

## **HIGH PEAK BOROUGH COUNCIL**

### **Report to The Executive**

**14 February 2019**

<b>TITLE:</b>	<b>Statement of Community Involvement - Adoption</b>
<b>EXECUTIVE COUNCILLOR:</b>	<b>Councillor Kemp - Executive Councillor for Tourism, Regeneration &amp; Licensing</b>
<b>CONTACT OFFICER:</b>	<b>Sarah Porru – Interim Regeneration Manager</b>
<b>WARDS INVOLVED:</b>	<b>All wards outside Peak District National Park</b>

#### **Appendices Attached:**

**Appendix A – Statement of Community Involvement – draft of document consulted on.**

**Appendix B – Responses received to consultation with Officer recommendation on any consequential changes required.**

#### **1. Reason for the Report**

- 1.1 To advise the Executive of the results of consultation on the Council's updated Statement of Community Involvement.

#### **2. Recommendation**

- 2.1 That the Executive notes the contents of the report.
- 2.2 That the Executive acceptance of the two late representations received.
- 2.3 That the Executive approves the Statement of Community Involvement - subject to the proposed modifications set out in this report - such that a final version of the document can be considered for adoption by full council on 20<sup>th</sup> February 2019.

#### **3. Executive Summary**

- 3.1 The Statement of Community Involvement (SCI) is a statutory planning document which describes how the Council will engage with residents,

businesses and other organisations in decision making on planning policy documents and planning applications. Its scope is that part of the High Peak that lies outside the Peak District National Park.

- 3.2 The Council's most recent Statement of Community Involvement was adopted in May 2006. There have been a number of changes to the planning system since this date. In addition, a number of new opportunities to engage with the public (such as social media) have arisen. For these reasons it has been considered appropriate to update the SCI, bringing it in line with current legislation and public engagement methods.
- 3.3 A six week period of public consultation was undertaken on the updated draft SCI, between 6<sup>th</sup> November and 19<sup>th</sup> December 2018. Twelve responses were received. These responses are set out in Appendix two to this report, with officer recommendation on any resultant modifications required. In addition, two late responses were received – these are also set out in Appendix two.
- 3.4 A summary of the responses received is provided from paragraph 6.7 of this report. It is recommended that as a consequence of the public consultation, the following amendments to the SCI are made before the document is considered for adoption. In the table below, proposed additional text is shown underlined and text proposed for deletion is shown as ~~crossed through~~.

Response ref.	SCI document reference	Amendment proposed	Reason for recommending change
SCI 4	Section 3: Background; page 8; table 1 (Preparation process for Development Plan Documents); row 1; column 1.	1: <del>Involve and consult:</del> (Preparation (including early engagement))	To improve the clarity of the document.
SCI 4	Section 3: Background; page 8; table 1 (Preparation process for Development Plan Documents); row 1; column 2, first bullet point.	Add additional sentence at end of first sentence: <u>Any such consultations are expected to be for a minimum of six weeks.</u>	To improve the clarity of the document.
SCI 4	Section 3: Background; page 9; table 2 (Preparation process for Supplementary Planning	1: <del>Involve and consult:</del> (Preparation (including early engagement))	To improve the clarity of the document.

Response ref.	SCI document reference	Amendment proposed	Reason for recommending change
	Documents); row 1; column 1.		
SCI 4	Section 3: Background; page 9; table 2 (Preparation process for Supplementary Planning Documents); row 1; column 2, second bullet point.	Notify and consult with relevant individuals and organisations (required by Regulations). <u>Any such consultations are expected to be for a minimum of six weeks.</u>	To improve the clarity of the document.
SCI 8	Section 4: How can you get involved in influencing the content of planning policy documents?; page 23; table 3 (methods the Council will use to engage with the community); method: Availability of documents in alternative formats.	The Council will produce documents in alternative formats on request; this includes large print, <u>and audio, and in languages other than English.</u> The Council will include information about this service in its consultation documentation and on its website. <u>The Council will publish documents in English only, unless it can be demonstrated that the integration and cost benefit of doing so is outweighed by any disadvantage.</u>	To reflect the 12 <sup>th</sup> March 2013 Written Ministerial Statement regarding the use of translation services.
SCI 8	Section 6: Ensuring equal opportunities in consultation; page 37, paragraph 6.15; final sentence.	For example, arrangements can be made for copies of documents to be made available in large print or <u>audio. another language on request.</u>	To reflect the 12 <sup>th</sup> March 2013 Written Ministerial Statement on the use of translation services.
SCI 8	Section 6: Ensuring equal opportunities in consultation; page 37, paragraph 6.16; fourth bullet point.	The production of planning policy documents and any related literature in alternative formats <u>on request and languages other than English;</u> and	To reflect the 12 <sup>th</sup> March 2013 Written Ministerial Statement on the use of translation services.
SCI 12	Section 3: Background; page 12; paragraph	Duty to Co-operate requires neighbouring authorities, including	To improve the clarity of the document.

Response ref.	SCI document reference	Amendment proposed	Reason for recommending change
	3.34; first sentence.	County Councils and other public bodies, to engage constructively, actively and on an on-going basis on cross boundary matters (such as levels of housing, employment, road links, <u>Green Belt, school place planning provision, Green Infrastructure, and public health</u> ).	
SCI 12	Section 3: Background; page 17.	Add a new paragraph following para 3.53: <u>Derbyshire County Council is responsible for the delivery of key strategic infrastructure. The Council will consult and collaborate with the County Council in setting any levy, and work closely with the authority in setting priorities for how a levy would be spent.</u>	To improve the clarity of the document.
SCI 12	Section 7: Review; page 38; paragraph 7.1.	<del>Further reviews of this document will be undertaken if the Council considers that an update would be beneficial.</del> <u>A review of this document will be completed every five years, starting from the date of its adoption, in accordance with section 23 of the Planning and Compulsory Purchase Act 2004 (adoption of local development documents).</u>	To reflect the requirements of Regulation 10A (1)(b) of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.

#### 4. **How this report links to Corporate Priorities**

- 4.1 The Statement of Community Involvement is a key document in the context of Local Plan preparation and the determination of planning applications. As such it will help to deliver the Council's corporate aims as follows:

**Aim One:** *To help create a safer and healthier environment for our residents to live and work* – measured through good quality social housing provision and improved health.

**Aim Three:** *To support economic development and regeneration* - measured through sustainable towns and rural communities and increased economic growth.

**Aim Four:** *To protect and improve the environment* – measured through high recycling rates, quality parks and open spaces, and clean streets.

#### 5. **Alternative Options**

- 5.1 There are two options:

Option 1 – Decline to recommend a Statement of Community Involvement for adoption. Local planning authorities are required under Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) to produce a Statement of Community Involvement. **Not recommended.**

Option 2 – Recommend any modifications to the updated Statement of Community Involvement, consulted on November / December 2018, and the document's subsequent adoption by full Council. The Statement of Community Involvement (SCI) describes how the Council will seek to engage with residents, businesses and other organisations in decision making on planning policy documents and planning applications in the part of the High Peak outside of the Peak District National Park. **Recommended.**

#### 6. **Implications**

- 6.1 Community Safety - (Crime and Disorder Act 1998)

No implications.

- 6.2 Workforce

No implications.

- 6.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies. The Statement of Community Involvement set outs an approach designed to ensure that all sections of the public, including local organisations and any "hard to reach" groups traditionally under-represented in the planning process, have the opportunity to be involved.

#### 6.4 Financial Considerations

There are no financial considerations for the Council relating to the recommendations of this report.

#### 6.5 Legal

Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to produce a Statement of Community Involvement. As a planning authority, the Council may, at any time, make a revision to a local development document. The involvement of the public in preparing planning documents and the consideration of planning applications must follow the approach set out in the Statement of Community Involvement. At this stage, the Statement is in draft form that has been subject to a public consultation exercise. The consultation responses received are set out in this report, enabling a final version of the document to be presented for adoption by full council.

#### 6.6 Sustainability

The Statement of Community Involvement is a key document in the context of Local Plan preparation and the determination of planning applications. As such it will help to deliver the Council's objectives in relation to sustainable development.

#### 6.7 Internal and External Consultation

The SCI has been subject to a six week period of public consultation. This report sets out the responses received to the consultation with recommendations for consequential modifications to be made to the document.

#### 6.8 Risk Assessment

Risks have been addressed in the body of the report.

Dai Lerner  
**Executive Director (Place)**

#### **Web Links and Background Papers**

High Peak Local  
Plan: Statement of  
Community  
Involvement 2019

#### **Location**

Buxton Town Hall

#### **Contact details**

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## 7. Detail

- 7.1 Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to prepare a Statement of Community Involvement. The document is required to explain how the authority will engage local communities and other interested parties in producing their Local Plan and in determining planning applications.
- 7.2 High Peak Borough Council's SCI sets standards and methods that will be followed for engaging residents, local groups, stakeholders and statutory consultees in:
- The preparation of the plans and policies that set out what the borough requires and how it will change over a 15 to 20 year period; and
  - The determination of planning applications for new development.
- 7.3 The Council's most recent Statement of Community Involvement was adopted in May 2006. Since this date, there have been a number of changes to national planning legislation and guidance that impact on the requirements for community engagement including:
- Equalities Act 2010
  - Localism Act 2011
  - Town and Country Planning (Local Planning) (England) Regulations 2012
  - Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017
  - Neighbourhood Planning Act 2017
  - National Planning Policy Framework and guidance
- 7.4 The existing High Peak SCI thus requires updating to bring it into line with the current legislative framework. In addition, updating the SCI provides an opportunity to review the contribution that can be made by newer methods of communication used by the Council such as Twitter and Facebook.
- 7.5 At the meeting of the Executive on 11<sup>th</sup> October 2018, a draft updated SCI was approved for a six week period of public consultation between 6<sup>th</sup> November and 19<sup>th</sup> December 2018. Letters and e-mails were sent to interested parties with notification of the consultation. The SCI was available to view or download from the Council's web-site and hard copies were placed in Borough libraries and Council offices. The consultation was promoted via the Council's web-site, Facebook page and Twitter account, and a press release was issued.
- 7.6 Twelve responses were received to the consultation from nine contributors. Details of these responses and associated officer comment are set out in Appendix two to this report. The officer comments include a recommendation as to whether a response requires modification to the SCI or not. Details of two late responses – received after the consultation period had closed – are also provided in the Appendix.
- 7.7 The statutory bodies Network Rail, Environment Agency, Equality and Human Rights Commission, and Historic England supported engagement and

confirmed contact details (references SCI 1 – 4). In addition Historic England (SCI 4) recommended setting out timescales for initial consultation.

- 7.8 Two objections were received in relation to the Council's approach to neighbour notification of planning applications (SCI 5 and SCI 9). Objectors suggested that all residents living nearby development proposals (including those living on access routes) should be written to, not just immediate neighbours.
- 7.9 Four objections were received that referred to public engagement over the Council's Town Yard, Market Street application (SCI 6, SCI 9, SCI 10, SCI 11). SCI 9 proposed wider consultation measures where an application would lead to a reduction in car parking and / or displacement of vehicles onto neighbouring roads. SCI 10 and 11 set out concerns over the Council's pre-submission public consultation and the lack of an appeal process for third parties in the event of a local planning authority granting its own planning permission.
- 7.10 SCI 7 objected to the procedures for Permission in Principle and proposed a change to the SCI requiring the Council to carry out the same community consultation for a Permission in Principle as for a planning application.
- 7.11 SCI 8 proposed that in place of offering translation of planning documents into languages other than English on request, the Council should only translate selected documents and where there is a substantive demand.
- 7.12 Derbyshire County Council provided a detailed response from elected members and officers (SCI 12). Councillor Atkins expressed concerns over the build quality of some recent developments that had required the County Council to spend money on remedying defects. County Officer comments included identification of additional cross boundary issues over which the Borough Council should liaise with the County; proposed inclusion of a reference to the need for the Borough to continue to engage with the County over a Community Infrastructure Levy charging schedule; and proposed inclusion of the requirement to review the SCI every five years following the date of its adoption.
- 7.13 The late representations were received from Disley Parish Council and an individual. Disley Parish Council supports close working to help improve air quality along the A6 corridor. The other representation refers to community engagement over the application to develop Foxlow Farm, Harpur Hill. It is suggested that the SCI includes a requirement for a developer's leaflet to be attached to a neighbour notification letter, and where a developer refuses to provide one, this refusal be made clear in the committee report.
- 7.14 Following careful consideration of all points raised, it is recommended that ten amendments are made to the SCI to provide clarification of certain matters. These proposed amendments are set out in table at paragraph 3.4 of this report.

## **Next steps**

- 7.15 Adoption of the SCI, as amended, will be considered by full Council at their meeting on 20<sup>th</sup> February 2019.
- 7.16 An adoption statement will be published on the Council's website to set out when the SCI was adopted and where it can be viewed.
- 7.17 A consultation statement will also be published to set out the representations received and the amendments made to the SCI.