

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Cabinet
08 September 2021

Report Title: Draft Statement of Community Involvement 2021

Submitted by: Executive Director Commercial Development and Economic Growth

Portfolios: Planning and Regeneration

Ward(s) affected: All Wards within the Borough of Newcastle-under-Lyme

Purpose of the Report

To ask Cabinet for the authority to adopt the Draft Newcastle-under Lyme Statement of Community Involvement 2021 for the purposes of consulting on planning applications submitted to the Council for determination and the preparation of planning policy documents notably the Local Plan.

Recommendation

That Cabinet approve the adoption of the Newcastle-under-Lyme Statement of Community Involvement 2021

Reasons

To ensure that consultation undertaken by the Local Planning Authority (LPA) is undertaken in a clear and consistent manner which is understood by those making proposals to the Council and those affected by such proposals.

1.0 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 planning process.
- 1.3 In September 2020 the Newcastle-under-Lyme SCI was reviewed and updated to ensure consistency and compliance with legislation, and to reflect the circumstances the circumstances of Covid-19 which restricted some of the methods used to communicate with the public during the Local Plan Process, especially in regards to physically accessing planning policy documents and face to face community engagement.

- 1.4 On 9 December 2020 Cabinet formally decided to review the suitability of continuing with the Joint Local Plan with Stoke-on-Trent City Council, or to undertake work on a new standalone Newcastle-under-Lyme Local Plan. The review was formed within a two stage process with Cabinet seeking a second report in January 2021. During this process the Borough Council invited comments and opinions from those involved in the development plan process. The Borough Council also sought advice from an external consultant to explore a way forward.
- 1.5 On 13 December 2020 Cabinet made the decision to cease work on the Joint Local Plan, and begin work on the provision of a new Borough Local Plan. The Covid-19 outbreak and the UK's separation from the European Union in 2021 presents an uncertain economic and social climate. In these unprecedented times, departure from the production of the Joint Local Plan was considered appropriate to enable the Borough Council to be flexible and adaptable whilst planning for the future. Furthermore, a Borough Local Plan will be more aligned with the needs and growth aspirations of businesses and residents in the Borough of Newcastle-under-Lyme.
- 1.6 Whilst the SCI has recently been reviewed and updated, it was produced jointly with Stoke-on-Trent City Council reflecting the timetable of the Joint Local Plan, and the methods of community involvement as part of that process. In light of Cabinet's decision to start a new Local Plan for the Borough of Newcastle-under-Lyme, a new SCI is required that is aligned with the new timetable for the production of the Local Plan, and sets out proposals for community engagement as part of this process.
- 1.7 The Draft SCI was published on the Council's website along with guidance on how to make a representation. The consultation was open for 6 weeks, in accordance with legislation, and closed at 5pm on 31st May 2021.

2.0 Issues

2.1 Policy Context

- 2.1.1 Section 18 of the Planning and Compulsory Purchase Act 2004 requires all Local Planning Authorities to prepare a 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.
- 2.1.2 The National Planning Policy Framework states that plans should:

'a) be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees' (NPPF 2021, Paragraph 16a)
- 2.1.3 The SCI 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 2021, Paragraph 92).
- 2.1.4 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 2021, Paragraph 39)

- 2.1.5 The SCI 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.

2.2 Key Issues

- 2.2.1 In January 2021 members of Cabinet formally made the decision to depart from the Joint Local Plan, and start production of a new standalone Local Plan for the Borough of Newcastle-under-Lyme.
- 2.2.2 The current adopted SCI reflects both Newcastle-under-Lyme Borough Council's and Stoke-on-Trent City Council's methods of community engagement for the Joint Local Plan. A new SCI is required because the Borough Council is starting the plan making process again through the production of a new Local Plan. It is important the SCI is up to date and reflects the Borough Councils independent approach to plan making.
- 2.2.3 The 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.
- 2.2.4 All representations made during the consultation have been considered by the Borough Council. It is considered that no further amendments to the SCI are required and therefore, it is requested that the SCI be formally adopted in its current form
- 2.2.5 The Draft SCI was published in April 2021 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.
- 2.2.6 It is split into four main sections. Part one is an introduction to the planning system and explains the background to the SCI, 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).
- 2.2.7 The Draft SCI goes on to show 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.
- 2.2.8 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 neighbourhood plan development.
- 2.2.9 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. The Borough Council is committed to meeting the requirements when consulting with the local community in the process of determining planning applications.

2.2.10 The Borough Council consulted on a new Draft SCI between 19th April and 31st May 2021 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 related to the development of planning policy documents such as the new Local Plan, or the determination of planning applications.

2.2.11 The Draft SCI consultation provided the public an opportunity to identify what they like and dislike about how the Borough Council proposes to involve them within planning matters. Representations were received from the following bodies:

- Natural England
- Historic England
- Staffordshire Police
- The Coal Authority
- Keele Parish Council
- Audley Parish Council

2.2.12 Summarised comments from these bodies can be found in Appendix B

2.2.13 The examination of the Local Plan by the Planning Inspectorate will consider whether the preparation of the plan was carried out in accordance with the adopted SCI. Therefore it is essential that the SCI is up to date and reflects 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.

2.2.14 Complex community involvement exercises can be costly and labour intensive in the 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

2.2.15 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.

2.2.16 Dependent on the impacts of Covid 19, the Borough Council may 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.

2.3 Update from Planning Committee 22nd June 2021

2.3.1 At the meeting on the 22nd June, Planning Committee considered the draft SCI in terms of the consideration of planning applications and the delivery of planning policy documents notably the emerging Local Plan.

2.3.2 The Planning Committee resolved two items:

- i. That Cabinet be advised that the Planning Committee recommend the adoption of the Newcastle-under-Lyme Statement of Community Involvement 2021 and that it be published on the Council's website.
- ii. That Cabinet be advised that the Planning Committee would welcome the use of digital resources and communication for those consultees unable to attend physical meetings.

2.3.3 The SCI has been slightly amended since it was presented to Planning Committee notably to reflect the cessation of the Local Authorities and Police Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings (England and Wales) Regulations 2020 in May 2021

2.3.4 Appendix 8 of the revised SCI though still provides the Council with the opportunity to undertake virtual consultation as appropriate and going forward, it is expected that consultation, particularly in respect of the Local Plan will be undertaken in a hybrid form, both online and in-person thus meeting the expectations of the Planning Committee.

3.0 Proposal

3.1 It is recommended that the SCI is adopted as per the amendment to reflect the cessation of the temporary arrangements for meetings to be held virtually and the SCI to be placed on the Council's website and utilised for the consideration of planning applications and the preparation of the Local Plan.

4.0 Reasons for Proposed Solution

4.1 To enable the Local Planning Authority to undertake lawful consultation on planning applications and ensure sufficient opportunities are provided for people to engage in the preparation and subsequent adoption of the Local Plan is

5.0 Options Considered

5.1 By law Local Planning Authorities are required to have an adopted SCI, and to take responsibility to monitor and review the SCI accordingly. The current SCI was produced jointly with Stoke-on-Trent City Council and reflects methods of community involvement for the Joint Local Plan. 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

5.2 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.

6.0 Legal and Statutory Implications

- 6.1 Section 18 of the Planning and Compulsory Purchase Act 2004 requires all Local Planning Authorities to prepare an 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.
- 6.2 Failure to have an up to date SCI can render decisions made by the Council to be at risk of challenge through a judicial review on the basis that a third party may feel disadvantaged in their ability to engage with the decisions making process and thus prejudiced by the outcome.
- 6.3 Likewise, the Local Plan may also be subject to challenge if prepared in a manner not compliant with the expectations set in the SCI.
- 6.4 It is considered that the draft SCI meets the requirements of the relevant Acts thus enabling the Council to make sound planning decisions on the applications brought before it and to proceed to the adoption of a lawfully sound Local Plan.

7.0 Equality Impact Assessment

- 7.1 In Part 1, the SCI considered how the process of consulting on planning applications and the development plan relates to the requirements of the Equalities Act 2010
- 7.2 It is considered that the SCI not only doesn't create any additional challenges to people to engage with the planning process but it looks at opportunities for the service to improve and widen our methods of ensuring groups and individuals are aware of proposals that may affect them.
- 7.3 The SCI does not prescribe specific measures that the Council will use in each situation e.g. to facilitate access to events, learn about schemes being considered or provide feedback to officers on proposals but it does set out a series of overarching principles that the service will adhere to in pursuit of ensuring comprehensive engagement has taken place.

8.0 Financial and Resource Implications

- 8.1 The Council has had in place a SCI for a number of years now. This amended version does not present any new financial burdens on the Council that have not previously been taken into account.
- 8.2 In terms of resourcing, the amended document, in line with the 2020 version, does allow the Council to engage with digital technologies to a greater degree than before. Over the past year, officers have become more adroit at using these opportunities and it is considered sufficient skill sets now exist within the relevant teams to ensure these resources can be utilised effectively.
- 8.3 Should new systems be brought in with the aim of enhancing accessibility to the planning process, training will be provided as appropriate.

9.0 Major Risks

9.1 As noted earlier, the Council has had a SCI in place for a number of years. It is not considered that the new version of the document would create any new risks.

10.0 UN Sustainable Development Goals (UNSDG)

10.1 As the mechanism for ensuring through consultation and engagement on development proposals, the SCI relates to the Councils wider abilities to meet a number of the UN Sustainable Development Goals (UNSDG). These are:-

- Goal 3. Ensure healthy lives and promote well-being for all at all ages
- Goal 6. Ensure availability and sustainable management of water and sanitation for all
- Goal 7. Ensure access to affordable, reliable, sustainable and modern energy for all
- Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
- Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
- Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable
- Goal 13. Take urgent action to combat climate change and its impacts
- Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
- Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels



11.0 Key Decision Information

11.1 This is a key decision as the requirements of the SCI affect all development proposals in all wards in the Borough from small scale extensions to major new developments

12.0 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 for the Joint Local Plan.

- 12.2 9 December 2020 Cabinet Report – Decision was made to undertake a Joint Local Plan review following the economic and social impact of Covid-19 and Brexit, and to explore the option of continuing, or to split from the Joint Local Plan.
- 12.3 13 January 2021 Cabinet Report – Provided a consultation update for the continuation of the Joint Local Plan, taking into account the review as permitted from the previous Cabinet meeting. It was resolved to start production of a standalone Local Plan for the Borough of Newcastle-under-Lyme.
- 12.4 17 March 2021 Cabinet Report – Decision was made that the Newcastle-under-Lyme Draft Statement of Community Involvement would be approved for public consultations.
- 12.5 22 June 2021: Planning Committee – Decision to accept the findings of the consultation exercise and make recommendations to Cabinet to adopt the Statement of Community Involvement

13.0 List of Appendices

- 13.1 Appendix A: Draft Statement of Community Involvement 2021.
- 13.2 Appendix B: Summarised Comments from SCI Consultation

14.0 Background Papers

- 14.1 Planning and Compulsory Purchase Act 2004
- 14.2 Town and County Planning (Local Planning) (England) (Amendment) Regulations 2017
- 14.3 National Planning Policy Framework (NPPF) 2021