

## Report of the Strategic Director (Place) to the meeting of Executive to be held on 6 November 2018

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**Subject: Statement of Community Involvement Review**

### **Summary statement:**

The Statement of Community Involvement (SCI) sets out how and when the community will be involved in preparing Local Plan documents for the District including Neighbourhood Plans, as well as how they will be consulted on planning applications.

The Current SCI was adopted in 2008 and has been reviewed and updated to take account of changes in national policy and legislation, as well as local circumstances. The revised SCI was published for comment in August –September.

This report sets out the representations received and the Councils response. The Executive is recommended to approve the Revised Statement of Community Involvement.

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**Portfolio:**

Regeneration, Planning & Transport

**Overview & Scrutiny Area:**

Regeneration & Environment

## **1. SUMMARY**

- 1.1 The Statement of Community Involvement (SCI) sets out how and when the community will be involved in preparing Local Plan documents for the District including Neighbourhood Plans, as well as how they will be consulted on planning applications.
- 1.2 The Current SCI was adopted in 2008 and has been reviewed and updated to take account of changes in national policy and legislation, as well as local circumstances. The revised SCI was published for comment in August –September.
- 1.3 This report sets out the representations received and the Councils response. The Executive is recommended to approve the Revised Statement of Community Involvement.

## **2. BACKGROUND**

- 2.1 The Statement of Community Involvement (SCI) sets out how Bradford Council will engage with local communities, stakeholders and other interested parties during the preparation of planning policy documents such as the Local Plan (including Neighbourhood Plans) and when considering planning applications.
- 2.2 The District's communities are made up of many different groups including residents, students, service providers, businesses, workers and visitors, with a wide range of views and interests. The SCI seeks to ensure the active, meaningful and continued involvement of all the District's groups in all aspects of the planning system at a stage in the process where such views can make a difference.
- 2.3 The SCI sets out a series of revised guidelines on the scope of community involvement, how and when the Council will undertake engagement and consultation and how you can become involved.
- 2.4 Within the planning system there are statutory requirements that the Council must meet at each stage of plan preparation and also in determining Planning Applications. The SCI sets out the range of engagement methods and processes that will be used to engage and consult the community and stakeholders on planning documents, whilst meeting the relevant regulations. The methods used may vary according to the issue under consideration, as it is important to maintain a degree of flexibility. In doing so, the consultation and engagement methods can be tailored to both a specific planning policy document and the intended audience. Additionally, flexible engagement methods and processes will enable the Council to respond to any potential future changes in the planning legislation and regulations, and how the Council operates and responds to any new methods of consultation which may become available in the future.
- 2.5 In setting out clear guidance on engagement and consultation within the planning process, the Council aims to:
  - Increase public awareness of the planning process and how to get involved;

- Communicate effectively by making it clear in the information provided what is being proposed and how and when people can get involved;
- Ensure that information is accessible to the community regardless of age, gender, ethnicity or disability;
- Engage and consult all sections of the local community, stakeholders and interested parties;
- Make it easy for people to get involved by helping and supporting groups and individuals with little or no knowledge of the planning system and encouraging involvement from groups that have traditionally not been involved in the planning process;
- Uses appropriate consultation methods in order to maximise involvement.
- Makes sure involvement is effective by listening to the community at an early stage in the planning process;
- Provides feedback on all responses received and keep consultees informed of progress being made; and
- Help create a sense of ownership on local planning issues and documents.

2.6 The production of a Statement of Community Involvement (SCI) is a Government requirement. Bradford Council adopted the current SCI on 8<sup>th</sup> July 2008. However, in recent years there have been a number of significant changes within the planning system which has justified and led to the need to undertake this review. The SCI has been reviewed in light of the following:

- Changes to planning legislation and regulations, including the introduction of:
  - *The Duty to Co-operate*
  - *Neighbourhood Planning*
  - *Community Infrastructure Levy (CIL)*.
- Changes to national and regional planning policy;
  - *Revocation of the Regional Spatial Strategy (RSS) for the Yorkshire and Humber region*
  - *Introduction of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)*
- Changes to the way the Council operates and the consequential impact on services and service delivery;
- Technological advances and the use of digital technology for communication; and
- Bradford Councils revised Consultation and Engagement Framework (2016).

2.7 The changes to planning legislation and regulations noted above have impacted on the plan making process. Whilst it has been simplified, it has placed increased focus on early engagement and community involvement with fewer formal stages and faster working methods, in addition to increased use and availability of electronic communications, such as email and the internet.

2.8 This revised SCI has been prepared based on the current guidance set out in the following planning legislation and regulations:

- The Localism Act 2011;

- Planning and Compulsory Purchase Act 2004 (as amended);
- Town and Country Planning (Local Planning) (England) Regulations 2012;
- Neighbourhood Planning (General) Regulations 2012 9as amended);
- The Community Infrastructure Levy Regulations 2010 (as amended);
- Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Town and Country (General Permitted Development) (Amendment) (England) Order 2018.
- The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017

- 2.9 In line with good practice the Draft Revised SCI was issue for representations between 6 August and 17 September 2018. The document was made available on the Councils Web site and at selective locations in hard copy. Statutory consultees and other on our database were notified of the consultation.
- 2.10 A total of 9 representations were received to the consultation. A summary of the issues raised are set out in Appendix 1, together with the Council's response.
- 2.11 A number of the respondents supported the document and made no detailed comments. A number of the respondents raised issues which related to local plan content and approach which is not the subject of the SCI.
- 2.12 A number of proposed changes are set out with respect to several issues raised in representations. These seek to provide clarity and also bring the SCI up to date with regards to the revised NPPF published in July 2018.
- 2.13 The revised SCI is contained in Appendix 2. It incorporates the changes made in response to representations and also national policy and guidance. The document is made up of several sections.
- 2.14 Section 1 provides background as to the Planning system and the role and purpose of the SCI and the review.
- 2.15 Section 2 sets out a high level overview of the District population profile.
- 2.16 Section 3 sets out the approach to community engagement in the District including what is meant by 'community' and 'engagement', as well as the role of existing mechanisms and forum.
- 2.17 Section 4 sets out the details of the Development Plan system including the current adopted Local Plan documents as well as future program as set out in the recently adopted Local Development Scheme.
- 2.18 Section 5 sets out the approach to community involvement as it relates to Local Plan documents including Development Plan Documents (DPDs), Supplementary Planning Documents (SPDs), Community Infrastructure Levy (CIL) and Neighbourhood Planning.

- 2.19 Section 6 sets out the approach to community involvement on planning applications including pre application engagement, at planning application and post planning application.
- 2.20 Section 7 sets out how engagement will be resourced.
- 2.21 Section 8 sets out how the SCI will be monitored. In line with Government requirement it will be reviewed every 5 years or earlier if found to need updating.
- 2.22 Section 9 provides links to further information.
- 2.23 The SCI includes several appendices which provide more detailed information on the methods of consultation which could be used and list of consultees. It then sets out the potential approach at each stage of preparation for DPDS, SPDs, CIL and Neighbourhood Planning.
- 2.24 The SCI provides the headline approach and it will be for each Local Plan document to determine the appropriate approach depending on the nature of the document and stage, having regard to the SCI.
- 2.25 This report seeks approval of the updated SCI contained in Appendix 2.

### **3. OTHER CONSIDERATIONS**

- 3.1 The NPPF makes clear the need for Local Planning Authorities to ensure they have an up to date Local Plan. Recent changes to national legislation and emerging changes to NPPF reaffirm this and introduce new powers for the Secretary to State to intervene where sufficient progress is not being made. In light of the recently adopted Core Strategy and progress in the AAPs the District is considered to have made adequate progress. However, the government will closely monitor Local Plan progress in particular the allocation of sites to meet the development needs of the District and ensure it has a 5 year supply of land and meets the new Housing Delivery Test. The SCI seeks to set a proportionate approach to progressing the Local Plan which ensures a flexible approach which beyond statutory requirements can be tailored to the relevant documents and maintains timely progress.

### **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 The preparation of the Local Plan is undertaken by the Local Plan Group, which is funded from within the Department's resources, supported by a one off corporate growth payments to cover non staffing costs. The LDS sets out consideration of the resources required to complete the Local Plan. This includes the anticipated costs of consultation and engagement at key stages of Local Plan preparation. The detailed resources required to support specific planning documents will be considered as part of their project management and reflect the nature of the document, and statutory requirements and seek to support a proportionate approach to engagement using effective and cost effective means.

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

- 5.1 There are significant risks to the Council as a result of not having an up to date Local Plan. Engagement should be proportionate and appropriate to relevant to the document to ensure it does not delay progress and that minimum legal requirements are met. Engagement plans will be produced for local plan documents at key stages to set out the approach with reference to the SCI and legal requirements in place at the time to ensure they ultimately pass examination and are not found deficient either legally or in terms of soundness.

## **6. LEGAL APPRAISAL**

- 6.1 The SCI is prepared under the relevant statute and associate Regulations. The SCI details how the legal obligations under the Planning and Compulsory Purchase Act 2004, subsequent legislation and regulations are being met. Case law has stressed the importance of the SCI in the determination of issues regarding Local Plans and planning matters (including applications) generally. Failure to have an SCI which is compliant with the current planning policies may lead to challenges to decisions made by the Council.

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

The consultation on the Local Plan is undertaken in line with the Statement of Community Involvement (SCI). In order to achieve this it seeks to set a framework to ensure representative and inclusive involvement and engagement at all stages of document preparation. In addition in line with the requirements of section 149 of the Equality Act 2010 the Local Plan documents preparation and content will be subject to an Equality Impact Assessment.

## **7.2 SUSTAINABILITY IMPLICATIONS**

All Local Plan Development Plan Documents are required to be subject to Sustainability Appraisal (SA) including Strategic Environmental Appraisal (SEA) at all key stages. The SA seeks to assess the likely impacts of the policies and proposals of the relevant plan.

The SCI seeks to use electronic and other online methods of consultation to ensure wider access to the engagement process and also reduce the need for hard copies and travel to access material.

## **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

The Local Plan is subject to sustainability appraisal throughout its development, which identifies the likely impacts of the plan and where appropriate any mitigation to manage any negative impacts.

The consultation and engagement plan will seek to use sustainable means and locations as far as practicable.

## **7.4 COMMUNITY SAFETY IMPLICATIONS**

There are no community safety implications

## **7.5 HUMAN RIGHTS ACT**

The SCI sets out how all individuals can have their say on the development plan documents. Anyone who is aggrieved by a development plan document as submitted has a right to be heard at an independent examination.

## **7.6 TRADE UNION**

There are no Trade Union implications

## **7.7 WARD IMPLICATIONS**

The SCI relates to a range of Planning activity which relates to the whole District and affects all wards.

## **7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)**

None

## **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

No Implications

## **7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

The Local Plan process involves handing of personal data under relevant Planning Legislation in particular as part of consultation and engagement during preparation as well as examination of Local Plan. Personal data held and used in connection with these statutory requirements.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None

## **9. OPTIONS**

9.1 The Council has a duty under the Planning and Compulsory Purchase Act 2004 to prepare the SCI for the District and keep it up to date. The Council can determine the nature, and make-up of the Local Plan it wants to put in place in order to meet its statutory duty, as well as the timetable for its preparation.

9.2 The process for the preparation of the Local Plan is prescribed by statute and regulation. In order to ensure a sound plan it is important that the Council ensures it follows the regulations, ensures effective and robust consultation, ensures it is founded upon up to date and robust evidence. All DPDs are submitted to the Secretary of State for independent examination to test whether they are sound with reference to the tests set out in legislation and regulations. Failure to ensure a robust approach could result in a DPD being found unsound by the Inspectorate. If found unsound the Council would not be able to proceed to adopt it formally. This would normally result in delay to do further work as well as engagement to ensure the Local Plan is made sound and then resubmitted for examination.

9.3 Recent national planning reforms retain the need for local planning authorities to prepare a development plan for their district and in light of the National Planning Policy Framework and the provisions for neighbourhood planning, the government is seeking councils to progress as a matter of urgency.

9.4 The Executive have 3 options

### **Option 1**

9.5 To approve the Revised SCI as proposed in Appendix 2. This sets out the approach which was subject to consultation. This was broadly supported and has been amended where appropriate in response to the limited representations received to the consultation.

### **Option 2**

9.6 To not approve the Revised SCI. This would mean that the Council would continue working to the current SCI approved in 2008 which is now significantly out of date and this would not meet the requirements from government to review regularly to ensure it is up to date.

### **Option 3**

9.7 The third option is to approve the SCI as proposed but with further changes as proposed by members.



9.8 The Executive are recommended that the version in Appendix 2 is approved in line with Option 1.

## **10. RECOMMENDATIONS**

10.1 Recommended that the Revised SCI contained in Appendix 2 be approved and published on the Councils web site.

## **11. APPENDICES**

11.1 Summary of representation received and Council response to Draft Revised SCI

11.2 Revised SCI 2018 - 2023

## **12. BACKGROUND DOCUMENTS**

12.1 National Planning Policy Framework (2018)

12.2 National Planning Practice Guidance

12.3 Draft Revised SCI (August 2018)