

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Cabinet
17 March 2021

Report Title: Draft Newcastle-under-Lyme Statement of Community Involvement 2021 Consultation Document

Submitted by: Planning Policy

Portfolios: Planning and Growth

Ward(s) affected: All Wards

Purpose of the Report

The purpose of this report is to consider the recommendations of the Planning Committee prior to considering approval of the Draft Newcastle-under-Lyme Statement of Community Involvement 2021 for public consultation purposes, and to seek authority to go out to consultation.

Recommendation

That

1. That Cabinet agree to approve the Draft Newcastle-under-Lyme Statement of Community Involvement 2021 for public consultation.
2. That Officers in consultation with the portfolio holder for Planning and Growth be authorised to make minor editorial changes prior to the publication of the Draft SCI for public consultation.
That Cabinet agree to receive a future consultation report setting out the recommendations of the Planning Committee, and the results of the public consultation before considering the adoption of the Statement of Community Involvement.

Reasons

To ensure that the Borough Council has an up to date Statement of Community Involvement to maintain an efficient and effective planning service which supports meaningful engagement with the community and stakeholders in planning policy and development management matters.

1. **Background**

- 1.1 The Statement of Community Involvement (SCI) is aimed at a wide range of stakeholders, individuals and groups with the intention of informing people how and when they will be consulted by the planning department. The planning process also impacts on the wider community, and not just residents. The wider community includes businesses, land owners and the development industry, as well as statutory agencies and local interest groups.
- 1.2 Community involvement is encouraged for both planning policy and planning applications (development management), and consultation is a statutory requirement at key stages. Whilst the SCI is a statutory requirement, the Borough Council recognises that engagement is an essential part of the plan making and decision making.

- 1.3 The Draft Newcastle-under-Lyme Statement of Community Involvement 2021 (Draft SCI) appended to this report has been agreed by the planning policy team and head of planning, and now requires sign off prior for going out to public consultation.

2. Issues

- 2.1 Section 18 of the Planning and Compulsory Purchase Act 2004 requires all Local Planning Authorities to adopt a Statement of Community Involvement (SCI), setting out their policy for involving persons with an interest in the development of the area when preparing and revising their local plan. Furthermore, the Town and County Planning (Local Planning) (England) (Amendment) Regulations 2017 requires Local Planning Authorities to review their SCI's at least once every five years starting from the date of its adoption.
- 2.2 The National Planning Policy Framework states that plans should:
- 'be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees'* (NPPF, Paragraph 16a)
- 2.3 The Statement of Community Involvement is important to help a wide section of the community to express their views on draft proposals and to ensure Local Plans reflect a collected vision and priorities for the sustainable development of the Borough. Furthermore, the involvement of all sections of the community within local plan making and decision making is viewed as a way of creating healthy and safe places (NPPF 2019, Paragraph 91).
- 2.4 From a development management perspective, the National Planning Policy Framework states:
- 'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties'* (NPPF 2019, Paragraph 39)
- 2.5 The Statement of Community Involvement is important to help communities understand the planning application process, and how and when they can express their views to help achieve an improved or desired outcome at the decision making stage.
- 2.6 The Borough Council wishes to consult on a new Draft SCI to provide local communities the opportunity to express their views on draft proposals for engagement, and to help shape how and when they are consulted on within planning policy and development management matters. This specifically relates to the development of planning policy documents such as the new Local Plan, or the determination of planning applications. The Draft SCI consultation will also provide the public an opportunity to identify what they like and dislike about how the Borough Council proposes to involve them within planning matters.
- 2.7 The examination of the Local Plan by the Planning Inspectorate will consider whether the plan is carried out in accordance with the adopted Statement of Community Involvement. Therefore it is essential that the SCI is up to date and aligned with the Borough Council's aspirations for community engagement. The Borough Council aims to provide transparent, user friendly and accessible ways to encourage and maximise public participation.
- 2.8 Complex community involvement exercises can be costly and labour intensive in their preparation, attendance and follow up. The consultation proposals presented within the Draft SCI seeks to achieve a balance between giving confidence to the community that their voice will be heard, and delivering a service that is cost efficient. Furthermore, the

proposals seek to support the delivery of a planning service without overloading local communities with consultation exercises.

- 2.9 It is important to note that the Covid-19 outbreak has forced the Government to place restrictions on people's movements and social interactions in order to prevent the spread of the Coronavirus. These restrictions will impact on the scope and nature of community involvement within planning matters.
- 2.10 Temporarily, the Borough Council will be unable to fulfil some of its commitments as set out in the Draft SCI, and will compensate through maximising the use of virtual and electronic forms of communication. The Borough Council will continue to be guided by public health advice from the Government and other related bodies to protect the health and safety of all those involved in the planning process whilst ensuring effective community involvement. Temporary measures are presented within Appendix 8 of the Draft SCI on page 53.
- 2.11 By law, Local Planning Authorities are required to have an adopted Statement of Community Involvement (SCI), and take responsibility to monitor and review the SCI accordingly. A new SCI is required for Newcastle-under-Lyme to reflect the changes in the plan making process and forms of engagement with the public. A new SCI will demonstrate how and when the Borough Council will consult on key stages of the new Local Plan as set out within the agreed timetable.
- 2.12 There is no reasonable alternative option to creating a new SCI. A new SCI provides an opportunity for the Borough Council to develop an efficient and effective approach to consultation, and support the successful involvement of local communities in the development of the new Local Plan. Without a transparent and up to date SCI the Borough Council risks criticism and complaints from the public.

3. **Proposal**

- 3.1 The Draft Newcastle-under-Lyme Statement of Community Involvement (Draft SCI) provides a structured approach to engaging with local communities across the local authority area on a variety of planning matters. It attempts to describe the main functions of the planning system in a user friendly manner to help local people and organisations understand the processes with planning policy, neighbourhood planning and development management. Specifically, this refers to the preparation of planning policy documents and determining planning applications.
- 3.2 The Draft SCI is scheduled to be published in March as a consultation document to give the public, businesses, parish and town councils and interest groups an opportunity to express their views on how they want to be involved in guiding development with the Borough of Newcastle-under-Lyme. It also gives the opportunity for people to tell us what they like and dislike within the proposals set out to involve them.
- 3.3 The Draft SCI is split into four main sections. Part one is an introduction to the planning system and explains the background to the Statement of Community Involvement, and why it is beneficial to engage with the local community at an early stage. Part two focuses on what planning policy documents are and the key stages in preparing Development Plan Documents and Supplementary Planning Documents (SPD's).
- 3.4 The Draft SCI shows who the key stakeholders are and explains when and how people are consulted during the preparation of planning policy documents. This section also shows the Borough Council's commitment towards fulfilling the Duty to Co-operate legal requirement. This is designed to provide the community with information to improve their understanding

of planning policy processes and procedures rather than being a necessary part of producing an SCI.

- 3.5 Part three describes the key stages of neighbourhood plan development, where the majority of the workload is undertaken externally by the Qualifying Body (i.e. Neighbourhood Forum or Town or Parish Council). The Borough Council plays a more supporting role within this process.
- 3.6 Part four focuses on the types of planning applications and explains who, when and how people are consulted on development proposals. The types of applications and forms of engagement with planning applications are presented within Appendix 2 to 7 of the Draft SCI.
- 3.7 Prior to going out to consultation the Draft Statement of Community Involvement 2021 (Draft SCI) will be formatted and styled to ensure the document is accessible and user friendly. As part of the sign off process it may be necessary to make minor editorial changes to the draft document based on feedback internally within the Borough Council, or recommendations from Planning Committee. It is proposed that this is done in consultation with the portfolio holder for Planning and Growth.
- 3.8 The consultation on the Draft SCI will be carried out in accordance with the proposals set out in Table 5: Statement of Community Involvement Consultation on page 22 of the Draft SCI. All comments received will be reviewed and necessary amendments made before the Borough Council takes steps to adopt the SCI. These will be summarised within a consultation report following the public consultation.

4. **Reasons for Proposed Solution**

- 4.1 To comply with the requirements in statute and to ensure full public engagement with the Local Plan process.

5. **Options Considered**

- 5.1 Discussed in paragraph 2.12 above.

6. **Legal and Statutory Implications**

- 6.1 Under Section 18 of the Planning and Compulsory Purchase Act 2004 all Local Planning Authorities are required to prepare a Statement of Community Involvement (SCI). Furthermore, the Town and County Planning (Local Planning) (England) (Amendment) Regulations 2017 requires Local Planning Authorities to review their local plans and SCIs every 5 years. Planning practice guidance on plan reviews states that:

“it is important that Statements of Community Involvement are kept up-to-date to ensure effective community involvement at all stages of the planning process.” (Paragraph 071, Reference ID: 61-071-20190315)

- 6.2 Therefore, Local Planning Authorities should regularly review and update their Statement of Community Involvement to reflect any changes to engagement within planning matters.
- 6.3 The Draft SCI satisfies the legal requirement for the Borough Council to provide a ‘specific’ consultation list of bodies (statutory) that must be consulted and a ‘general’ consultation list of those who may wish to be consulted on planning policy documents and planning applications.

6.4 The SCI provides an important supporting document to ensure that the Local Plan process is robust and can help deliver a legally compliant plan at the Examination stage.

7. **Equality Impact Assessment**

7.1 The SCI is designed to ensure equality of engagement with the Local Plan process.

8. **Financial and Resource Implications**

8.1 The Draft Statement of Community Involvement (Draft SCI) commits the Borough Council to meeting a list of requirements when consulting with the local community. The resource implications of these requirements have been carefully considered in the preparation of the Draft SCI. The proposals aim to maximise participation without over promising. Any proposal to increase the proposed minimum standards will need to consider the budget implications otherwise there would be a risk of expectations being raised unrealistically as well as triggering complaints from the public.

9. **Major Risks**

9.1 The major risk around having an inadequate or absent SCI is that the local plan is ultimately found “unsound” as a result of inadequate community engagement.

10. **UN Sustainable Development Goals (UNSDG)**

10.1 The SCI underpins the Local Plan process. The Local Plan will have significant impacts on the built and natural environment in the borough and all those who interact with it. As such, the development of a local plan supports the following UNSDG objectives:-



11. **Key Decision Information**

11.1 This is not a Key Decision

12. **Earlier Cabinet/Committee Resolutions**

12.1 9 September 2020 Cabinet Report – Decision was made to review and recommend changes to the adopted SCI to ensure consistency with legislation, and reflect circumstances regarding Covid-19 and impacts on community engagement and public consultation.

13. **List of Appendices**

13.1 Appendix A: Draft Statement of Community Involvement 2021

14. **Background Papers**

14.1 None.