

Report of Group Manager for Policy and Plans

Report to Chief Planning Officer

Date: 17th December 2020

Subject: Approve and Publish an Interim Update to the Statement of Community Involvement

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<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
Will the decision be open 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

1. Main issues

- 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).
- The SCI is a statutory document (required under the Planning and Compulsory Purchase Act 2004) and sets out how residents and other stakeholders will be engaged and consulted on the preparation of planning policies, neighbourhood planning and planning applications.
- As a result of the Covid-19 pandemic it is no longer possible for consultation on Local Development Documents to be able to comply with the Authority's existing Statement of Community Involvement (2007). The Statement of Community Involvement has therefore been updated on an interim basis to enable consultation to continue to take place, during the Covid-19 restrictions, as set out by Government Statutory Instruments which allow councils to continue to make relevant planning documents available online rather than being required to provide hard copies.

2. Best Council Plan implications (see the [latest version of the Best Council Plan](#))

- There is a clear role for planning in delivering against all of the Council's priorities as established through the Best Council Plan. It is anticipated that the approval and publication of the 'Interim SCI' will deliver against the Council's key strategies as they particularly shape ongoing engagement with communities and individuals, as follows: Inclusive Growth – by providing confidence and clarity to both communities and business to ensure that growth and investment decisions can take place during the interim period with safe, proportionate and appropriate levels of consultation and engagement. Safe, strong communities – engagement and consultation on planning matters during the interim period will allow the Council to continue to be responsive to local needs in building thriving, resilient communities. The 'Interim SCI' will also play a role in helping to deliver all other Best Council Priorities with its focus on digital inclusion that that will be sensitive to the needs of our diverse communities.

3. Resource implications

- It is not considered that there are any direct resource implications as a result of this decision.

4. Recommendations

The Chief Planning Officer is requested:

- a) To approve the Interim Statement of Community Involvement;
- b) To publish the Interim Statement of Community Involvement on the Council's website;
- c) To exempt the decision from Call-in as a result of the timescales under which the decision must be taken. (See paragraph 4.8 for further details).

1. Purpose of this report

- 1.1 This report is to enable the Chief Planning Officer to approve and publish the Authority's Interim Statement of Community Involvement (found at Annex 1).

2. Background information

- 2.1 It is a legal requirement for an up-to-date Statement of Community Involvement (SCI) to be published by local planning authorities under the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and Neighbourhood Planning Act 2017).
- 2.2 The Council's SCI was first published in 2007 and in recognition of its age, a review was started in 2019 which involved an initial stage of public consultation, with a view to a final document being prepared in Spring 2020.
- 2.3 The Government made specific amendments to Statutory Instruments of "*The Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020*" in relation to the legal test that public consultation must meet the requirements of SCIs. The Leeds SCI details that Local Development Documents will be made available physically at libraries and main offices, whereas this is clearly not reasonable during the Covid-19 pandemic.
- 2.4 These amendments were initially due to expire in March 2021 but in early December 2020 the Government laid before Parliament further amendments to extend these until December 2021.
- 2.5 To that end, it is necessary to reflect these changes to the Planning regulations and their impacts on whether the Council can reasonably be expected to fulfil all the requirements of the existing SCI through the approval and publication of an 'Interim SCI'. This will allow consultation and engagement on planning functions to continue to take place, with an emphasis on digital solutions and other targeted work as circumstances permit during the pandemic and enable the Council to continue its plan-making functions.

3. Main issues

- 3.1 Leeds City Council is the Local Planning Authority (LPA) for Leeds and is responsible for preparing planning documents that set out how Leeds and the neighbourhoods that make up the Leeds District will grow and change in the future, as well as making decisions on individual planning applications.
- 3.2 The Statement of Community Involvement (SCI) sets out how the Council will consult and engage with the public on planning matters, including the preparation of planning documents, commenting on planning applications and the preparation of Neighbourhood Plans.
- 3.3 Due to Covid-19 and the ongoing restrictions on movement and social interaction impacting how we work and contact people, the Council has decided to introduce an Interim SCI as a temporary document that will allow the Council to continue to make planning decisions and to continue to positively engage and consult with the public in ways that are safe, effective and meaningful during the pandemic, until the full SCI can be introduced. This Interim SCI therefore:
 - Details consultation methods to be used during this interim period;

- Sets out what the Council will do to make consultation and engagement on planning matters safe, effective and meaningful while restrictions are in place;
- Continues to provide encouragement to all communities to take part in consultation and engagement on planning matters in Leeds;
- Re-assures communities and business across Leeds that efforts will be made for the planning service to be responsive to changing needs and circumstances during a challenging and unpredictable time.

- 3.4 During the period of restrictions we will continue to prepare the full revised SCI, explore new ways of using digital technology and improve local intelligence on the particular needs of the diverse communities around Leeds, including taking into account how Covid-19 has affected their ability to engage with the planning system and how the Council can address this moving forward.
- 3.5 During the time of the Interim SCI the main methods of communication will be electronic, with documents published on the Council's website and consultation comments sought primarily through digital means. Whilst written paper correspondence will still be received and considered, the analysis of paper correspondence is likely to be slower during the current restrictions.
- 3.6 In accordance with section 2.5 of the Executive and Decision Making Procedure Rules, this decision is being made under General Exception provisions. This is due to the time sensitive nature of the decision. If the decision were to be made in accordance with standard Key Decision rules (which require 28 clear calendar days between publication in the List of Forthcoming Key Decisions and the decision being taken), this would mean that the Interim SCI would not be in place at the point Executive Board have approved the Site Allocations Plan Remittal Main Modifications for public consultation on the week commencing 4th January 2021. As set out in this report, it is not possible to consult under the provisions of the current 2007 SCI, due to Covid-19 restrictions and the Government has now clarified that its interim amendments to the regulations will last until December 2021. As such, to not approve the Interim SCI under the General Exception provisions would risk the Site Allocations Plan Remittal consultation being subject to Legal Challenge.
- 3.7 In addition, in accordance with section 5.1.3 of the Executive and Decision Making Procedure Rules it is advised that the decision maker declares that this decision as being exempt from Call In, as if the decision was delayed by this process, the Interim SCI would not be in place for the consultation on the Site Allocations Plan Remittal. It was not possible to make the decision earlier as the updated Interim SCI was not finalised until the week commencing 14th December 2020.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The Interim SCI is in place to assist plan-users in commenting on Local Development Documents, submitting and commenting on planning applications and engaging with Neighbourhood Plans during the pandemic. It has been consulted on with Chairs of the Plans Panel and the Executive Member for Climate Change, Transport and Sustainable Development.

4.2 Equality and diversity / cohesion and integration

4.2.1 Equality has been an integral part of the preparation of the Interim SCI. Due regard has been given to diversity, cohesion and integration. An Equality, Diversity, Cohesion and Integration Screening Assessment has been completed (Annex 2), which has concluded that there is not a disproportionate effect on any particular equality characteristic and as a whole this is a positive document which will promote inclusivity in all planning processes.

4.3 Council policies and the Best Council Plan

4.3.1 A climate emergency was declared by Leeds City Council on the 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.

4.4 Resources, procurement and value for money

4.4.1 The approval and publication of an interim update to the SCI is not considered to impact on any issues relating to resources, procurement or value for money.

4.5 Legal implications, access to information, and call-in

4.5.1 It is a legal requirement for an up-to-date SCI to be published by local planning authorities under Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and Neighbourhood Planning Act 2017).

4.5.2 The Government has laid a new Statutory Instrument (SI) for planning. The [Local Planning, Development Management Procedure, Listed Buildings etc. \(England\) \(Coronavirus\) \(Amendment\) Regulations 2020](#) amends a number of regulations which were made in response to the pandemic, extending the current temporary measures to 31 December 2021. This includes local planning and spatial development strategies, and temporary development management measures due to expire in December this year. The new SI allows councils to continue to make relevant planning documents available online rather than being required to provide hard copies. The new regulations come into force on 24 December 2020.

4.5.3 In accordance with section 2.5 of the Executive and Decision Making Procedure Rules, this decision is being made under General Exception provisions. This is due to the time sensitive nature of the decision. If the decision were to be made in accordance with standard Key Decision rules (which require 28 clear calendar days between publication in the List of Forthcoming Key Decisions and the decision being taken), this would mean that the Interim SCI would not be in place at the point Executive Board have approved the Site Allocations Plan Remittal Main Modifications for public consultation on the week commencing 4th January 2021. As set out in this report, it is not possible to consult under the provisions of the current 2007 SCI, due to Covid-19 restrictions and the Government has now clarified that its interim amendments to the regulations will last until December 2021. As such, to not approve the Interim SCI under the General Exception

provisions would risk the Site Allocations Plan Remittal consultation being subject to Legal Challenge.

- 4.5.4 In addition, in accordance with section 5.1.3 of the Executive and Decision Making Procedure Rules it is advised that the decision maker declares that this decision as being exempt from Call In and under General Exception, as if the decision was delayed by this process, the Interim SCI would not be in place for the consultation on the Site Allocations Plan Remittal. It was not possible to make the decision earlier as the updated Interim SCI was not finalised until the week commencing 14th December 2020.

4.6 Risk management

- 4.6.1 It is not considered that there are any risks to taking the decision to update and publish an interim update to the SCI. However, there is a notable risk of not doing so, as any future consultation or engagement on planning matters not in accordance with the existing 2007 SCI may be subject to Legal Challenge. Given the restrictions put in place by the Covid-19 pandemic it is not considered that it is possible to guarantee compliance with the existing SCI during this time, when consulting on planning documents.

5. Conclusions

- 5.1 The approval and publication of the interim update to the SCI will help the Council to continue to perform its wide range of planning functions during the pandemic and to undertake consultation and engagement which is safe, effective and responsive. The Interim document clearly sets out how the Council will continue to prepare planning documents, determine planning applications and support neighbourhood planning during this challenging period. Once it is safe to do so, the full, new SCI will be adopted and it is expected that will be later in 2021.

6. Recommendations

- 6.1 The Chief Planning Officer is requested:
- a) To approve the Interim Statement of Community Involvement;
 - b) To publish the Interim Statement of Community Involvement on the Council's website;
 - c) To exempt the decision from Call-in as a result of the timescales under which the decision must be taken. (See paragraph 4.8 for further details).

7. Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.