

## **Final Draft Newcastle-under Lyme and Stoke-on-Trent Statement of Community Involvement**

### **Purpose of Report**

To inform the Committee of the results of the consultation process on the Draft Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement and to consider the submitted version of the Newcastle-under Lyme and Stoke-on-Trent Statement of Community Involvement (SCI Final version) (Appendix 1) prior to approval by Cabinet on 10 June 2015.

### **Recommendations**

- 1) That Cabinet be recommended to commend to Council the adoption of the submitted version of the Newcastle-under Lyme and Stoke-on-Trent Statement of Community Involvement (SCI Final version), subject to any amendments made by this Committee.**

### **Reasons**

To enable the views of the Planning Committee on the result of the consultation to be taken into account by Cabinet. The consultation period expired in December 2014 and the responses have been analysed by officers with recommendations as to how the document should be amended before adoption. The SCI is not a formal "Development Plan Document", but it does establish the Council's policy on community engagement in planning matters and therefore it falls to be adopted by the Full Council.

## **1.0 Background**

- 1.1** Members may recall that the Draft Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement (Draft SCI) was agreed by the Planning Committee on 7 October 2014 to be recommended to Cabinet for public consultation purposes. It was also resolved to receive a further report on the outcome of the public consultation and to approve the next steps. Cabinet approved the Draft SCI on 15 October, 2014, for public consultation purposes. Stoke-on-Trent City Council approved the Draft SCI for public consultation purposes on the 28 October 2014. The six week period of consultation ended on the 19 December 2014.
- 1.2** Members are reminded that the Council is required by Section 18 of the Planning and Compulsory Purchase Act, 2004 to have an adopted SCI and is responsible for keeping this up to date. The SCI incorporates necessary technical and legal requirements but aims to improve understanding and openness of the planning process in order to increase opportunities for the wider community to engage in planning matters. It does this by encouraging a wide range of people and groups to get involved, as well as, setting out the ways in which planning information is made available; and making it clear when individuals and groups in the local community can get involved.
- 1.3** The Draft SCI was published to give residents, businesses, parish and town councils and other groups an opportunity to have a say in how they want to be involved in planning policy and development management matters in the two local authority areas. People were encouraged to say what they liked and didn't like about how each council proposed to involve them.

- 1.4 Cabinet will consider a report on the recommendations of the Planning Committee including any proposed amendments to the Draft SCI, on the 10 June, 2015. Due to the publication timescale the recommendations of this Committee will be reported to Cabinet by means of a supplementary report. Should Cabinet approve the submitted version of the Newcastle-under Lyme and Stoke-on-Trent Statement of Community Involvement the document will be referred to Full Council for adoption.
- 1.5 Stoke-on-Trent City Council is following a similar process. Their Cabinet is expected to consider the submitted SCI on the 25 June 2015 after first taking into account the views of their Development Management Policy Group. The recommendation of their Cabinet will be considered at its next available Full Council.

## **2.0 Policy Context**

- 2.1 The National Planning Policy Framework (Paragraph 155) requires Local Planning Authorities to undertake Early and Meaningful engagement and collaboration with neighbourhoods, local organisations and businesses in the production of a Local Plan. The Statement of Community Involvement plays an important role not only in helping a wide section of the community to express their views on draft proposals but also to ensure Local Plans reflect a collected vision and set of agreed priorities for the sustainable development of the area. The involvement of all sections of the community in the development of Local Plans and in planning decisions is also seen as way of supporting the creation of healthy, inclusive communities (paragraph 69).
- 2.2 In respect of development management or decision-taking the National Planning Policy Framework is less specific. At paragraph 189 it states that local planning authorities should, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications, whilst paragraph 66 indicates that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

## **3.0 Representations Received**

- 3.1 In total 23 individuals and organisations submitted over a hundred representations. The representations were analysed to identify each specific issue, resulting in just over a hundred separate comments being recorded. This is set out in Appendix 2: Table 1 Schedule of Consultation Responses and Recommended Changes, The Table shows the issue raised by each consultee, an analysis of those issues, grouped together with your Officer's response. In most cases there is a clear recommendation - either to reject the comment or to make a change to the content of the SC. Appendix 2 is attached to this report.
- 3.2 It is worth noting that the majority of comments were generated by respondents who appear to be resident, or working in Newcastle-under-Lyme. Overall, the consultation document received a relatively positive response although there were a number of suggestions for changes.
- 3.3 All proposed changes to the consultation Draft SCI have been agreed with Stoke-on-Trent City Council planning officers and seek to respond positively to each representation.
- 3.4 The submitted version of the SCI (incorporating the agreed changes) is provided at Appendix 1. Because of its length it is only made available to view as part of the agenda

for this meeting on the Council's website, but a copy will be also made available in the Members' room, and at the Planning Committee meeting itself.

#### **4.0 Summary of key issues and amendments**

- 4.1 The document is split into three parts incorporating an Introduction and Background; a Planning Policy Section; and Development Management Section. The list below summarises comments made through the consultation process. Where a matter is raised that is outside the scope of the SCI an officer comment has been added.

##### Part 1 – Introduction and Background

- A number of queries as to the resources available to carry out public consultation effectively, information needs to be more readily available and transparent / sincere / true consultation/ positive inclusion.
- Several Newcastle residents objected to the decision to prepare a Joint Plan with Stoke-on-Trent City Council. However, the principle of working in partnership with Stoke was determined in March 2015. This matter is therefore outside the scope of the SCI. Once adopted, the SCI will play an important role in developing a consistent and effective approach to consultation, to support the successful involvement of the local community in the development of the Joint Local Plan.

##### Part 2 – Planning Policy

- Some support for the publication of a Joint SCI to inform the Joint Local Plan process.
- Queries around how general members of the public will find out about policy areas. The document needs more explanation on how the Plan is being drawn up (more background information required) and then how they can engage in the process. Document not always easy to understand.
- Several representations regarding Newcastle's Cabinet decision regarding the sale of council owned land for development and their inclusion in the Joint Local Plan 'call for sites.' Members will be aware that in November 2014, Cabinet made a decision to participate in the Joint Local Plan 'Call for Sites' initiative and made a separate decision to proceed with the disposal of several sites in the Council's ownership, which had been subject to public consultation. These two and entirely separate decisions, relating to different sites across the borough, were made just after the start of the consultation on the Draft SCI and consequently the timing of these decisions prompted objections to the Council selling off land in advance of the Joint Local Plan. The decision of the Council to participate in the 'Call for Sites' is a matter which is outside the scope of the SCI as is the decision with respect to the disposal of sites.
- Representations from Staffordshire Police with regard the Duty to Co-operate process and the potential to draw up a joint protocol between planning departments and police that serve to identify development requiring automatic consultation with the police. To ensure crime prevention is a key material consideration in both policy development and decision-making.
- Clearer reference is required to Neighbourhood Planning.
- More explanation on the different types of consultation methods to be used in plain english and better use of visual means of engagement.
- More use of the display of notices for proposed development areas, notification by letter and public meetings.

##### Part 3 – Development Management

- The wording needs to make it clearer that representations to planning applications will not necessarily be taken on board – what people can and cannot influence (clearer explanation on the balance of issues)
- Good summary of how decisions are actually taken – useful tool
- Concerns relating to the future capacity of planning officers to be able to effectively work with an applicant, the community, elected members and other statutory consultees
- Better system required (Newcastle website) to enable people to inform themselves on applications which do not require publicity. The 'saved search' suggestion is inadequate
- Meaningful and productive consultation between developers and communities needs to be given greater weight in planning law
- There should be a list of issues which are material planning considerations not just those that are not
- Support for the Councils' commitment to early and on-going consultation
- The current planning application process does not allow the public to receive regular updates on what is happening with planning applications in Newcastle.
- Newcastle's 'guillotine policy' - a cut off of four days for consultation comments to be submitted before a planning application is determined seems unreasonable. It is not implemented flexibly particularly if a decision is deferred, it is noted that Stoke adopts a different practice. The guillotine's practical operation could be reviewed as part of this SCI exercise - and to ensure all important views by statutory consultees are in the public domain, too, so that full representations can be made
- Members of the public are not always able to address the Planning Committee in Newcastle
- A more rigorous enforcement regime should be implemented (Newcastle). This is outside the scope of the SCI. T)
- Too much information is given to the public with unclear outcomes – decision-taking does not appear to be transparent (Newcastle)
- Newcastle should adopt the same practices as Stoke with regard to providing acknowledgement letters. Members should note that the submitted SCI continues to reflect differences in the way the development management service is managed between the two Councils but also clearly sets out where they are the same. Maintaining differences in the way each Council manages its development management service is considered necessary to avoid compromising specific local needs of both local planning authorities.
- Staffordshire Police request for a Joint Protocol (further details provided under Part 2 – Planning Policy)

### Appendices

- A number of queries relating to whether the list of stakeholders should be expanded to specify each group including parish councils and residents associations and list specific consultation bodies
- Clarification on whether the definition of neighbours affected by planning applications in rural area is different to urban areas

4.2 The proposed amendments to the Draft SCI as set out in Table 1 (Appendix 2) have been made in direct response to public representations. These changes together with those that have been made to bring the document up to date, including changes to reflect the latest legislation and guidance are summarised in Appendix 3. This document is not attached but it is available to view on the Council's website as part of the agenda for this meeting, and a hard copy will be made available in the Members' room.

- 4.3 Most of the changes, which officers are recommending in response to representations, (see Table 1 (Appendix 2)) aim to improve the clarity of the SCI rather than introduce significant changes to the standard of consultation to be adopted by both Councils.
- 4.4 The proposed Final SCI does include some changes to the standards of community involvement in development management. In recognition of statutory requirements changes have been made to the Borough Council's arrangements for publicising planning applications as set out in Appendices 6 and 7 of the submitted SCI. These changes will result in additional as opposed to less publicity, absorbing some of the resource savings associated with the cessation of the practices of acknowledging the receipt of representations and notifying interested parties of decisions (this information all being available on the website) . Some minor changes are also made to the Newcastle section of Appendix 7, that indicate that no express publicity will be given to applications for the approval of details where such details are required by conditions of a Listed Building Consent. Although with respect to the latter this is a reduction on the publicity proposed in the draft SCI, this brings the procedure for applications relating to conditions of listed building consents into line with that for the conditions of planning permissions, and the change is not a substantive one. Overall the changes commit the Council to do more than was proposed in the Draft SCI consultation document.

## **5.0 Proposal**

- 5.1 To approve the revisions to the Draft SCI consultation document, with a view to recommending that the submitted version of the Newcastle-under Lyme and Stoke-on-Trent Statement of Community Involvement is agreed by Cabinet at its meeting on 10 June and recommended for adoption at the next available Full Council meeting.
- 5.2 Preparation of the SCI has been done using best practice. Members have the option not to accept any of the officers' recommendations. Similarly Members can choose to reject any of the amendments proposed by officers and to suggest alternative responses. However, if Members are minded to propose different responses it would not be possible to use this as an opportunity to make any substantive changes to the submitted SCI without triggering a second round of public consultation. This could risk a delay of the Local Plan timetable as further documents would not be able to go out to consultation before a new SCI was adopted.
- 5.2 If Members are minded to suggest different responses or opt not to approve the submitted SCI then it is recommended that the item is deferred to provide time for your officers to address these concerns and to do this in consultation with officers from Stoke-on-Trent City Council.
- 5.3 Once adopted the SCI will aid preparation of the Joint Local Plan with Stoke-on-Trent City Council and update the consultation methods required as part of the Development Management processes at each authority. Furthermore it will support the implementation of consultation standards that both local planning authorities will be required to meet and these standards will work to both actively encourage local participation from all sections of the community in the planning decision-making process and ensure that the way in which the Planning Service involves the local community in its decision making process is compliant with the latest legislation..
- 5.4 Without an up to date SCI the council risks criticism and complaints from members of the public and critically the Joint Local Plan would run into difficulty in the future if the Examination by the Planning Inspectorate considered that the public consultation that had taken place during the preparation of the plan was inconsistent with the adopted SCI (the current version was adopted in 2006).

## **6.0 Next Steps**

- 6.1 The formal adoption of the submitted SCI (SCI Final version) requires the ratification of Council. Newcastle-under-Lyme's next Council meeting is scheduled to take place in July 2015. Stoke-on-Trent City Council's Cabinet is expected to consider the Final Draft SCI on the 25 June, 2015 and if approved the adoption of the SCI could be considered by their Council on the 9 July 2015.
- 6.2 Once the Final SCI has been adopted by both Councils it will be widely publicised and made available on the website of each Council, together with an adoption statement and all associated documents, including a Consultation Report setting out how the consultation on the Draft Statement of Community Involvement was undertaken, who was consulted, together with a summary of main issues raised in the consultation responses and how these were responded to. Copies of all documents will be made available for inspection at the Guildhall and the council's contact centres in Kidsgrove and Madeley.
- 6.3 Whilst the SCI is written in plain English and is easy to understand, the document is quite lengthy therefore it is intended that concise leaflets (or similar) will be prepared at key consultation stages of the Joint Local Plan to ensure that members of the public know when and how they can engage in plan making.
- 6.4 The intention is that, assuming the SCI is adopted, the agreed changes for development management, principally concerning the additional publicity requirements, and cessation of the practices of acknowledging receipt of representations and the giving of notice of decisions to interested third parties, would come into practice from the beginning of August 2015, although detailed transitional arrangements have not yet been determined.

## **7.0 Earlier Cabinet Committee Resolutions**

- 7 October 2014 Planning Committee – Resolved to recommend to Cabinet that it approve the Draft Newcastle-under-Lyme and Stoke-on-Trent SCI 2014 for public consultation purposes and that a further report be submitted to a subsequent meeting of the committee on the outcome of the public consultation and to approve the next steps.
- 15 October 2014 Cabinet – Agreed to approve the Draft Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement, 2014 for public consultation purposes and to receive a future report setting out the recommendations of the Planning Committee on the outcome of the public consultation before adoption of the SCI is considered.

## **8.0 Background Papers**

- Consultation Draft Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement 2014.
- Joint SCI Equality Impact Assessment.
- Newcastle-under-Lyme Statement of Community Involvement adopted 2006.
- Stoke-on-Trent City Council Statement of Community Involvement adopted 2007.

## **9.0 Appendices**

- Appendix 1 Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement submitted version (SCI Final Version)
- Appendix 2: Table 1 Schedule of Responses and Recommended Changes (attached)
- Appendix 3 Summary of SCI Changes