

Report of the Chief Planning Officer

Report to Development Plans Panel

Date: 24 June 2019

Subject: Statement of Community Involvement (SCI) - Scoping Report

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): All	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Community engagement is integral to good planning decisions as the planning system operates in the public interest. A local authority's duty to carry this out is enshrined within a Statement of Community Involvement (SCI).
2. The SCI is a statutory document (required under the Planning and Compulsory Purchase Act 2004) and sets out how residents and other stakeholders can get involved in the preparation of planning policies, frameworks and the neighbourhood planning process in Leeds and how comments can be made on planning applications.
3. The Council is seeking to revise the current SCI (adopted 2007) to take account of legislative changes, national planning reforms and the experience of community involvement in Leeds. Despite the SCI the Council has often exceeded what is required in terms of engagement and consultation, although there are areas that require further attention.
4. The overall aim is to make the planning system easier to understand, more accessible and to provide a commitment to involving all who are interested in early and meaningful engagement and collaboration.
5. There is a mixed level of engagement in planning in Leeds depending on the issues being considered e.g. 21,000 local people engaged with the Leeds Site

Allocations Plan and 75% of them were from only 3 HMCA's with only 1% commenting on sites in the city centre and inner area.

6. It is important to engage and involve the communities themselves in shaping the SCI, to help understand what communities actually want. Through dialogue with communities it is also important to understand what their "legitimate expectations" are.
7. Once adopted, the SCI will become binding and the Council must comply with it. As a statutory document which is also a legal requirement of any plan-making or decision taking process it is important to formalise an approach which is achievable. So whilst it will be right for the revised SCI to be ambitious the Council will need to ensure that the requirements of the SCI are not unattainable given available resources and practicalities.
8. 'Soft-market testing' of the strengths and weaknesses of the current SCI and the opportunities for improvement is already underway. This has identified that the statement is considered to be out of date, with some ideas for how it can be improved and what should be included and why. The initial feedback is summarised in **Appendix 1**.
9. Revising the SCI presents a significant opportunity for the Council to adapt and improve engagement and consultation to meet changing needs and requirements and to build on the collaboration that has taken place across the city with neighbourhood planning groups and others in recent years.
10. Initial consultation on the SCI will take place during the Summer with further consultation on the final draft SCI likely to take place in Autumn 2019.

Recommendation

11. Consider the report and advise on the scope of the revised SCI.

1 Purpose of this Report

- 1.1 To advise Members of the proposed scope of the SCI and the opportunities to make planning more accessible, easier to understand with early and meaningful engagement embedded in the system.
- 1.2 The proposal is to revise the current version of the SCI adopted in 2007¹. This will be informed by three stages of community involvement. The first stage, involves 'soft-market testing' and this is already underway (engagement with neighbourhood planning forums, community groups and other stakeholders) and the second, will involve at least a 6 week period of formal consultation on the scope of the SCI during the Summer with a further opportunity to comment on a final Draft starting Autumn 2019.

2 Background Information

- 2.1 The SCI is a statutory document under the Planning and Compulsory Purchase Act 2004. The SCI does not itself contain any planning policies but sets out the Council's commitments as to how it will consult when preparing planning documents and determining planning applications. It will set out opportunities to improve consultation and engagement and how to provide a greater sense of understanding and ownership over local planning.
- 2.2 The Town and Country Planning (Local Planning) Regulations 2012 have been amended and now formally requires the SCI to be reviewed at least every 5 years and to set out the support that the Council will provide to neighbourhood planning groups. These are significant new changes.
- 2.3 Since the adoption of the Leeds SCI there has been fundamental reforms to the planning system, including the Localism Act (2011) and the introduction of neighbourhood planning and the publication of the National Planning Policy Framework (NPPF) in 2012. The NPPF was revised in 2018 and stresses the importance of a plan-led system and re-iterates the importance of early and meaningful engagement in the planning process that reflects the vision and aspiration of local communities.

3 Main Issues

- 3.1 The SCI needs to be a document that is fit for purpose given the scale, character and complexity of Leeds. It needs to strike a balance between opportunities for comment and reaching a timely outcome for development proposals.
- 3.2 The overall aim is that the time and energy invested into engagement and consulting with a community at the outset outcomes further down the line. It is often important to hear first-hand about the day-to-day needs of local communities at an early stage of the process.
- 3.3 'Soft-market testing' has taken place during May 2019 with neighbourhood planning groups and others. **Appendix 1** provides a summary of the feedback received to date. The comments made have been particularly helpful in

¹ Available at https://www.leeds.gov.uk/docs/FPI_SCI_001%20Adopted%20SCI.pdf

scoping the opportunities for improvement. These include:

- Improve clarity and readability
- Address changes in policy and legislation since 2007
- Set out how the Council will involve the community in planning policy documents and making decisions on planning applications
- Consider the introduction of consultation and engagement ‘champions’ across the city, made up of key stakeholders
- Set out opportunities for training to allow communities to more meaningfully engage
- Give greater prominence to encouraging developers to carry out effective pre-application involvement
- Outline the support that will be given to neighbourhood planning groups
- Set out how the Council will make it easier for people to engage with the planning system via digital technology and other means
- Provide updates on the Data Protection Act and the General Data Protection Regulations.
- Set out ‘good practice’ consultation and engagement principles and how these will be implemented and monitored.
- Learn from good practice in Leeds and elsewhere

3.4 The review of the document presents an opportunity to not only seek to improve service delivery, but is also an opportunity to reduce costs and save officer time wherever possible without compromising on quality engagement and consultation. Digital technology and techniques are particularly important in this regard and these will be explored further. It is noteworthy in this regard that the Town and Country Planning Regulations accept a need to move away from paper copies and towards electronic communication.

3.5 **Appendix 2** sets out a draft structure of the SCI so that Members can see the sorts of issues intended to be addressed. In preparing a scoping document for consultation the Council will need to address the following headline issues:

- What the council **must do** in terms of community engagement
- What the council **may do** subject to proportionality of issue / resources
- How the local community **can get the most out of** consultation and engagement
- Examples of engagement and consultation **good practice**
- The language used in engagement and consultation
- The roles of current Council systems of engagement e.g. community committees

4 Next Steps

4.1 On the basis of the ‘soft market testing’ and responses and discussion at panel with members, a draft scoping document will be prepared which will be subject to consultation. This document will be circulated for comment amongst Panel members prior to consultation.

4.2 Consultation on the draft document will involve all key stakeholders and will

include community committee attendance. Following receipt of comments a final draft version of the SCI will be prepared and considered by Members at the DPP meeting in November. A key element of this will be a clear understanding of how suggestions from all key stakeholders have been considered and dealt with.

5 Corporate Considerations

5.1 Consultation and engagement

5.1.1 Early engagement has already started with neighbourhood planning groups and others. Further engagement will take place with others who regularly input in the city's planning process, including consultants and architects during the summer, prior to formal consultation in Autumn 2019. There will be a need to align the SCI with the Council's Planning Protocol (<https://www.leeds.gov.uk/planning/delivering-growth-working-together>) which sets a commitment to working together with developers.

5.1.2 During the summer consultation period the Council will engage with local groups in gathering feedback. Specific groups e.g. older people, BME groups, younger people, disabled groups, Gypsies and Travellers etc will be approached in order to gather their particular views.

5.2 Equality and Diversity / Cohesion and Integration

5.2.1 Equality will be an integral part of the preparation of the revised SCI. Due regard will be given to diversity, cohesion and integration. An equality Impact Assessment will be undertaken to ensure that services detailed in the SCI are fully accessible and will continue to be for both policy planning and development management.

5.3 Council Policies and Best Council Plan

5.3.1 The revised SCI will play an important part in the Council's aspiration to be the 'the Best City in the UK'. Related to this, the revised SCI will seek to implement key City Council priorities. These include the Best Council Plan (2018/19 – 2020/21) (in particular priorities relating to Inclusive Growth and Safe Strong Communities) and the Leeds Inclusive Growth Strategy 2018 – 2023.

5.4 Climate change emergency

5.4.1 A climate emergency was declared at Council meeting 27th March 2019. This has significantly raised the interest in planning and development issues in communities across the city so it is imperative that engagement and consultation is 'fit for purpose' to ensure that communities can engage, help shape and feel a sense of ownership about what is happening in their neighbourhood and the city more generally.

5.5 Resources and value for money

5.5.1 The revised SCI does not commit the Council to additional expenditure, but any additional consultation activities may lead to pressure on resources and

existing staff. A key consideration will be how digital technology and electronic communication can be used to reduce costs. It is anticipated that any costs to the Council associated with community involvement will be met from within agreed budgets.

5.6 Legal Implications, Access to Information and Call In

5.6.1 Section 18 of the Planning and Compulsory Purchase Act 2004 requires that a Local Planning Authority must prepare a Statement of Community Involvement.

5.6.2 The SCI was originally a document that was required to be approved by Full Council and subjected to an independent examination. The law has now changed and Development Plans Panel is now responsible for the adoption of the statement.

5.7 Risk Management

5.7.1 The revised SCI will seek to balance the increased expectations of local communities with the need for an efficient and effective planning system. This will mean ensuring that once adopted, the Council complies with the commitments made.

6 Conclusions

6.1 The overriding aim of revising the SCI will be to maximise the public's involvement in planning in Leeds by making it easier to engage with the Local Planning Authority. This can be achieved by ensuring that there is a better understanding of the planning process and by ensuring that the process is more responsive to the issues of interest and concern to communities across Leeds. The revised document will clearly and succinctly set out how the Council will achieve this, strongly influenced by user experiences of the current document and interactions with the planning service more generally.

7 Recommendation

7.1 DPP is requested to consider the report and provide comments on the scope of the revised SCI.

Appendix 1

Summary of community feedback on current SCI (2007 version)

What is working well

- The document is clear as to how communities should be involved in planning applications
- The SCI sets a high bar for the Council in liaising with communities.
- Neighbourhood Planning support has been a positive and welcome move.
- The Neighbourhood Planning team have been very good at supplying data and information when requested.
- Support and advice from specialist officers across the planning service has been good
- Neighbourhood forums receiving notification of planning applications is well received.
- On line availability of data and ability to respond is good.
- The mapping system put together for the SAP consultation was very good.
- Partnerships on planning education have been valued and helpful.

What is not working well

- The standards in the current SCI are not adhered to all the time
- The complexity of planning terminology and development plans has got worse as the Core Strategy and SAP processes have developed.
- Members of the public do not understand concepts such as 'soundness', 'justification', or indeed what legal implications of being material etc are.
- Many people are not involved in development plan consultations as the content and the process is off-putting.
- Neighbourhood forums are commenting on planning applications but their concerns are unanswered
- Lamp post only notifications are only read and noticed by a small number of people
- The Council's website is not good for consultation and engagement generally. It is difficult to navigate and contact details for planning officers are unobtainable
- There are concerns that consultation responses are ignored

Ideas for improvement

- Neighbourhood planning groups should be more closely involved with ongoing planning applications and plans panels
- Consultation should be made easy for local people rather than convenient for the processing of responses.
- The consultation requirements for the preparation of development plans must be fully incorporated in the revised document
- The provisions of the Town and Parish Charter must be incorporated in the revised document

- There should be a separate section in the SCI on neighbourhood planning
- Neighbourhood forums should have the same rights as parish councils
- Clarity needed on signing off arrangements and involvement in Construction Method Statements
- The Council's website should have the capacity to list the name of the community group responding to a planning application rather than an individual
- Improvements and clarity on the pre-app process would be helpful, including clarity on the role of councillors in the pre-app process
- All planning applications should be required to include a narrative of what is proposed. It is time-consuming and difficult to sometimes work out what is being proposed. This does not encourage engagement.
- Engagement is a process and it might be helpful to have a workshop looking at the stages of that process and the best modern media and methods for each stage.
- What can the Council learn from what other local authorities are doing?
- The revised SCI will likely make much more of digital communication, but must not forget fact to face involvement and events – this is where a partnership approach comes into its own.
- The Council needs to incorporate neighbourhood planning evidence produced by groups into its own library of on-line evidence to show people that their input has helped in planning and in providing evidence.
- Training and awareness events with both Councillors and NP groups to raise the general standard of planning knowledge. Maybe an annual programme of events. These could also be open to members of the community who are interested.
- Request that panel site visits are undertaken during peak periods so Members can see high levels of congestion
- Clarity needed on technical language, for example what is meant by material consideration
- If the SCI is to be meaningful then all information and policy interpretations need to be transparent
- In non-parished areas, the library should have notice boards for planning information
- Introduction of consultation and engagement champions

Appendix 2

Initial Draft Scope of the SCI

Section 1: Introduction

- What is the Statement of Community Involvement (SCI)?
- Review & update of the SCI
- How will the SCI be kept up to date?
- What do we mean by consultation?

Section 2: Getting involved with planning

- Why should you get involved in planning?
- Who do we consult on planning matters?
- How and when will we consult and engage on planning matters?
- How will we engage with groups that may be more difficult to reach?
- How will we utilise existing local partnerships?
- How will we use your personal data?

Section 3: Getting involved with the Local Plan

[This section will include all legislative changes and will include]

- What is the Leeds Local Plan?
- How is a Local Plan Document prepared?
- How is a Supplementary Planning Document prepared?
- What is Sustainability Appraisal?
- What is the Community Infrastructure Levy?
- What is a Habitats Regulation Assessment?
- What is the Duty to Cooperate?
- What we will do?
- What may we do?
- What would we encourage you to do?

Section 4: Getting involved in planning applications

- What are planning applications?
- What is validation?
- How do I find out what is going on in my area?
- What are statutory and non-statutory consultees?
- What is a minor / major planning application?
- How are consultations on planning applications carried out?
- How do I comment on a planning application?
- Changes to proposals after an application is submitted?
- What we will do?
- What may we do?
- What would we encourage you to do?

Section 5: Decision taking

- What are Plans Panels?
- Can I attend / speak at a Plans Panel meeting?

Section 6: Enforcement

- How are planning permissions enforced?

- How do I find out if something in my area needs planning permission?

Section 7: Getting involved in Neighbourhood Planning

[This section will include all legislative changes and will include]

- What is Neighbourhood Planning?
- Who is responsible for Neighbourhood Planning?
- What is a Neighbourhood Area?
- How are Neighbourhood Plans prepared?
- What is the Council's role in the Neighbourhood Planning process?

Section 8: Consultation and engagement methods

- This section will update the 2007 version and set out appropriate consultation and engagement methods.