

Name of meeting: Cabinet

Date: 16<sup>th</sup> June 2015

Title of report: Statement of Community Involvement

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Is it in the Council's Forward Plan?	Yes
Is it eligible for "call in" by <u>Scrutiny</u> ?	Yes
Date signed off by <u>Director</u> & name	Jacqui Gedman 20.05.15
Is it signed off by the Director of Resources?	David Smith 15.05.15
Is it signed off by the Assistant Director – Legal, Governance & Monitoring?	Julie Muscroft 04.06.15
Cabinet member portfolio	Place (Investment and Housing)

Electoral wards affected: All

Ward councillors consulted: No

**Public or private: Public** 

# 1. Purpose of report

The purpose of the report is to seek endorsement to consult on a revised Draft Statement of Community Involvement (SCI) (attached at Appendix 1). The draft SCI sets out how the council will work with communities and stakeholders to develop planning policy documents such as the Kirklees Local Plan or guidance on specific issues.

## 2. Key points

## 2.1 Background

The production of a Statement of Community Involvement (SCI) is a government requirement and the council adopted its first SCI in September 2006. A review of the SCI has been undertaken in the light of:

- changes to planning legislation and regulations;
- changes to the way the council operates and the consequent impact on services; and
- advances in technology and the use of digital technology for communication.

Changes to planning legislation and regulations impacted on the plan process itself and placed an increased focus on early engagement and community involvement. The SCI is based on the current law and guidance as set out in: Localism Act 2011, National Planning Policy Framework (NPPF) 2012, Town and Country Planning Local Planning (England) Regulations 2012 and Neighbourhood Planning (General) Regulations 2012. The requirements for preparing this SCI are set out in the Planning and Compulsory Purchase Act 2004, the Planning Act 2008 and the Localism Act 2011.

The council's decision to undertake a radical review of the way it operates, the services it will provide and the implications for the resources and practices makes it timely to consider our approaches to community engagement. The preparation of a revised SCI provides a community engagement framework which is up to date, flexible, deliverable and cost effective. The advances in technology and particularly the use of digital media provide a real opportunity to develop new ways of working.

The SCI has been written in the context of the Kirklees Involving Communities Framework which sets out a common partnership approach to involving communities in Kirklees.

## 2.1 Key Changes

The key changes from the adopted document include:

- the previous SCI contained processes for dealing with both planning policy documents and development management processes. The development management elements have been removed from revised SCI and included within a separate Development Management Charter. This will allow both documents to be updated more easily;
- there is a greater emphasis on electronic means of communication to engage and consult on documents; and
- the number of deposit locations has been reduced to a minimum of two: Huddersfield Civic Centre 3 and Dewsbury Town Hall. This will however, be reviewed depending on the scope and nature of the document to be consulted on.

## 3. Implications for the Council

#### **Benefit**

The benefit of having a revised, up to date SCI is that it will give clarity and transparency on how the community and stakeholders will be involved in the Local Plan process.

When the Local Plan is tested at examination it will be subject to Legal Compliance which test (at stage 1/Activity 2/Activity 3) how the community engagement has been undertaken as part of the

preparation of the development plan document. Having an up to date SCI will be a key piece of evidence that the council has addressed its commitment to engagement and involved the community in its preparation through consultation.

#### **Risks**

The risk of not having an up to date SCI, is the potential for increased representation at development plan examination stage on the basis that the council has not set out its position on engagement. It may also lead to disengagement by consultees from the process.

## Costs

All contacts on the local plan database will be consulted and invited to make comments on the SCI. The cost of this will be met from the existing Local Plan Budget.

# **Equalities**

A stage 2 Equality Impact Assessment has been produced which is attached at Appendix 2.

# 4. Consultees and their opinions

Director sign off of this report is included above.

# 5. Next steps

It is intended to go out to consultation on the SCI for a 4 week period from 1<sup>st</sup> July - 30<sup>th</sup> July 2015. Comments received on the SCI will be analysed and a revised document produced. The revised document will be reported to cabinet for approval as an executive function and Full Council for adoption if appropriate.

### 6. Officer recommendations and reasons

That Cabinet endorses the draft SCI attached at Appendix 1 of this report and authorise the Director of Place to start the consultation exercise.

That authority be given to officers to analyse and revise the document in the light of representations received and to produce a further revised SCI to be reported to Cabinet for approval as an executive function and Full Council for adoption, if appropriate.

# 7. Cabinet portfolio holder recommendation

The portfolio holders, Councillor Peter McBride, Councillor Cathy Scott and Councillor Steve Hall at Place Briefing, on the 1<sup>st</sup> June 2015, agreed on the draft SCI and the reasons to revise the existing SCI adopted in 2006 as set out in 2.1 of this report.

# 8. Contact officer and relevant papers

Richard Hollinson Policy Group Leader 01484 221000 richard.hollinson@kirklees.gov.uk

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Principal Planning Officer
01484 221000
johanna.scrutton@kirklees.gov.uk

# **Background Papers**

- Statement of Community Involvement Adopted 2006
- Kirklees Involving Communities Framework
- Localism Act 2011
- National Planning Policy Framework (NPPF) 2012
- Town and Country Planning Local Planning (England) Regulations 2012 as amended
- Neighbourhood Planning (General) Regulations 2012
- The Planning Act 2008
- Planning and Compulsory Purchase Act 2004

# 9. Assistant Director responsible

Paul Kemp Assistant Director - Place 01484 221000 paul.kemp@kirklees.gov.uk

## **Draft Statement of Community Involvement**

### Section 1

## 1. Introduction

- 1.1 The purpose of this draft Statement of Community Involvement (SCI) is to set out how Kirklees Council will work with local communities and stakeholders to develop planning policy documents such as the Kirklees Local Plan or guidance on specific issues.
- 1.2 It will form a series of guidelines on the scope of community involvement, how and when Kirklees will undertake consultation and engagement and how you can become involved.
- 1.3 National Planning Policy Framework paragraph 155 states:
  - "Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made".
- 1.4 The document seeks to promote involvement in the plan at an early stage in order to work towards a consensus and thereby reduce the scope for delay at later stages. By getting involved and having your say you can help to shape the way your area looks.
- 1.5 There are also statutory requirements that the council must meet at each stage of plan preparation. The SCI will set out the range of engagement processes we will use to engage and consult on planning documents. These may vary according to the issue under consideration as it is important to retain a degree of flexibility. In this way, methods can be tailored to the specific planning document. Additionally, flexible engagement processes will allow us to respond to potential future changes in the regulations; changes to the way the council operates; and to respond to any new methods of communication and engagement which may become available over the life of the document.
- 1.6 In setting out clear guidance we aim to:
  - increase public awareness of the planning process and how to get involved;
  - ensure a transparent process based on consideration of a range of options and local priorities and concerns;
  - provide an opportunity to help groups and individuals shape the local plan and make representations on its contents; and
  - help create a sense of ownership on planning issues.
- 1.7 Involvement in the planning application process is outlined in the Kirklees Development Management Charter which can be viewed via the council's website: www.kirklees.gov.uk

## Background and the need for review

- 1.8 The production of a Statement of Community Involvement (SCI) is a government requirement and the council adopted its first SCI in September 2006. A review of the SCI has been undertaken in the light of:
  - changes to planning legislation and regulations;

<sup>&</sup>lt;sup>1</sup> Section 18 (Part 2) of the Planning and Compulsory Purchase Act 2004 as amended

- changes to the way the council operates and the consequent impact on services;
- advances in technology and the use of digital technology for communication; and
- the council's Involving Communities Framework.
- 1.9 Changes to planning legislation and regulations impacted on the plan process itself and placed an increased focus on early engagement and community involvement. The SCI is based on the current guidance as set out in:
  - Localism Act 2011;
  - National Planning Policy Framework (NPPF) 2012;
  - Town and Country Planning Local Planning (England) Regulations 2012; and
  - Neighbourhood Planning (General) Regulations 2012.
- 1.10 The minimum legal requirements for consultation on local plans (and other Local Development Documents) has been amended to produce a more efficient plan making process. This means that the previously adopted SCI does not reflect the new stages of plan preparation. Additionally, the SCI no longer has the same status and is no longer considered to be a development plan document. The council is therefore, able to adopt its own SCI without the need to submit it to the Secretary of State for independent examination.
- 1.11 The council's decision to undertake a radical review of the way it operates, the services it will provide and the implications for the resources and practices makes it timely to consider our approaches to community engagement. We need to prepare a new SCI to provide a community engagement framework which is up to date, flexible, deliverable and cost effective. The advances in technology and particularly the use of digital media provide a real opportunity to develop new ways of working.

### How to comment

- 1.12 The council is undertaking public consultation on this draft Statement of Community Involvement prior to its adoption.
- 1.13 This draft SCI will be available for consultation for a four week period from 1<sup>st</sup> July 30<sup>th</sup> July 2105.
- 1.14 Comments should be made via the council's on-line consultation system or e-mailed to <a href="maileo-local.development@kirklees.gov.uk">local.development@kirklees.gov.uk</a> or sent to:

Planning Policy Group PO Box B93 Civic Centre 3 Off Market Street Huddersfield HD1 2LR

1.15 All comments received will be assessed and the SCI reviewed in the light of these comments prior to a final version being adopted by the council. The final version will be available to view on the council's website: www.kirklees.gov.uk

#### Format of the document

- 1.16 Section 1 Introduction
  - Section 2 Community involvement in Planning Policy
    - what documents we will consult on;
    - who we will consult with;
    - how we will consult and communicate.

## Section 2

2 Community involvement in planning policy

## What documents we will consult on

- 2.1 We will set out a timetable for producing planning policy documents. This timetable is known as the Local Development Scheme (LDS) and tells you when documents will be produced and when you can expect to get involved. A copy of the LDS is available to view on the council's website at:

  http://www.kirklees.gov.uk/localPlan/pdf/kirkleesPlaceToGrow.pdf
- 2.2 The LDS will contain the key planning policy documents to be consulted on and opportunities for early engagement. In developing the policy documents, we may also undertake some consultation which includes targeted workshops on key pieces of evidence. The scope of consultation will vary according to the issues to be debated.

#### Local Plan

A Local Plan sets out a vision and a framework for the future development of the area. It will address needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment, adapting to climate change and securing good design. It is a critical tool in guiding decisions about individual development proposals, since Local Plans (together with any neighbourhood plans that have been made) are the starting point for considering whether applications can be approved. It is important for us to put an up to date plan in place to positively guide development decisions.

## **Area Action Plans (AAP)**

An Area Action Plan (AAP) is a Development Plan Document (DPD) that provides specific planning policy guidance for an area where significant regeneration or investment needs to be managed. A local authority can have a number of AAPs. They often relate to town centre areas and in all cases have a strong focus on delivery and implementation. There are statutory requirements for consultation but depending on the nature and scope of the AAP, we would seek to identify additional opportunities to engage with interested stakeholders in its preparation.

# **Supplementary Planning Documents (SPD)**

These documents focus on specific topics in greater detail, providing policy guidance to support the Local Plan policies. Examples of potential SPDs are design, affordable housing, development standards.

The statutory procedural stages for making a Local Plan and Supplementary Planning Documents are different and are contained in: Town and Country Planning (Local Planning) (England) Regulations 2012.

## Strategic Master Plans, Development Frameworks or Briefs

These documents relate to individual site allocations and set out the specific details required at a planning application stage. There is no statutory process for preparing these documents but we will consult and engage on them to increase awareness of planning issues and involve the community.

# **Sustainability Appraisal and Strategic Environmental Assessment**

These are appraisal processes which evaluate the environmental, social and economic impacts of a plan, policy or programme and its reasonable alternatives. They take place alongside the Local Plan/DPDs and some SPDs. The first stage of the sustainability process is to produce a Scoping Report.

# **Community Infrastructure Levy (CIL)**

This is a charge that is levied on new development floorspace and is intended to contribute towards the provision of infrastructure. There are two main stages of statutory consultation: preliminary draft charging schedule and the draft charging schedule.

# **Neighbourhood Plans**

Neighbourhood plans are produced by the community to develop a shared vision for their neighbourhood and shape the development and growth within the local area. They are subject to a statutory process and must be in conformity with the strategic policies in the Local Plan and have regard to national planning policy. Following examination by an independent examiner and a favourable vote in a referendum they can be adopted by the council and form part of the development plan. As such they have significant weight in determining planning applications.

The council has statutory duties to publicise the neighbourhood plan at specified stages. However, it is the role of the neighbourhood plan responsible body to ensure that the plan is representative and shaped by consultation. How and when this is undertaken is decided by the neighbourhood planning body.

## Who will we consult?

- 2.3 This depends on the type of document and the nature of the consultation. Regulations and government guidance specify the bodies and organisations that we must notify when preparing the Local Plan or Supplementary Planning Documents. The regulations do provide some discretion over whether to notify certain bodies particularly if that document or issue is not likely to be of interest or relevance to it.
- 2.4 We will aim to consult relevant groups where a proposal will directly affect them. Generally we will seek the views of those who live or work in the district relevant to the document being consulted on such as:
  - residents;
  - adjoining local authorities;
  - parish and town councils;
  - specific and general consultees;
  - · specific interest groups;
  - voluntary organisations;
  - businesses;
  - developers and landowners.

- 2.5 Our Planning Policy consultation system contains approximately 6,500 individuals or organisations. We will notify contacts on this system at the relevant statutory consultation stages for each type of document. Consultees will be encouraged to supply an e-mail contact as this is more time and cost efficient than sending letters and will be encouraged to submit comments electronically where they are able to do so.
- 2.6 Details on how to register will be outlined in our consultation material and on the Local Plan section of our website. The information saved on the system will be used in accordance with the Council's registration under the Data Protection Act 1998.
- 2.7 We will monitor registered contacts to identify areas or groups which are not represented or under-represented. We will then take action to encourage involvement from these groups.

## **Duty to co-operate**

- 2.8 The Localism Act (2011) places a "duty to co-operate" on all local authorities and a number of public bodies which requires on-going, constructive and effective engagement on areas of plan making which may have strategic cross boundary implications. This does not apply to all planning policy documents.
- 2.9 The public bodies are set out in Town and Country Planning (Local Planning) (England) Regulations 2012 as amended by The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013.
- 2.10 These bodies play a key role in delivering local aspirations, and cooperation between the bodies and local planning authorities is vital to make Local Plans as effective as possible on strategic cross boundary matters. The bodies should make proportionate responses in how they do this and tailor their degree of cooperation to maximise the effectiveness of plans.
- 2.11 The duty to co-operate is in addition to continuing to consult a number of statutory groups such as neighbouring authorities or local or national agencies.

### How we will consult and communicate:

- 2.12 All consultation, engagement and feedback documents will be placed on the council's website.
- 2.13 Hard copies of the document will be made available at Huddersfield Civic Centre III, Dewsbury Cash and Information Centre at Dewsbury Town Hall and other public buildings subject to the nature and scope of the consultation. Consultees will be informed of any additional locations prior to the start of the consultation period/event.
- 2.14 The council will seek to maximise the use of its own Planning Policy on-line system by using it for consultation and for respondents making comments. This has time and cost savings as all the contacts for the Local Plan and associated documents are contained on the system and the use of the system for inputting and analysing comments makes it quicker and easier to run reports on comments made, especially when undertaking multiple rounds of consultation on a single policy document.

#### **Methods**

- 2.15 The following methods may be used be for consultation and engagement. The methods chosen will be tailored to the specific stage and will be proportionate to the importance of the document.
  - we will work with our corporate communications team to identify the most effective channels of communication including and the use of local media by preparing press releases to circulate to local newspapers and radio stations, or working with newspapers to prepare articles or advertisements to raise awareness and promote issues.
    - In the case of neighbourhood plans, there is a requirement to produce statutory notices when publicising a neighbourhood area boundary or a proposed neighbourhood forum. However, there is now no requirement to do this for the Local Plan.
  - share information internally and maximise the use of networks or communication channels used by other services where required in order to target consultation more effectively and/or to reach "hard to reach" groups;
  - use of council publications such as Kirklees Together (where timing allows) to include articles. Kirklees Together is currently distributed quarterly to households across the district;
  - use of social networking sites in accordance with the council's policy on social media:
  - prepare questionnaires, leaflets which summarise the key issues to be addressed or seek views on specific questions. They could also be used to direct interested parties to more detailed documents, evidence or details of events. The questionnaires and leaflets will be available to view on line or paper copies will be made available at the council's main office and where practicable in other locations in the area with where is a high turnover of visitors. These locations may vary according to the nature and scope of the consultation and will be advertised on the council's website.
  - interactive workshops or discussion groups with key stakeholders. This could involve the use of external facilitators. They have been used to great effect at the early engagement stage of the Local Plan with targeted organisations to debate specific elements of the plan process.
  - deliver presentations or hold question and answer sessions at meetings of existing groups where resources allow. This could include Parish and Town Council meetings, Residents' Associations, Business Groups, interest groups or neighbourhood plan groups;
  - posters, flyers or site notices these may be used to raise awareness of consultation events or meetings or to make residents aware of proposals that could affect their area.
     These could be displayed in public places or places where there is a high volume of people:
  - hold exhibitions or road shows with unmanned displays or staffed drop-in sessions. Consideration will be given to the accessibility of locations and the timing of the event. We will produce summary information and frequently asked questions (FAQ's) to inform consultation stages and provide the scope of the event;
  - **meetings with elected members** members will be kept informed of progress and plans through briefings, workshops and e-mail.

## **Principles**

## 2.16 We will:

- produce a Local Development Scheme which sets out the key documents to be produced, timescales and associated consultation stages. This will be made available to view via the council's website;
- meet and where practicably possible and necessary will exceed the minimum standards for community involvement as set out in legislation;

- make every effort to avoid consulting over holiday periods. However, where this is not
  possible due to the project timescales/funding etc. then the consultation will normally be
  no less than eight weeks.
- give guidance on the purpose, aims and scope of the consultation so respondents know what they can comment on and how their comments will be taken into account;
- wherever practicably possible, co-ordinate consultation internally using the council's corporate consultation systems in order to make cost efficiencies;
- where consultation is not subject to statutory timescales, give people sufficient time to respond to the consultation;
- make widespread use of electronic and modern media techniques wherever possible to make consultation more cost-effective, easier and quicker. The council's website will be used to advertise events/stages and host information;
- ensure that consultation is accessible to all to make it easy for groups or individuals with limited knowledge of the planning process to get involved;
- use consultation methods that are appropriate to the stage of plan making in order to maximise opportunities for involvement, while making sure the resources they require are proportionate and cost-effective;
- whenever possible, provide feedback to reflect how comments received have been incorporated into the process;
- ensure that written information can be made available in alternative, accessible formats
  if requested, such as large print, Braille, audio or translated into another language;
- evaluate and monitor the effectiveness of consultation.

#### **Feedback**

2.17 A feedback report will usually be produced documenting the level and nature of comments made and how comments have been used to inform the next stage of the planning document or process. In some cases, the council may identify specific modifications to a plan which may then be subject to further consultation.

## **Further information**

2.18 If you have any questions on the information contained in this document, please contact us at: E-mail <a href="mailto:local.development@kirklees.gov.uk">local.development@kirklees.gov.uk</a> or write to us at:

Planning Policy Group PO Box B93 Civic Centre 3 Off Market Street Huddersfield HD1 2JR

# Appendix 2 - EQUALITY IMPACT ASSESMENT STAGE 2 - ENSURING LEGAL COMPLIANCE

Think about what you are planning to change; and what impact that will have upon 'your' compliance with the Public Sector Equality Duty (refer to guidance sheet complete with examples where necessary)

# **Background**

The Council has an existing Statement of Community involvement (SCI) that was adopted in 2006 following examination by an independent examiner. The purpose of this document is to set out how Kirklees Council will work with local communities and stakeholders to develop policy documents such as the Kirklees Local plan or guidance on specific issues.

A review of the SCI has been undertaken in the light of:

- changes to planning legislation and regulations;
- changes to the way the council operates and the impact on services;
- advances in technology and the use of digital technology for communication; and
- the council's Involving Communities Framework.

The council now wishes to consult on a draft SCI.

In what way does your current service delivery help to:	How might your proposal affect your capacity to:	How will you mitigate any adverse effects?  (You will need to review how effective these measures have been)
End Unlawful Discrimination?	End Unlawful Discrimination?	
The adopted SCI aims to ensure that all sections of the community have the opportunity to contribute to planning decisions made by the council. The Planning and Compulsory Purchase Act 2004 introduced significant changes to the planning system including the requirement to undertake effective consultation so that communities had an opportunity to be involved in the decisions that may affect them.	<ul> <li>The SCI has been revised and a draft SCI produced for consultation. It is based on the current guidance as set out in:</li> <li>Localism Act 2011;</li> <li>National Planning Policy Framework (NPPF) 2012;</li> <li>Town and Country Planning Local Planning (England) Regulations 2012; and</li> <li>Town and Country Planning (England) Neighbourhood Planning (General) Regulations 2012.</li> <li>Regulations require the council to consult with the specific and general consultees on planning policy documents including the following: <ul> <li>(a) voluntary bodies some or all of whose activities benefit any part of the local planning authority's area</li> <li>(b) bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area</li> <li>(c) bodies which represent the interests</li> </ul> </li> </ul>	Review comments received in response to the consultation on the SCI.  Monitor and, where appropriate, act on comments received from groups who have "protected characteristics" under the Equality Act 2010 and consultation activities for each planning policy activity. The SCI makes reference to the review of consultation in respect of the nature and the scope of the documents being consulted on.  Monitor and review the Statement of Community Involvement through the Council's Annual Monitoring Report and through consultation feedback processes.

	of different religious groups in the local planning authority's area  (d) bodies which represent the interests of disabled persons in the local planning authority's area, (e) bodies which represent the interests of persons carrying on business in the local planning authority's area;  The draft SCI contains consultation principles based on the above statutory requirements.	
Promote Equality of Opportunity?	Promote Equality of Opportunity?	
The SCI aims to ensure the active, meaningful and continuous involvement of local communities and stakeholders. It aims to ensure that we consider how to involve the community and benefit from its local knowledge and views.	The revised draft SCI has the same aims as the previously adopted version.  The benefit of having a revised, up to date SCI is that it will give clarity and transparency on how the community and stakeholders will be involved in the Local Plan process.  It reflects revised statutory minimum levels of consultation and the increased focus on the use of technology to reach a wider audience.	Review comments received in response to the consultation on the SCI.  Monitor and, where appropriate, act on comments received from groups who have "protected characteristics" under the Equality Act 2010 and consultation activities for each planning policy activity. The SCI makes reference to the review of consultation in respect of the nature and the scope of the documents being consulted on.  Monitor and review the Statement of Community Involvement through the Council's Annual Monitoring Report and through consultation feedback processes.

Foster Good Relations Between People	Foster Good Relations Between People	
As above.	Groups to be targeted included those listed above and:  • residents  • community, voluntary and specialist groups  • businesses, developers, landowners and agents  • statutory consultation organisations and government departments  • adjoining local authorities  • parish and town councils	Review comments received in response to the consultation on the SCI.  Monitor and, where appropriate, act on comments received from groups who have "protected characteristics" under the Equality Act 2010 and consultation activities for each planning policy activity. The SCI makes reference to the review of consultation in respect of the nature and the scope of the documents being consulted on.  Monitor and review the Statement of Community Involvement through the Council's Annual Monitoring Report and through consultation feedback processes.



**ONLY IF** You are confident that there is little if any negative affect on your public sector equality duty and/or you have all the necessary evidence to support your proposal.

- Save this sheet for your own records
- Complete and save a front sheet
- Send this, a front sheet and your screening tool if you have completed one to <a href="mailto:equalityanddiversity@kirklees.gov.uk">equalityanddiversity@kirklees.gov.uk</a>



• <u>IF</u> the proposal is likely to be high or medium/high impact on equality groups,

### **AND**

- You do not have any supporting evidence needed for your proposal (such as consultation)
- Your proposal is likely to have a negative affect on your ability to comply with the Public Sector Equality Duty.