need to be contained within existing budgets. [DJK 28.11.06]

Background Papers Available for Inspection

File of representations to Submission Draft.

Further responses to representations to the Submission Draft and proofs of evidence prepared for the hearing held on 25 October 2006.

Electoral Division(s) and Member(s) Affected

All.

PSP.WA/EP4973
24 November 2006 (28.11.06)