

## **Adoption of the Newcastle-under Lyme and Stoke-on-Trent Statement of Community Involvement**

**Submitted by:** Executive Director Regeneration and Development

**Portfolio:** Planning and Housing

**Ward(s) affected:** All

### **Purpose of Report**

To consider the adoption of the Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement.

### **Recommendations**

**That the Council adopt the Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement, 2015, as part of the Newcastle-under-Lyme Local Development Framework.**

### **Reasons**

The Council is required by Section 18 of the Planning and Compulsory Purchase Act, 2004 to have an adopted and up to date Statement of Community Involvement. Cabinet have recommended the adoption of the Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement, 2015, and the next stage is to formally adopt the document as part of the Local Development Framework for Newcastle.

## **1.0 Background**

- 1.1 On 15 October, 2014, Cabinet approved the Draft Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement 2014 (Draft SCI) for public consultation purposes. Stoke-on-Trent City Council approved the Draft SCI on the 28 October 2014. The period of consultation ended on the 19 December 2014. All the preparation work has therefore been carried out in partnership. However, at each stage, all published documents were approved by both Councils separately.
- 1.2 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.
- 1.3 In total over a hundred representations were submitted by 23 individuals and organisations. 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.
- 1.4 Each representation received, together with the Councils' joint response and proposed amendments to the Draft SCI are set out in Appendix 2: Table 1 Schedule of

Consultation Responses and Recommended Changes. All proposed changes to the Consultation Draft SCI have been agreed with Stoke-on-Trent City Council officers and seek to respond positively to each representation. The SCI Final Version, incorporating the proposed amendments 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 Council meeting itself.

- 1.5 The Planning Committee considered a report on the proposed amendments to the Consultation Draft SCI on 3 June, 2015. The views of the Planning Committee, namely that Cabinet should commend to Council the adoption of the SCI Final version, were considered by Cabinet on 10 June 2015. Cabinet resolved to commend the adoption of the revised and final SCI to Council.
- 1.6 Stoke-on-Trent City Council's Cabinet resolved to recommend the adoption of the revised and final SCI on 25 June 2015. The recommendation of their Cabinet is to be considered at its full City Council meeting on 9 July 2015. The decision of the City Council will be reported to Members at the meeting.

## **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 is therefore important not only to help 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 Key Issues**

- 3.1 The proposed amendments to the Draft SCI fall into two main categories: 1) changes made in direct response to public representations (see Appendix 2) and; 2) changes made to bring the document up to date, including changes to reflect the latest legislation and guidance. A summary of the key changes is set out in Appendix 3, made available to view as part of the agenda for this meeting on the Council's website. A copy will also be made available in the Members room and at the Council meeting itself.
- 3.2 Most of the changes, which officers are recommending in response to representations, aim to improve the clarity of the SCI rather than introduce significant changes to the standard of consultation to be adopted by both councils. Any substantive amendments to the Draft SCI could require further public consultation (and a reappraisal of the cost implications). As the SCI has been prepared jointly further discussions with Stoke-on-Trent City Council would also be required.

- 3.4 Some of the comments received sought to align the development management service of the two local authorities. However, the submitted SCI continues to reflect differences in the way the development management service is managed 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.
- 3.5 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 (thereby 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.
- 3.6 Representations have been made both that the Planning Committee's guillotine (on late representations) be applied in a more flexible manner and that the guillotine be discontinued. The Planning Committee have maintained their wish to continue with this procedure which is an aid to effective decision making by that Committee.
- 3.7 In respect of Planning Policy (Part 2) several objections were received objecting to the principle of preparing a Joint Local Plan with the City Council, but there were no objections to the principle of preparing a Joint SCI. The principle of working in partnership with Stoke-on-Trent City Council was determined in March 2014. This matter is therefore outside the scope of the SCI. However, 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 preparation of the Joint Local Plan.
- 3.8 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 its 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 led to several representations being submitted which objected to the Council selling off land in advance of the Joint Local Plan. However, the decision of the Council to participate in the 'Call for Sites' is a matter which is outside the scope of the SCI.
- 3.9 As described above the purpose of the formal SCI report is to explain how communities and other stakeholders can engage with both the Plan-making and Development Management functions of the Council (as local planning authority). Whilst it is written in plain English and is easy to understand, the document is quite lengthy. Therefore, when preparing planning policy documents, it is intended that concise leaflets (or similar) will be prepared at key consultation stages, to ensure the community is informed about how and when it can get involved in plan making. This will ensure that the key information is provided in more accessible format to optimise the prospects of effective community engagement. It is also intended that once the SCI has been adopted the Council's Planning website will be reviewed to take into account and inform the reader of the

revised procedures that the final SCI introduces. Letters, site notices and press notices will need to reflect the new position.

#### **4.0 Consideration of Options and Proposal**

- 4.1 The formal adoption of the submitted SCI requires the ratification of the full Council of each local authority before it can be formally adopted. The full City Council will consider the adoption of the SCI on 9 July, 2015 and the decision will be reported to Members at the meeting. All the indications are that Stoke-on-Trent City Council will adopt the submitted SCI.
- 4.2 Council has the option not to accept Cabinet's recommendation. However, should Council not accept the recommendation of Cabinet this would 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, and savings associated with the SCI's implementation would be deferred. If members have concerns and are minded not to adopt, it is recommended that the item should be deferred to provide time for your officers to seek to address these concerns and to do this in consultation with officers from Stoke-on-Trent City Council.
- 4.3 The proposal is that the Borough Council formally adopts the Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement, 2015.

#### **5.0 Reason for Preferred Option**

- 5.1 Local Planning Authorities are required by law to have an adopted SCI and have a responsibility to monitor and review the SCI to make sure it is up to date and appropriate. The approval of the submitted 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.
- 5.2 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 to support the preparation of the Joint Core Spatial Strategy).

#### **6.0 Next Steps**

- 6.1 Once the submitted SCI has been adopted by both councils it will be published 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 Council's customer service centres at the Guildhall, Kidsgrove and Madeley. Copies will also be made available to Members on request.

## **7.0 Risks**

- 7.1 The Borough Council will not be subject to any major risks by adopting the revised Statement of Community Involvement. The greatest risks lie in a failure to adopt the SCI as described at para. 5.2.
- 7.2 The regulations state that there is a 3 month period after the day on which an Statement of Community Involvement is adopted where anyone aggrieved by the decision can make an application to the High Court under Section 113 of the Act that “a) the document is not within the appropriate power; b) a procedural requirement has not been complied with.”

## **8.0 Financial and Resource Implications**

- 8.1 The revised and final SCI commits the Council to meeting a list of requirements when consulting with the local community. The resource implications of these requirements were considered in the preparation of the Draft SCI. The SCI Final version does include some changes to the standards of community involvement in development management decision taking, which could have financial implications, with on the one hand increased neighbour notification and on the other reduced costs upon the receipt of representations and the issuing of decisions. It is considered that these relatively limited changes can be accommodated within the existing revenue budgets and are deemed necessary to improve community participation.

## **9.0 Legal and Statutory Implications**

- 9.1 The Council is required by Section 18 of the Planning and Compulsory Purchase Act, 2004 to have an adopted Statement of Community Involvement.
- 9.2 Once adopted the final Joint Statement of Community Involvement will replace the Borough Council’s current Statement of Community Involvement, adopted in 2006, and the City Council’s Statement of Community Involvement adopted in 2007.
- 9.3 The SCI is not part of the formal Development Plan policy framework but is a supporting document. However, because the SCI will set the council’s policy on community engagement in planning matters the council’s constitution requires Council to agree to adopt the Final Statement of Community Involvement, 2015.
- 9.4 The SCI is important to ensure the Local Plan process is robust and can help deliver a legally compliant plan at Examination.
- 9.5 The relevant Regulations<sup>1</sup> state that there is a three month period after the day on which an SCI is adopted where anyone aggrieved by the decision can make an application to the High Court under section 113 of the Act<sup>2</sup> that “a) the document is not within the appropriate power; b) a procedural requirement has not been complied with.”

## **10.0 Equality Impact**

- 10.1 The Final SCI has been subject to an Equality Impact Assessment (EIA) The outcome of the EIA was that the proposals set out in the document will have no negative impact on categories identified in the Equality Act 2010 e.g. a person based on their: age; disability; gender reassignment; marriage, or civil partnership status etc.

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<sup>1</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012 part 9 sections 35 (2&3)

<sup>2</sup> Planning and Compulsory Purchase Act (2004) section 113

## **11.0 Cabinet and Planning 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 SCI, 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.
- 3 June 2015 Planning Committee - resolved that Cabinet be recommended to commend the adoption of the submitted version of the SCI.
- 10 June 2015 Cabinet resolved that it be commended to Council to adopt the submitted Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement.

## **12.0 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.

## **13.0 Appendices**

- Appendix 1: Table 1 Schedule of Responses and Recommended Changes (attached)
- Appendix 2 Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement Final version (not attached; available on the website or hard copy on request)
- Appendix 3 Summary of SCI Changes (not attached; available on the website or hard copy on request)