

CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK
(for the areas of Cumbria outside the National Parks)

PRE-SUBMISSION CONSULTATION DRAFT
STATEMENT OF COMMUNITY INVOLVEMENT

This is a consultation paper about how the County Council proposes to encourage participation in the processes of preparing the Minerals and Waste Development Framework and of considering those planning applications for which the Council makes the decision.



20 May 2005

Foreword

A Statement of Community Involvement (SCI) is an essential part of the new development plan making system. This one shows how Cumbria County Council proposes to encourage all sections of the community to become involved in preparing the Cumbria Minerals and Waste Development Framework (2007–2018). It also describes how people can participate in the consideration of planning applications on which the County Council makes the decision. (It does not relate to those parts of the county that are within the Lake District and Yorkshire Dales National Parks which will have their own plans).

Your comments are now invited on whether we have set out appropriate ways of involving people in the processes and on how this draft Statement of Community Involvement could be improved. A comments form with advice notes is included at the back of this document where the questions that are asked in the text are repeated. Please feel free to add more detailed comments if you wish.

This draft SCI will be amended to take account of comments before it is submitted to the Secretary of State in July 2005. There will then be another formal six-week consultation period. It is programmed to be examined by an independent inspector in November 2005 and adopted by the County Council in January 2006 following receipt of the Inspector's report.

Please send your comments by 1 July 2005 by post to :-

**Head of Environment
County Offices
Kendal
LA9 4RQ**

or by email to :-

mwdf@cumbriacc.gov.uk

Copies of this draft Statement of Community Involvement, the Minerals and Waste Development Scheme and, subsequently, other Minerals and Waste Development Framework documents can be viewed on our website www.cumbriacc.gov.uk under Planning and Environment and Planning Policy or obtained by writing to the above address or by telephoning 01539 773425.

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1 INTRODUCTION

Background

- 1.1 The Planning and Compulsory Purchase Act 2004 requires all Councils to produce new types of development plans called Local Development Frameworks (LDFs). It is intended that these should be quicker to produce and easier to update in response to changing needs. Under this new system the County Council is required to prepare the **Cumbria Minerals and Waste Development Framework (MWDF)**.
- 1.2 The MWDF acts as a folder for the various minerals and waste development documents, including this Statement of Community Involvement, and will replace the existing Minerals and Waste Local Plan. It will set out proposals and policies for guiding the provision of mineral working and waste management developments and their operating and restoration standards within Cumbria over the period up to 2018. It will cover the full range of minerals and waste management facilities including those for managing nuclear wastes. The MWDF will be prepared in the context of other plans that have been or are being prepared and which are listed in Appendix 4.
- 1.3 The MWDF will set out a strategy, identify sites and/or areas for specific developments and for protecting mineral resources and set out policies to protect people and the environment. Built into the process from the outset is a requirement to undertake Sustainability Appraisal. The purpose of this is to appraise the social, economic and environmental effects of the strategies and policies so that decisions can be made in accordance with the objectives of sustainable development.
- 1.4 This will be a challenging period, particularly for waste management. This is because of the need to meet statutory targets and to provide facilities for very substantial increases in recycling and composting and for other forms of waste treatment. There is also likely to be a need for additional landfill capacity for the residual wastes which are left at the end of the recovery/recycling processes.
- 1.5 Work on the MWDF is programmed over a period of about two years after which there will be a public examination of the submitted version of the plan in July 2007. The work programme for the MWDF is set out in the Minerals and Waste Development Scheme. This can be seen on the County Council website (www.cumbriacc.gov.uk) and at the County and Borough/District Council offices. Copies can be obtained from County Offices at Kendal (01539 773425).

- 1.6 The programme chart for preparing the Minerals and Waste Development Framework in Appendix 1 is from the Minerals and Waste Development Scheme. The chart highlights the formal statutory six-week consultation periods at the main stages in the plan preparation process. However, as explained below, community involvement is intended to be continuous and ongoing throughout the process. Appendix 1 also includes a brief description of the documents that will make up the MWDF.
- 1.7 Underpinning the new planning system is the principle of continuous community and stakeholder engagement in the preparation of local development documents and appropriate community involvement in the decision making process on planning applications. In order to strengthen such community and stakeholder involvement, Councils are required to prepare **Statements of Community Involvement (SCI)** before they start to prepare their Development Frameworks.
- 1.8 This draft Statement of Community Involvement sets out how Cumbria County Council proposes to engage people in the preparation of the MWDF and in the consideration of planning applications. It also sets out what the Council will expect applicants to do to involve the community before planning applications are submitted for significant developments.

Comments are now invited on these proposals for how the consultation and participation processes should be carried out and if they will effectively engage all members of the community.

- 1.9 A form for commenting on this pre-submission draft SCI and a set of guidance notes are at the back of this document. These are copies of consultation drafts published by the Planning Inspectorate and focus on the tests for “soundness” that are proposed to be used at the examination of the submitted SCI. For information “soundness” is interpreted as showing good judgement and being able to be trusted.
- 1.10 There is also a list of the questions that we have asked in the text of this document. The County Council welcomes responses to these questions and any other comments in order that we can improve the draft Statement of Community Involvement before it is formally submitted to the Secretary of State. It will then be subject to examination by an independent Inspector whose report and any changes it recommends will be binding on the County Council.
- 1.11 The Planning Inspectorate’s preferred method for dealing with representations on the SCI will be by written representations. Where any person or organisation wishes to exercise their right to attend the examination and be heard, a formal public examination will be arranged.

- 1.12 The consultation processes set out in the SCI will be reviewed each year to see if they are being effective and how they can be improved. For example additional community involvement stages may be needed as issues emerge or develop. It is also possible that the existing partnerships and working networks will change during the time that the plan is being prepared and new ones may be identified.

Statement of Community Involvement Stages

- 1.13 The Statement of Community Involvement process involves four stages – pre-production, production, examination and adoption :-
- Stage 1 - pre-production. This is the scoping stage, establishing how sections of the community might be represented and involved at the key stages of the plan preparation process. It includes identifying existing organised groups; how to secure the involvement of under-represented and hard to reach groups (*this is ongoing*), and assessing the resources that will be available to manage community involvement. It includes the first stage of the statutory consultation process.
 - Stage 2 - production. This starts with a pre-submission consultation draft of the SCI. *This is where we are now (May 2005)*. There will be a six week period for submitting comments. Following consideration of these the SCI will be amended as appropriate and then formally submitted to the Secretary of State.
 - Stage 3 - examination. This starts with the six week statutory consultation period on the submitted SCI. This is programmed for July/August 2005. The programme is for the independent examination to be held in October 2005 and for the Inspector's report to be received in November 2005.
 - Stage 4 - is the formal adoption of the SCI by the County Council incorporating any changes made by the Inspector and is programmed for January 2006.

2 PROPOSALS FOR COMMUNITY INVOLVEMENT

WHAT DO WE NEED TO KNOW?

- 2.1 We need to know your views on this Statement of Community Involvement. Does it adequately set out how information about the MWDF and planning applications should be made available, who should be consulted, how they should be consulted and how they will be encouraged to participate?

For example, do you agree that we will be doing enough to ensure that:-

- ***everyone who wants to can be meaningfully engaged in the process of preparing the plan?***
- ***there are satisfactory opportunities for early community involvement?***
- ***the proposed methods are relevant to the communities concerned?***
- ***it is clear how involvement can be a continuing rather than a one-off process?***
- ***the process will be transparent and accessible?***
- ***community involvement is encouraged and planned into the plan preparation process?***
- ***there are appropriate and adequate opportunities for public participation in planning applications that are decided by the County Council?***

- 2.2 In accordance with the Council's Corporate Strategy's objectives for community engagement, we will need to know about the needs, issues, concerns and priorities of the wider community and different sectors of it. This includes hard to reach groups, and not just those who have a direct interest in particular developments. From the start of the plan preparation process, through the identification of issues and options and then the preferred options we want to encourage active participation and extensive engagement in dialogues leading to decisions about the plan. The County Council has to be able to demonstrate that it has sought out and listened to peoples' views and that they have influenced decision making.

HOW SHALL WE FIND OUT?

- 2.3 We will use the following ways for encouraging stakeholders and the wider community to be involved in preparing the plan.

- 2.4 There are statutory requirements for consulting a wide range of organisations and for publishing information on websites and in local newspapers. In addition we will aim to get these newspapers and local radio and regional TV stations to carry articles and stories about the plan and proposals.
- 2.5 By a combination of consultation letters, publications, notices and website information we will make sure that everyone has the opportunity to be up to date at all times with where we are in the plan preparation process. We will find out at an early stage whether people would prefer to receive information and consultations by post or email or both. There will also be public exhibitions, displays and meetings to disseminate information and get feedback at key stages in the preparation of the plan.
- 2.6 Running in parallel with and overlapping the plan preparation process there will be other County/District/Borough Council consultation and publicity initiatives taking place in connection with the Cumbria Joint Municipal Waste Management Strategy. The Development Framework and Waste Strategy processes are separate but complementary. It is intended, as far as possible, to coordinate the processes of engaging with the public and of reinforcing the messages about recycling, composting and, what is becoming increasingly urgent, waste minimisation.
- 2.7 It is likely that the Waste Strategy campaigns will involve direct approaches to individual households and to primary and secondary schools. Successfully engaging with tomorrow's adults will be one of the objectives for both the Development Framework and Waste Strategy. For the Development Framework we propose to liaise with the Cumbria Association of Secondary Heads for advice about contacts with schools and their involvement.
- 2.8 At the present time (May 2005) existing development plans, the Minerals and Waste Development Scheme (MWDS) and this draft SCI are available on line. The MWDS sets out the key stages of the plan preparation process and its programme chart, which highlights the main statutory consultation periods, is included in Appendix 1.
- 2.9 The programme chart shows that all of the Development Plan Documents (DPDs) will be published for consultation at the same time at each main stage of the plan preparation process. Whilst other authorities are proposing separate stages of consultation for different DPDs we consider that our approach will be more convenient for public participation. This is the approach that is recommended as helpful by Friends of the Earth with their long experience of engagement in this type of process.
- 2.10 What may be more difficult to secure is extensive dialogue with the wider community with its important local knowledge. In order to achieve this the

County Council proposes that the community involvement process will be focussed on its existing networks and practices and its Community Unit's proven expertise in involving the wider community, Parish Councils and the voluntary sector.

- 2.11 These networks will include the Cumbria Strategic Partnership, the Local Strategic Partnerships, the Council's Area Committees, its Neighbourhood Forums and the Community Voice Citizens' Panel.
- 2.12 There are four Local Strategic Partnerships – Carlisle and Eden; West Cumbria; Furness; South Lakeland. These have produced their Community Strategies which give all sectors of the community the opportunity to identify their needs and priorities. The MWDF will draw upon these strategies and seek to support their objectives where they relate to waste management and minerals developments.
- 2.13 There are six Area Committees based on the District Council boundaries. They meet in public and consider and advise on issues important to the local area and provide opportunities for community consultation and participation.
- 2.14 There are around sixty Neighbourhood Forums and these have regular meetings and are the nearest part of the network to individual communities. It is intended that presentations about the plan will be made at forum meetings with extensive publicity. The forums are listed in Appendix 3, maps showing their areas can be seen on the County Council's website.
- 2.15 The Citizens' Panel involves a representative section of around 3500 adult Cumbria residents who have agreed to respond to consultations conducted by the Community Voice Partners.
- 2.16 In addition to initiatives by the County Council the Planning Aid service can provide valuable help and advice for people to get involved in the process. This is being funded by Government to become more proactive in developing communities' involvement in the planning system. The Planning Aid North service can be contacted at ntcw@planningaid.rtpi.org.uk, tel. 0870 8509803 or the National Planning Aid Unit at Unit 419, The Custard Factory, Gibb Street, Birmingham B9 4 AA; info@planningaid.rtpi.org.uk.

Information and the Council's website

- 2.17 The evidence base of information for the plan will be made available at Cumbria local authority offices and on websites. At later stages leaflets and documents will be available at these offices and libraries and on the County Council website www.cumbracc.gov.uk during set consultation periods. Wherever practicable we will try to ensure fast access to website

documents even over slow connections. This may mean simplified monochrome and/or text only versions and/or breaking large documents down into chapters or “chunks” of text.

- 2.18 The Minerals and Waste Development Scheme can be seen on the County Council website. It is intended that it will have interactive links to its constituent documents once they are available. Subsequently it will also provide information on navigation to external support material.
- 2.19 At present comments about the MWDF can be submitted by email. The County Council will soon be using a system in which comments will be automatically uploaded into an online document and an automated acknowledgement of receipt will be returned. Subsequently it is intended that anyone who has submitted comments will receive an electronic update as to the outcome of their comment.
- 2.20 As a minimum all subsequent Development Framework documents and maps will be available online in a static non-searchable format. The County Council intends to progress to easily navigated searchable and interactive format and subsequently to enable requests to be made online for specific information or updates on all publicly available documents.
- 2.21 There is a requirement for annual monitoring reports to be produced every December, these will be available online. It is intended to set up automated processes for compiling and analysing data to inform the monitoring and research systems that we use and to make area specific planning policy and monitoring data available online.

WHO WILL WE CONSULT?

- 2.22 The legislation requires that certain bodies have to be consulted during the plan making process. For this Statement of Community Involvement the statutory consultees are the North West Regional Planning Body, the Cumbria District and Borough Councils, all Parish and Town Councils, councils whose areas adjoin Cumbria and the Highways Agency. In addition to these and to internal consultees this draft SCI has been published on the County Council website and comments have been invited from the minerals and waste management industries and environmental groups.
- 2.23 A wider range of people and organisations will be consulted at the subsequent stages of the plan making process. A number of organisations are directly involved in providing, managing or regulating waste management and minerals facilities. These key “stakeholders” include the minerals and waste industries, the bidders for the municipal waste management contract, local authorities, the Nuclear Decommissioning Authority and the Environment Agency who will all be consulted individually.

- 2.24 The “**Specific Consultation Bodies**” are ones who must be formally consulted, in accordance with legislation, at stages of the plan making process. The Government has also identified “**General Consultation Bodies**” and “**Other Consultees**”. These are all listed in Annex E of Planning Policy Statement 12 : Local Development Frameworks. This has been copied as Appendix 2 in this report and the bodies we propose to consult are marked with an asterisk. In addition to these are the bodies that have been mentioned in previous paragraphs, mineral working and landfill site liaison groups, and planning and land management consultants.
- 2.25 The proposed approach is in accordance with Corporate Strategy Theme A “Improving Council Services”. It demonstrates that the County Council proposes to exceed the minimum consultation requirements. The full list of consultees at the main formal consultation stages will be published on the Council’s website.
- 2.26 The organisations that are identified will be formally consulted individually. We will also offer to have one to one meetings and/or group workshops with the key stakeholders who are directly involved with the provision and regulation of minerals and waste management developments and with specific community groups.

Do you consider there are any other organisations or people who should be consulted in addition to those listed in Appendix 2 and in paragraphs 2.10 to 2.15 and 2.22 to 2.24?

ACKNOWLEDGING AND REPORTING BACK

- 2.27 All representations by letter and email that are received will be acknowledged. Copies of all representations will be made available for inspection. All matters that are raised in the representations will be considered and responded to. Separate individual responses may be made to particular questions or where clarification is needed. An electronic database will be maintained of everyone who makes comments and we can then automatically inform them of each stage in the process.
- 2.28 Representations on formal consultation documents will be summarised in reports to the County Council / Cabinet. The reports will set out the responses to the representations and how they have been taken into account and will enable changes that have been made to the documents to be tracked.
- 2.29 The manner in which representations are taken into account is an essential part of the plan preparation process. One of the tests for soundness at the examination of Development Plan Documents will be to show how well the plan responds to what has been learnt from community involvement.

SUPPLEMENTARY PLANNING DOCUMENTS

- 2.30 There are separate requirements for consultation and publicity for Supplementary Planning Documents (SPDs). These can expand policy or provide further detail to policies in a Development Plan Document. At the present time (May 2005) the County Council is not intending to prepare any SPDs. If this changes then the Statement of Community Involvement will be reviewed and the consultees will be identified who are relevant to the subject matter of the SPD in accordance with the Regulations.

MONITORING AND REVIEW

- 2.31 These Statements of Community Involvement are new and are a learning process for everyone. We will monitor how ours works and in particular how effectively it has engaged with a range of communities and how we can do things better. The annual MWDF monitoring reports that are required to be produced in December each year will include a report on the effectiveness of the SCI.
- 2.32 The feedback from the consultations will be used to identify whether any changes in approach are required. Whilst the annual monitoring report is intended as the main trigger for a review the feedback may also be the trigger if matters are raised that need to be addressed more urgently.

MEMBER INVOLVEMENT

- 2.33 The MWDF will be brought to Cabinet/Full Council at the following key stages :-
- Prior to consultation on the key issues and options
 - Prior to consultation on preferred options
 - Prior to submission of the Development Plan Documents to the Secretary of State
 - Prior to adoption, and
 - Prior to submitting Annual Monitoring Reports to the Secretary of State.
- 2.34 Interim stages will be delegated to the Corporate Director of Economy, Culture and Environment in liaison with a Steering Group of Members. All Members of the County Council will receive copies of all published documents at every stage of the process. Members will also, of course, be directly involved through the Strategic Partnerships, Area Committees and Neighbourhood Forums.

RESOURCES

- 2.35 The participation process is widely acknowledged to be a time consuming exercise. If the quality of the process is not to suffer then there is a need to balance the resources that are available to the scale, extent and format of community engagement that are needed. Whilst much of the process will be incorporated into the authority's existing procedures, with enhanced e-government support, consultants will be employed to assist in the consultation process, to assess responses and to undertake the Sustainability Appraisal.
- 2.36 The County Council considers that the methods put forward in this draft Statement of Community Involvement, together with the programme for producing documents, will make best use of resources, make information accessible to as many people as possible, encourage participation and try to avoid the problem of consultation overload.

3 PLANNING APPLICATIONS

- 3.1 The minimum statutory requirements for publicity for planning applications are set out in Article 8 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended), for applications for listed building and conservation area consent in Schedule 5 of the Planning (Listed Buildings and Conservation Area) Regulations 1990 (as amended) and for applications affecting the setting of a listed building or conservation area Sections 67 and 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (to be amended following the 2004 Act).
- 3.2 Before any application is submitted the applicant is required to serve notice on any owner or agricultural tenant of land within the planning application site or to take other steps if the owner is not known. Once the local planning authority has received the planning application the publicity requirements depend on the nature of the proposed development. The County Council adopted the following protocol for publicity in 2004.

CUMBRIA COUNTY COUNCIL'S ADOPTED PROTOCOL FOR PUBLICITY FOR PLANNING APPLICATIONS

Purpose of Publicity

- 3.3 Planning applications are publicised to ensure that all those who may be affected by a development have the opportunity to make their views known and have them taken into account before a decision is made.

A Statutory Requirement

- 3.4 Cumbria County Council as a planning authority is statutorily required to publicise all the planning applications that it determines. The legislation does not precisely prescribe the publicity. The type of publicity will vary depending upon the nature and scale of the development proposed.
- 3.5 The County Council determines planning applications for minerals and waste management development and for development it will carry out itself (known as 'county council developments' or Regulation 3 applications).

Procedures for Publicising Planning Applications

- 3.6 Planning applications shall be publicised as follows:

- A **site notice** shall be displayed on or near the boundary of the land to which the application relates, where it can be read from publicly accessible land. More than one site notice shall be displayed if considered appropriate by the case officer; for example, for larger developments. Notices shall also be displayed on **parish notice boards** where applications are for underground mining development. The case officer may consider this form of publicity to be appropriate for other applications for large scale development and will liaise with the relevant parishes to arrange this as necessary.
- Owners and occupiers of neighbouring properties that are likely to be significantly affected by the development shall be **notified by letter**. The letters will normally be hand delivered when the case officer visits the site to help ensure that all affected properties are identified. The extent of notification will be at the discretion of the case officer using the following criteria:
 - Neighbours will normally be notified if their property adjoins, overlooks or is adjacent to the proposed development.
 - Owners and occupiers further away from the proposal site will be notified if the case officer considers that they could be materially affected by some aspect of the proposals (eg noise, dust, odour, traffic, visual intrusion).
 - Owners and occupiers of adjacent undeveloped land or where there are no buildings on site will only be notified where they are known to the case officer or where they have requested to be notified.

The case officer shall place on the application file a record listing or showing on a plan the location of all the occupiers that have been notified of the proposed development and where the site notice(s) were displayed and a copy of the letter and notice(s) and the date issued/displayed.

Do you agree with the above criteria that are used by the County Council for deciding whether near-neighbour properties should be notified about planning applications?

- A **newspaper notice** shall be published in the local press when:
 - The application is for a major development. This includes an application for the winning and working of minerals or the use of land for mineral working deposits; operational development or change of use to treating, storing, processing or disposing of refuse or waste material, or for any development of buildings of

1,000 square metres of floorspace or more and development carried out on a site having an area of 1 hectare or more;

- The application is accompanied by an Environmental Statement (an EIA application);
- The proposal is a departure from the Development Plan;
- The proposal affects a Public Right of Way, requires Listed Building Consent or affects the character or appearance of a Conservation Area.

Other development that does not fall within these classes will not normally be advertised in the local press. These will be publicised by site notice and neighbour notification letters.

- 3.7 All publicity identified in Paragraph 3.6 shall normally be carried out within 10 working days of the registration of a planning application.
- 3.8 Applications for the approval of details required by a condition on a planning permission will not be subject to the publicity requirements set out here but will be publicised as appropriate.

Publicity Details

- 3.9 All of the forms of publicity identified in Paragraph 3.6 shall specify the following:
- The development being proposed;
 - The applicant's name and the application number;
 - The location and extent of the proposed development. Site notices and neighbour notification letters will include a site plan with the application boundary clearly identified;
 - Where the application can be viewed. This will normally be the relevant District Council Offices and the County Council Offices. For major developments, the application may be deposited in other public buildings (eg local libraries) if considered appropriate by the case officer;
 - Name and contact details of case officer;
 - The date by which representation shall be made. This shall be a minimum of 21 days from the date of publicity /notification for all applications except those accompanied by an Environmental Statement, where a minimum of 28 days shall be given. Bank and Public Holidays are not counted in these notification periods;
 - Where representations should be sent.

Significant Amendments to a Planning Application

- 3.10 Where, in the opinion of the case officer, significant amendments are to be made to a proposal during the course of its determination, further publicity/notification shall be undertaken and a minimum of 14 days shall be given.

Making a Representation

- 3.11 Representations must be made either by letter or by e-mail to be valid. Verbal representations will not be considered or reported at Committee, other than those presented in person at Committee. When a valid representation is made, the following will apply:

- Each representation shall be acknowledged by letter within 5 days of receipt, and the representee shall be sent a leaflet advising of the right of individual objectors to speak at Committee.
- A decision notice on the planning application shall not be issued until the notified period for representations has expired.
- All representations relating to material planning considerations submitted by the deadline shall be taken into account in reaching a decision. Those not received by the deadline, but before consideration of the application by committee, shall be taken into account provided there is sufficient time remaining.
- Representations will not be kept confidential and the applicant and other interested persons may arrange with a case officer to see any letter of representation relating to a planning application.
- The representee has the right to withdraw or amend any of the views he or she has expressed but must do this in writing.
- Each representee shall be advised in writing of the decision on the application.
- A copy of the decision shall be made available for inspection on the Planning Register at the relevant District Council.

OTHER REQUIREMENTS

- 3.12 There are additional publicity requirements for EIA applications when an environmental statement or further information are submitted during the consideration of the application. If an environmental statement is subsequently submitted the applicant has to publicise it by site notice and in a local newspaper. Where further information is submitted, following formal notice from the local planning authority that it is needed, the authority has to publicise it by site notice and in a local newspaper.

- 3.13 When a local planning authority determines an EIA planning application it is required to publish a notice in a local newspaper and to make available a statement that explains the content of the decision and any conditions attached; the main reasons and considerations on which the decision is based; and a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development.
- 3.14 There is a current (May 2005) consultation paper on implementing the requirements of the Public Participation Directive (Directive 2003/35/EC). This would require publicity for any further information that is submitted and would require the statement about the decision on an EIA application to also include a statement about public participation and on ways of challenging the decision. The new Regulations that bring these measures into effect may be in place before the end of June 2005 .

Applications for major infrastructure development

- 3.15 These applications will almost certainly require Environmental Impact Assessment and the same procedures will apply to them. An economic impact report is also likely to be required. In addition there is provision for the Secretary of State to call these applications in for him to determine. They would, therefore, possibly involve a major public inquiry.

CONSULTATIONS

- 3.16 The statutory requirements for consultation on county matter planning applications are mostly set out in Articles 10, 12 and 13 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended) and in the Town and Country Planning (England and Wales) (Environmental Impact Assessment) Regulations 1999.
- 3.17 The County Council consults the District or Borough Council, the Parish or Town Council and the Highway Authority on all planning applications. The Environment Agency is consulted on all mineral and waste planning applications and for county council applications in areas identified on flood maps (except where the Agency has issued standing advice).
- 3.18 English Nature is consulted on all EIA applications and applications likely to affect any Site of Special Scientific Interest. It is consulted on appropriate assessment of applications that are likely to have impacts on those SSSI that are also European wildlife sites (Special Protection Areas and Special Areas of Conservation).
- 3.19 The first Secretary of State and the Countryside Agency are consulted about all EIA applications.

- 3.20 English Heritage is consulted on all applications that involve the demolition in whole or part, or the material alteration, of a listed building or which is likely to affect the site of a scheduled ancient monument or any registered Grade 1 or 11* garden or park of special historic interest.
- 3.21 The First Secretary of State is consulted about any development that is likely to result in a material increase in the volume or a material change to the character of traffic entering or leaving a trunk road or using a level crossing over a railway.
- 3.22 Network Rail is consulted over any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway.
- 3.23 The Coal Authority is consulted over proposed buildings or pipelines in the area of the West Cumbria coalfield and will provide advice to applicants.
- 3.24 DEFRA is consulted for development that is not in accordance with the development plan and which would involve the loss, or is likely to lead to the loss, of not less than 20 hectares of best and most versatile agricultural land.
- 3.25 The Sports Council is consulted for development which is likely to prejudice the use or lead to a loss of use of a playing field, or of undeveloped land which has been a playing field within the last five years, or is allocated for use as a playing field in a local plan or involves replacing the grass surface of a playing pitch with an artificial surface.
- 3.26 In accordance with the Town and Country Planning (Aerodromes and Technical Sites) Direction 1992 the Ministry of Defence or Carlisle Airport are consulted on relevant developments within the notified zones around Carlisle Airport, RAF Spadeadam and the Great Dun Fell and Dean Cross Technical Sites.
- 3.27 The Health and Safety Executive is consulted on relevant developments in the vicinity of notified major accident hazards and on developments for radioactive waste management.
- 3.28 British Waterways is consulted on relevant developments likely to affect the notified area of the Kendal – Lancaster Canal and Killington reservoir.
- 3.29 In addition to these statutory consultations the County Council consults Friends of the Lake District on developments in the vicinity of the National Park boundary; Cumbria Wildlife Trust on developments likely to affect County Wildlife Sites and other groups that have indicated that they wish to be consulted on specific developments.

- 3.30 At the present time (May 2005) no County matter strategic infrastructure projects have been notified by the North West Regional Development Agency for consultation purposes.

MEMBER INVOLVEMENT

- 3.31 Council has delegated to the Head of Environment, in consultation with the Head of Legal Services, the responsibility for determining non-controversial planning applications that are in accordance with the development plan. Decisions on other applications are delegated to Development Control and Regulation Committee.
- 3.32 Anyone who has submitted an objection to a planning application is given the opportunity to explain the objection directly to Members at the Committee meeting when the planning application is being considered. The applicant is given the right to reply.
- 3.33 The detailed scheme of delegation and its associated Code of Practice and details of the procedures for appearing at Committee meetings can be seen on the Council's website, copies will be provided on request.

NOTIFICATION OF DECISIONS

- 3.34 When a decision has been made on a planning application everyone who has submitted representations, and those consultees who have indicated that they wish to have one, are sent a copy of the decision notice. In accordance with legislation the decision notice sets out the reasons why planning permission has been granted or refused.

PRE-APPLICATION DISCUSSIONS AND COMMUNITY INVOLVEMENT.

- 3.35 The types of planning application that are determined by the County Council can be contentious. With such proposals pre-application discussions can be valuable for the applicant and the planning authority. They can enable problems to be identified and addressed before an application is submitted; can speed up the consideration of the proposals; may reduce the chance of a refusal and can reduce the need for proposals to be amended at a late stage.
- 3.36 Cumbria County Council does, therefore, encourage all applicants, including Directorates of the council, to engage in pre-application discussions with planning officers in the Environment Unit. The purpose of these is to provide guidance on development plan policies, whether the principle of the development is likely to be acceptable, and on the detailed content and format of the application that is required for the proper consideration of the proposals.

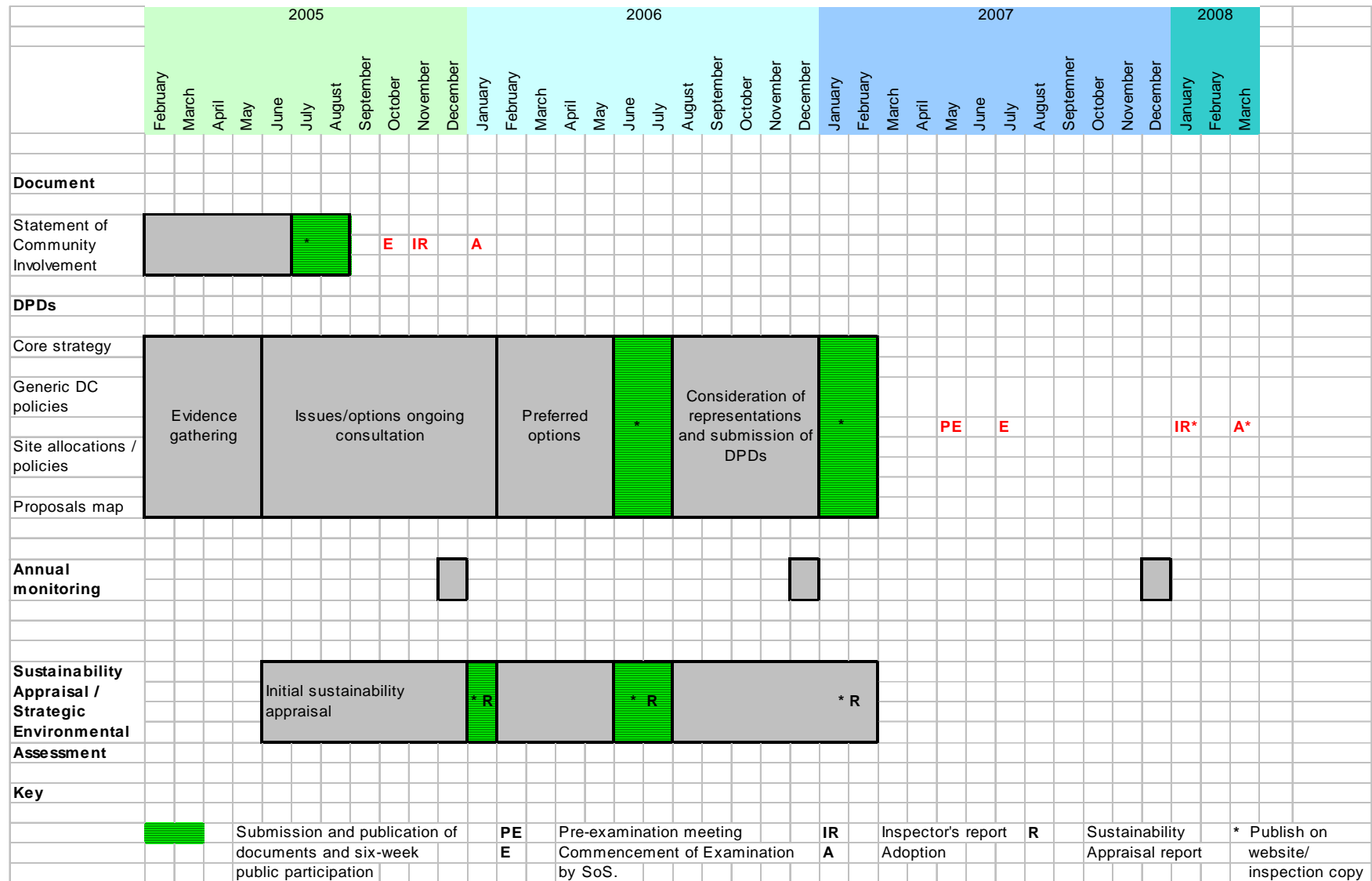
- 3.37 The pre-application advice that is given by officers has to be without prejudice to the subsequent consideration of an application by the Council as the Local Planning Authority.
- 3.38 There are separate statutory procedures for seeking formal Screening and Scoping Opinions with regard, respectively, to the need for, and the content of, an Environmental Impact Assessment.
- 3.39 For those applications that will require Environmental Impact Assessment or which involve Major Infrastructure Projects the County Council will expect the planning application to include details of pre-submission publicity and consultation with the local community. These details are likely to include the date of any publicity, the date(s), hours of opening and venue of any exhibition and whether it was staffed. Details should also be provided of the community issues and aspirations that were raised and how these have been addressed.
- 3.40 For applications that are likely to generate local interest the County Council encourages the applicant to consult with the Parish Council, mineral and waste site liaison committees and the local community on draft proposals prior to finalising them and submitting a planning application.

4 EQUALITY IMPACT ASSESSMENT

- 4.1 The County Council will pay careful attention to whether the policies and proposals of the MWDF would adversely impact upon groups and individuals. The consultation process will include the Cumbria Race and Diversity Partnership and the Cumbria Disability Network to which local organisations belong.
- 4.2 An Initial Equality Impact Assessment has been carried out for this SCI and is included as Appendix 5. It is summarised in the following paragraphs. At subsequent stages further assessments will be carried out to determine the extent of any differential or adverse impacts on relevant groups and appropriate mitigation measures. The Assessment will be updated and reconsidered as the consultation process progresses. If possible, respondents to consultations will be monitored, for example for those who have a disability, so that this information can be used in the ongoing assessment.
- 4.3 The majority of Cumbria residents have English as their first language. Less than 1% of the population is classed as ethnic minority but this is still 3500 to 4000 people. Consideration will be given to translation versions of reports as needs arise and if they are requested. The County Council is currently seeking to improve its information base about black and ethnic minority groups.
- 4.4 With regard to visual impairment all reports will be in Ariel font 13 point size and will also be available on CD for people who can convert them to large print or with access to computer programmes that convert text to speech. Larger print format can be made available on request.
- 4.5 Contact will be made with the Cumbria Blind Association and the Cumbria Deaf Association and their advice taken on how best to ensure people on their register have access to documents for example in Braille or on audio tape and on the provision of loop systems at public meetings and exhibitions.
- 4.6 Contact names, telephone and email details will be available in all publicity material and on the web site.

SUPPORTING DOCUMENTS

APPENDIX 1: Programme chart for preparation of Minerals and Waste Development Framework



THE DOCUMENTS THAT WILL BE INCLUDED IN THE MINERALS AND WASTE DEVELOPMENT FRAMEWORK (MWDF)

Minerals and Waste Development Scheme Sets out the programme for preparing and monitoring the minerals and waste development documents.

Statement of Community Involvement Explains how the County Council proposes to encourage all sections of the community to become involved in preparing the MWDF and how people can participate in the consideration of planning applications.

Core Strategy* Will set out the long term spatial vision for minerals and waste management development and the strategic policies needed to achieve it.

Generic development control policies* Criteria-based policies against which planning applications for minerals and waste management developments will be determined.

Site specific policies and allocations* Allocations of sites for specific minerals and waste management developments where appropriate.

Proposals Map* A map which shows the areas to which policies and proposals apply, including site specific allocations.

Supplementary Planning Documents None are currently proposed at the moment for the Cumbria MWDF. They would provide further policy guidance or detail for development plan documents.

Sustainability Appraisal This will incorporate Strategic Environmental Assessment together with appraisals of the social and economic impacts of strategies and policies. It will ensure that these contribute to the aims of sustainable development.

Annual monitoring reports These will assess whether key milestones in preparing the MWDF are being met and the extent to which policies in the minerals and waste development documents are being successfully implemented.

*These documents will form the minerals and waste development plan for Cumbria for the purposes of the Planning and Compulsory Purchase Act 2004.

LIST OF CONSULTEES BASED ON THOSE SET OUT IN ANNEX E OF PLANNING POLICY STATEMENT 12 LOCAL DEVELOPMENT FRAMEWORKS (* indicates the ones it is proposed to consult)

SPECIFIC CONSULTATION BODIES

The following bodies are specific consultation bodies and must be consulted on the Minerals and Waste Development Framework in accordance with the Planning and Compulsory Purchase Act 2004 Act and The Town and Country Planning (Local Development) (England) Regulations, 2004.

- (a)* The regional planning body if the local planning authority's area is in a region other than London;
- (b) The Mayor of London if the authority is a London Borough;
- (c) * A relevant authority (defined as a local planning authority, county council or parish council) any part of whose area is in or adjoins the area of the local planning authority. This will include consulting the planning, waste collection and environmental health portfolio holders :-
 - Allerdale BC, Barrow in Furness BC, Carlisle CC, Copeland BC, Eden DC, South Lakeland DC.
 - Lake District and Yorkshire Dales National Park Authorities.
 - Northumberland CC, Tynedale DC.
 - Durham CC, Teesdale DC, Wear Valley DC.
 - North Yorks CC ,Craven Dc, Richmondshire DC.
 - Lancashire CC and Lancaster CC.
 - Dumfries and Galloway and Scottish Borders Scottish Unitary Authorities.
- (d)* The Countryside Agency;
- (e)* The Environment Agency;
- (f)* Highways Agency;
- (g)* The Historic Buildings and Monuments Commission for England;
- (h)* English Nature;
- (i)* The Strategic Rail Authority;
- (j)* A Regional Development Agency whose area is in or adjoins the area of the local planning authority. For Cumbria these are:-
 - North West Development Agency.
 - OneNorthEast.
 - Yorkshire Forward.

The Council will also consult Cumbria Vision, West Lakes Renaissance

and Rural Regeneration Cumbria.

- (k)* Any person to whom the electronic communications code applies by virtue of a direction given under Section 106 (3)(a) of the Communications Act 2003;
- (l)* Any person who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority; and
- (m)* Any of the bodies from the following list who are exercising functions in any part of the area of the local planning authority:
 - i. Strategic Health Authority;
 - ii. Person to whom a licence has been granted under Section 7(2) of the Gas Act 1986;
 - iii. Sewage undertaker; and
 - iv. Water undertaker.

GOVERNMENT DEPARTMENTS

The appropriate Government Office for the Region should also be consulted and will often be the first point of contact for consultation with central Government Departments. In addition, local planning authorities are strongly advised to consult any Government Departments or agencies where those departments or agencies have large land holdings in the area covered by a local development document. This will ensure that local planning authorities are fully aware of the possible need for expansion of existing facilities or, more importantly, the likelihood of large-scale land disposals taking place within the period of time covered by the local development document. (Note ; The names of Government Departments may subsequently have been changed)

- (a) Home Office;
- (b) Department for Education and Skills (through Government Offices);
- (c)* Department for Environment, Food and Rural Affairs;
- (d)* Department for Transport (through Government Offices);
- (e)* Department of Health (through relevant Regional Public Health Group);
- (f)* Department of Trade and Industry (through Government Offices);
- (g)* Ministry of Defence;
- (h) Department of Work and Pensions;
- (i) Department of Constitutional Affairs;
- (j) Department for Culture, Media and Sport;
- (k) Office of Government Commerce (Property Advisers to the Civil Estate);

*In addition the Nuclear Decommissioning Authority will be consulted.

GENERAL CONSULTATION BODIES

- (a) *Voluntary bodies some or all of whose activities benefit any part of the authority's area. Conservation organisations that have already expressed an interest or have been identified are :-
- the Cumbria Wildlife Trust,
 - Friends of the Lake District /Council for the Protection of Rural England,
 - the National Trust,
 - Friends of the Earth;
- (b)* Bodies which represent the interests of different racial, ethnic or national groups in the authority's area;
- (c)* Bodies which represent the interests of different religious groups in the authority's area;
- (d)* Bodies which represent the interests of disabled persons in the authority's area; and
- (e)* Bodies which represent the interests of persons carrying on business in the authority's area:-
- The minerals and waste management industries and their trade associations are key stakeholders in the preparation of the MWDF. The major companies operating within Cumbria and everyone who has submitted a minerals or waste planning application within the last three years will be consulted. These will include the nuclear industry.
 - Furness Waste Consortium.
 - AONBs' Management Units and other Environmental Partnerships.

OTHER CONSULTEES

Local planning authorities should also consider the need to consult, where appropriate the following agencies and organisations in the preparation of local development documents.

- (a) Age Concern;
- (b)* Airport operators;
- (c)* British Chemical Distributors and Traders Association;
- (d)* British Geological Survey;
- (e)* British Waterways, canal owners and navigation authorities;
- (f)* Centre for Ecology and Hydrology;
- (g)* Chambers of Commerce, Local CBI and local branches of Institute of Directors;
- (h)* Church Commissioners;
- (i)* Civil Aviation Authority;

- (j)* Coal Authority;
- (k) Commission for Architecture and the Built Environment;
- (l)* Commission for New Towns and English Partnerships;
- (m)* Commission for Racial Equality;
- (n)* Crown Estate Office;
- (o) Diocesan Board of Finance;
- (p)* Disability Rights Commission;
- (q) Disabled Persons Transport Advisory Committee;
- (r)* Electricity, Gas, and Telecommunications Undertakers, and the National Grid Company;
- (s)* Environmental groups at national, regional and local level, including:
 - i.* Council for the Protection of Rural England;
 - ii.* Friends of the Earth;
 - iii.* Royal Society for the Protection of Birds; and
 - iv.* Wildlife Trusts;
 - (t)* Equal Opportunities Commission;
 - (u)* Fire and Rescue Services;
 - (v) Forestry Commission;
 - (w) Freight Transport Association;
 - (x) Gypsy Council;
 - (y)* Health and Safety Executive;
 - (z) Help the Aged;

 - (aa) Housing Corporation;
 - (bb) Learning and Skills Councils;
 - (cc)* Local Agenda 21 including:
 - i. Civic Societies;
 - ii.*Community Groups;
 - iii. Local Transport Authorities;
 - iv. Local Transport Operators; and
 - v.* Local Race Equality Councils and other local equality groups;

 - (dd) National Playing Fields Association;
 - (ee)* Network Rail;
 - (ff) Passenger Transport Authorities;
 - (gg) Passenger Transport Executives;
 - (hh) Police Architectural Liaison Officers/Crime Prevention Design Advisors;
 - (ii)* Port Operators;
 - (jj) Post Office Property Holdings;
 - (kk)* Rail Companies and the Rail Freight Group;

 - (mm) Regional Housing Boards;
 - (nn) Regional Sports Boards;

- (oo)* Road Haulage Association;
- (pp) * Sport England;
- (qq) The House Builders Federation;
- (rr) Transport for London;
- (ss) Traveller Law Reform Coalition;
- (tt)* Water Companies; and
- (uu)* Women's National Commission.

COUNTY COUNCIL NETWORKS*

- a) The Cumbria Strategic Partnership;
- b) the four Local Statagic Partnerships – Carlisle and Eden; West Cumbria; Furness; South Lakeland;
- c) the six District-based Area Committees;
- d) the sixty neighbourhood forums,(these are listed in Appendix 3).
- e) the Liaison Committees at mineral working and waste management sites
- f) Cumbria Voice Partners which have access to a panel of around 3600 people who have indicated their willingness to respond to such consultations.
- g) Cumbria Association of Headteachers.

NEIGHBOURHOOD FORUMS

The areas covered by these are shown on the County Council's website under Community Information.

ALLERDALE

- Aspatria and District.
- Bowness, Thursby , Caldbeck.
- Cockermouth and District.
- Derwent Valley.
- Harrington and Salterbeck.
- Keswick and District.
- Maryport and District.
- Moorclose and Westfield.
- Solway Coast.
- Wigton and District.
- Workington Central

BARROW IN FURNESS

- Dalton and District.
- Hawcoat.
- Hindpool.
- Newbarns.
- Old Barrow.
- Ormsgill.
- Parkside.
- Risedale.
- Roosecote.
- Walney Island.
-

CARLISLE

- Belah.
- Belle Vue.
- Botcherby.
- Brampton and District.
- Carlisle Wide.
- Castle.
- Currock and Upperby.
- Dalston and Cummersdale.

- Denton Holme.
- Harraby.
- Longtown and Bewcastle.
- Morton.
- St Aidans.
- Stanwix Urban.
- Wetheralland Stanwix Rural.
- Yewdale.

COPELAND

- Arlecdon and Frizington.
- Bootle and Seascale.
- Bransty and Harbour.
- Cleator Moor.
- Egremont and St Bees.
- Gosforth and Ennerdale.
- Hillcrest and Hensingham.
- Millom.
- North West Copeland.
- South Whitehaven.

EDEN

- Alston and East Fellside.
- Eden Fells.
- Vale of Eden.
- Penrith Urban.
- Upper Eden.

SOUTH LAKELAND

- Grange, Cartmel and Lyth Valley.
- High Furness.
- Kendal and District.
- Lakes.
- Low Furness and Ulverston.
- Sedbergh and Kirkby Lonsdale.
- Windermere and Staveley District.

THE MINERALS AND WASTE DEVELOPMENT FRAMEWORK'S LINKS TO OTHER PLANS

Regional Spatial Strategy
Regional Waste Strategy
Regional Aggregates Working Party Reports
Structure Plan
Minerals and Waste Local Plan
Other Local Development Frameworks
Corporate Strategy
Sustainability Strategy
Community Strategies
Municipal Waste Management Strategy
Local Transport Plan

Regional Spatial Strategy

- A. 4.1 In the new planning system the development plan will comprise the Regional Spatial Strategy (RSS) and the new Local Development Frameworks (LDFs) which will have to conform with the RSS. These will include the ones prepared by the District and Borough Councils as well as the MWDF.
- A.4.2 The existing Structure Plan and Local Plans will be replaced by the new plans. At the time of writing (May 2005) we are in an interim phase. The North West Regional Planning Guidance RPG 13 has been prescribed as the interim RSS. A partial review of this has been through public examination and the Panel's report has been published. This partial review includes the minerals and waste policies. A full review of the RSS is expected to be published for consultation in Summer 2005. In addition the Regional Assembly has published the North West Regional Waste Strategy.

North West Regional Waste Strategy

- A.4.3 This was published by the Regional Assembly in September 2004 and sets the more detailed context for the preparation of the Waste Development Framework.

Regional Aggregates Working Party (RAWP) Reports

- A4.4 The terms of reference of the RAWP include regular monitoring of production and sales of aggregates and assessing whether reserves are adequate in the context of the regional and sub-regional apportionments set out in MPG 6. These and other matters addressed by the working

party set a detailed context for part of the Minerals Development Framework.

Structure Plan

A4.5 The review Cumbria and the Lake District Joint Structure Plan has been through its Examination in Public and the Panel's report has been received. It is anticipated that the new Structure plan will be adopted by the County Council and the National Park Authority during 2005. Its policies will be "saved" for a period of three years until replaced by the new local development documents or by revision of the Regional Spatial Strategy.

Minerals and Waste Local Plan

A4.6 This plan was adopted in June 2000 and its policies will be automatically "saved" for a period of three years from the commencement date of the Act which was September 2004. There will, therefore, be a gap of around six months before the MWDF is programmed to be adopted. The Secretary of State can extend the three year saved period for policies that, among other things, are compliant with development plan document principles; have regard to the Community Strategy; are in general conformity with the RSS and are necessary.

Other Local Development Frameworks

A4.7 Local Development Frameworks prepared by the District Councils will be an important consideration in the preparation of the Minerals and Waste Development Framework. We will need to demonstrate consistency of approach and that there are no conflicting policies. Links with the two National Park LDFs will be particularly important as they will contain policies on minerals and waste.

Corporate Strategy 2005-2007

A4.8 This sets out a clear focus to the overall work of the County Council. Its thematic approach is used to communicate the Council's priorities.

A4.9 The SCI is directly relevant to Theme A 'Improving Council Services'. The aims under this theme include "A Council better able to listen and respond to the needs of Cumbria's communities" and "A customer focused Council offering easy access to services and information for people who use its services."

A4.10 With regard to the MWDF itself Theme F 'Protecting and enhancing the environment' includes specific references to reducing waste and increasing recycling and composting.

Sustainability Strategy

A4.11 This describes a range of actions to help deliver key priorities on the corporate policy theme “Protect and enhance the environment”. The first county sustainability objective that is listed is “Increasing community participation in local decision-making processes”. The purpose of the SCI is to realise this objective.

A4.12 The Sustainability Appraisal of the MWDF will be carried out by consultants and managed by the Sustainability Team that prepared the Strategy.

Community Strategies

A4.13 Local authorities have a duty to prepare community strategies for their area. There is now a community strategy in place for each of the four Local Strategic Partnerships in Cumbria. These cover Carlisle and Eden; Furness; West Cumbria; South Lakeland. There is also the Cumbria Strategic Partnership which is a major arena for partners to share information, and to debate and discuss strategic issues affecting the whole of the County.

A4.14 The objective of a community strategy is to enhance the quality of life for local communities whilst contributing to the achievement of sustainable development. A key element in the preparation of community strategies is the involvement of local people. The achievement of sustainable development and securing community engagement in the process are also key objectives of the Minerals and Waste Development Framework which is required to have regard to the Community Strategies.

Municipal Waste Management Strategy (MWMS)

A4.15 The Cumbria Joint Municipal Waste Management Strategy is prepared by the County Council, as the Waste Disposal Authority, and the six District/Borough Councils, as the Waste Collection Authorities. The next round of waste management contracts were in the process of being negotiated at the time this report was written (May 2005). These new 25 year contracts are intended to be in place by April 2006. The bidders for the contracts are currently setting out details of how they would provide for the facilities needed to meet the targets for diverting waste from landfill and for recovering value from wastes and recycling and composting.

A4.16 The MWDF and the MWMS share common targets in respect of the municipal waste streams and are inter-dependent. In simplistic terms the Strategy can be said to determine how waste should be managed and the Development Framework to determine where. However, over the next two or three years at least, because of their respective timetables, the MWMS will be progressing some aspects of waste management operations in advance of the MWDF.

A4.17 One aspect that will be considered in a review of the Minerals and Waste Development Scheme is whether the MWMS should be part of the MWDF as a Supplementary Planning Document.

Local Transport Plan (LTP)

A4.18 This is a statutory plan prepared by the County Council. It provides the framework to coordinate the local delivery of integrated transport and seeks improvements to transport systems and to the quality of people's lives. The first Local Transport Plan (LTP 1) covers the period up to 2005/2006. The second plan (LTP 2) is for the period 2006/07 to 2011/12 has just been through its public consultation process (January to March 2005) and will be submitted to the Department of Transport by the end of July 2005. Annual Progress Reports are produced in July each year.

INITIAL EQUALITY IMPACT ASSESSMENT

Directorate Economy, Culture and Environment		Department/Section Environment	Manager Shaun Gorman		Telephone No.
					Email mwdf@cumbriacc.gov.uk
Person responsible for the assessment Richard Evans Principal Policy Officer Minerals and Waste					
Name of the Policy to be assessed	Statement of Community Involvement (MWDF)	Date of Assessment	13 May 2005	Is this a new or existing policy	New
1. Briefly describe the aims, objectives and purpose of the policy	It sets out how the County Council proposes to encourage people and organisations to participate in the preparation of the Minerals and Waste Development Framework (MWDF).				
2. Are there any associated objectives of the policy, please explain	As a minimum, to meet statutory requirements.				
3. Who is intended to benefit from the policy and in what way	The plan preparation process should be improved and people/organisations should find it easy to get engaged in the process.				

4. What outcomes are wanted from this policy?	<p>A Statement of Community Involvement that will pass the tests of soundness at independent examination.</p> <p>That people and organisations feel that they will be able to influence the policies and proposals in the MWDF.</p>		
5. What factors/forces could contribute/detract from the outcomes?	<p>We are intending to focus consultation and involvement on the County Council's existing networks and working arrangements. These will provide opportunities for anyone who wants to become involved to do so.</p>		
6. Who are the main stakeholders in relation to the policy	<p>County Council Development Control and Regulation Committee Area Committees Strategic Partnerships District/Borough Councils Environment Agency Minerals and waste management companies.</p>	7. Who implements the policy and who is responsible for the policy?	<p>County Council Development Control and Regulation Committee Head of Environment</p>
8. Are there concerns that the policy could have a differential impact on RACIAL GROUPS.		N	<p>Please explain</p> <p>The MWDF will deal with provision for mineral working and waste management developments over the period 2008 to 2018. The SCI is one of the first stages and gives opportunities for everyone to participate in the plan preparation process from the start. Translations of documents will be made available on request.</p> <p>.</p>

What existing evidence (either presumed or otherwise) do you have for this?	I have not been able to identify any differential impacts. The SCI process gives the opportunity for anyone to raise any issues that are perceived to have differential impacts.	
9. Are there concerns that the policy could have a differential impact due to GENDER .	N	As 8 above
What existing evidence (either presumed or otherwise) do you have for this?	As 8 above.	
10. Are there concerns that the policy could have a differential impact due to DISABILITY .	N	As 8 above.
What existing evidence (either presumed or otherwise) do you have for this?	During publicity stages we will ensure that any venues are accessible and have loop systems. Documents will be made available in suitable formats with advice from the Cumbria Disability Network. It is possible that access and other matters could be issues for the MWDF re waste management facilities.	
11. Are there concerns that the policy could have a differential impact on people due to SEXUAL ORIENTATION .	N	As 8 above.
What existing evidence (either presumed or otherwise) do you have for this?	As 8 above.	
12. Are there concerns that the policy could have a differential impact on people due to their AGE .	N	As 8 above

What existing evidence (either presumed or otherwise) do you have for this?	As 8 above.	
13. Are there concerns that the policy could have a differential impact on people due to their RELIGIOUS BELIEF .	N	As 8 above.
What existing evidence (either presumed or otherwise) do you have for this?	As 8 above.	
14. Are there concerns that the policy could have a differential impact on people due to them having DEPENDANTS/CARING RESPONSIBILITIES .	N	As 8 above.
What existing evidence (either presumed or otherwise) do you have for this?	As 8 above.	
15. Are there concerns that the policy could have a differential impact on people due to their OFFENDING PAST .	N	As 8 above.
What existing evidence (either presumed or otherwise) do you have for this?	As 8 above.	
16. Are there concerns that the policy could have a differential impact on people due to them being TRANSGENDERED OR TRANSEXUAL .	N	As 8 above.

What existing evidence (either presumed or otherwise) do you have for this?		As 8 above.	
17. Could the differential impact identified in 8-16 amount to there being the potential for adverse impact in this policy.	YES	NO	Please explain n/a
18. Could the policy or the way it is applied have an adverse effect on relations between different groups in the community? Who is affected and how?		N	The SCI is a report about how the County Council will consult people. There are likely to be differences of opinion. I think it is unlikely that community relations would be adversely affected.
19. Could the policy or the way it is applied have an adverse effect on eliminating discrimination? Who is affected and how?		N	
20. Does internal consultation on the policy suggest staff concerns about the impact of this policy on equal opportunity, service, eliminating discrimination or good community relations?		N	
21. Does external consultation (in general) indicate community concerns about equal opportunity, service eliminating discrimination	Y	N	No external communication has taken place at this stage (April 2005). The purpose for the SCI is to seek people's views about their concerns, priorities etc.

or good community relations in this area?			
22. If there is any adverse impact on equality, diversity and community relations is it: <ul style="list-style-type: none"> • Unavoidable-alternative approaches have been discounted • Justified in terms of the policy's aim • Proportionate to the policy's aim and importance 	Y	N	n/a
23. If there is any adverse impact on equality, diversity and community relations is it: <ul style="list-style-type: none"> • The least intrusive and least damaging option • Minimised through all feasible measures. Have alternative approaches been considered?			n/a
24. Is any adverse impact on equality, diversity and community relations potentially unlawful discrimination?			n/a
25. Is the policy adequately precise to ensure it's interpretation and application will not adversely affect equality, diversity or	Y		

community relations?			
<p>26. Where the policy or the way it is applied may adversely impact on equality, diversity and community relations, does it include a clear defined decision-making process which practitioners should follow and document?</p> <ul style="list-style-type: none"> • Does the policy or supporting procedures provide for formal, ideally independent, audit of decision making under the policy? • Does the policy or supporting procedures provide for independent scrutiny during decision making under the policy? 			An independent examination of the SCI and of the representations that are submitted is a statutory part of the plan preparation process.
27. Is the implementation planning and training adequate to ensure that this policy will be properly applied in practice?	Y		We intend to use existing networks and working arrangements
28. Will this policy be accessible to all members of the community (including format, media and language)?	Y		Different formats will be made available on request.
29. Is further research or		N	However the SCI will be kept under review at least once each year.

<p>consultation necessary to assess the impact of this policy?</p> <p>Would this research be proportionate to the policy's importance?</p> <p>Is it likely to lead to a different policy stance or outcome?</p>					
<p>30. If this policy goes forward, would routine monitoring of the impact of this policy e.g. using 16 plus monitoring be appropriate?</p>		<p>Y</p>	<p>The monitoring mentioned in 28 above would concentrate on how effective the SCI is being in securing engagement with the plan preparation process including hard to reach groups.</p>		
<p>31. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason</p>			<p>Please explain for each equality heading (question 8-16) on a separate piece of paper</p> <p>n/a</p>		
<p>32. Should the policy proceed to a full impact assessment</p>		<p>NO</p>	<p>Date on which Partial or Full impact assessment to be completed by</p>		

LIST OF QUESTIONS ASKED IN THE TEXT OF THIS DOCUMENT.

1. Do you agree that the proposals set out in this Statement of Community Involvement will ensure that:-
 - a) everyone who wants to can be meaningfully engaged in the process of preparing the Minerals and Waste development documents?
 - b) there are satisfactory opportunities for early community involvement?
 - c) the proposed methods are relevant to the communities concerned?
 - d) it is clear how involvement can be a continuing rather than a one-off process?
 - e) the process will be transparent and accessible?
 - f) community involvement is encouraged and planned into the plan preparation process?
 - g) there are appropriate and adequate opportunities for public participation in planning applications that are decided by the County Council?
2. Do you consider there are any other organisations or people who should be consulted in addition to those listed in Appendix 2 and in paragraphs 2.10 to 2.15 and 2.22 to 2.24?
3. Do you agree with the criteria that are used by the County Council for deciding whether near-neighbour properties should be notified about planning applications?

APPENDIX 7

COMMENTS FORM AND ADVICE NOTES

(from the Planning Inspectorate's consultation draft framework for assessing soundness and focusing representations on Statements of Community Involvement)

Statement of Community Involvement (SCI)

Pre-Submission stage Representation Form



Personal Details

Title

First Name

Last Name

Job Title

Organisation

Address Line 1

Line 2

Line 3

Line 4

Post Code

Telephone Number

E-mail Address
(where relevant)

Agents Details (if applicable)

Nature of Representation

Please select one of the following:

Are you either:

Supporting part of the SCI;

If so to which part of the SCI does your representation relate:

Section

Paragraph

Or: Objecting to part of the SCI;

If so to which part of the SCI does your representation relate:

Section

Paragraph

Or: Objecting to the omission of a section or text

If so where should the new section or text go in the SCI (please be as precise as possible):

Reason for Objection

If you are objecting to the SCI please specify on which of the following tests of soundness you consider that this part of the SCI fails (see accompanying guidance notes):

it complies with the minimum requirements for consultations as set out in the Town and Country Planning (Local Development) (England) Regulations 2004

its strategy for community involvement links with other community involvement initiatives (e.g. the community strategy)

it identifies in general terms which local community groups and other bodies will be consulted

- it identifies how the community and other bodies can be involved in a timely and accessible manner
- the methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents
- resources are available to manage community involvement effectively
- it shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents
- it sets out a mechanism for reviewing the SCI
- it clearly describes the policy for consultation on planning applications

Changes to the SCI

Please give details of what change(s) you would like to see to the SCI and why, having regard to the tests of soundness listed above (please be precise as possible):

(Continue on a separate sheet if necessary)

Can your representation be considered by written representations or do you consider it necessary to attend the Examination

Either:

Written Representations

Attend Examination, if so please outline why you consider this to be necessary:

The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to attend the Examination.

Signature:

Date:

Note to Accompany Model Representation Form for Statements of Community Involvement

General advice on making representations on a Statement of Community involvement

If you wish to object to a SCI or part of a SCI you should make clear in what way the SCI or part of the SCI is not sound having regard to the tests set out above. You should try to support your objection by evidence showing why the SCI should be changed. It will be helpful if you also say precisely how you think the SCI should be changed. In considering whether you wish to make representations on a SCI you may wish to consider the following principles for community involvement which are set out in the document "Community Involvement in Planning: The Government's objectives"¹.

Principles of community involvement

Community involvement that is appropriate to the level of planning. Different arrangements for and levels of community involvement will be appropriate depending on the nature of the planning process involved and the authority's circumstances. Planning authorities should ensure that arrangements are built on a clear understanding of the needs of the community, and put in place arrangements which are fit for purpose.

Front loading of involvement. Community involvement policies should provide opportunities for participation in identifying issues and debating options from the earliest stages. Community involvement should happen at a point at which people recognise that they have the potential to make a difference and, crucially, to experience a sense of ownership of local policy decisions.

The methods used to encourage involvement should be relevant to their experience. Consideration should be given to how people are most likely to get involved and what facilities are available to them and to working with agencies such as Planning Aid that can help communities. There is no 'one size fits all' solution if a genuine dialogue is to be established and maintained.

Clearly articulated opportunities for continuing involvement. The process should allow local communities to see how ideas have developed at the various stages, with effective feedback. There should be clear formal stages when involvement should take place, based on the statutory requirements. These stages must occur as part of a continuous programme, not a series of disjointed, one off steps. A 'tick box' mentality, which regards community involvement as simply a process step to be ticked off, is not acceptable.

Transparency and accessibility. The process should be clear, so that people know when they will be able to participate, and the ground rules for doing so. Involvement in the planning system should extend beyond those who are familiar with the system, to difficult to reach groups.

¹ Published by ODPM in 2004 and available on the ODPM website www.odpm.gov.uk.

Planning for involvement. Community involvement should be planned in from the start of the process for plan preparation or consideration of significant development proposals, to enable timely involvement. Consideration should be given to how processes for community involvement in planning can best fit with other involvement processes, particularly in respect of Community Strategies. Project plans should avoid unnecessarily long, drawn out processes.