

North Yorkshire Council

Executive

18 July 2023

North Yorkshire Council Statement of Community involvement: Consultation Draft

Report of the Corporate Director of Community Development

1.0 PURPOSE OF REPORT

- 1.1 To agree, for the purpose of public consultation, the draft Statement of Community Involvement.

2.0 BACKGROUND

- 2.1 The Statement of Community Involvement (or SCI) is a statutory document that must be prepared by local planning authorities. Legislation requires that this document must set out the authority's policies to facilitate the involvement of those persons and organisations who have an interest in the preparation of a local plan (and other planning policy documents), neighbourhood plans and the consideration of planning applications.
- 2.2 The SCI and the Local Development Scheme (the timetable for producing the local plan) are the first stages when starting on the road to preparing and adopting a local plan for North Yorkshire. It will set out when and how the community, organisations and other interested parties can have their say on the direction of planning in the authority – both in terms of the policies to determine future planning applications and where development should take place including where housing and industry will be allocated for the next 15-20 years. The SCI itself should be kept up to date and should be reviewed at least every 5 years.
- 2.3 The SCI also sets out community involvement in other aspects of planning including neighbourhood plans and the consideration of planning applications.
- 2.4 The following paragraphs will set out a precis of the draft SCI and how that document will seek to involve the various interested groups in all aspects of the planning system.

3.0 THE STATEMENT OF COMMUNITY INVOLVEMENT

- 3.1 The draft Statement of Community Involvement is appended to this report (Appendix 1). It should be noted that a number of web links are to be added to the document prior to formal adoption once these are finalised.
- 3.2 The Statement of Community Involvement will relate to all aspects of planning where there is engagement with the community. The following provides information on how the SCI relates to local plan/planning policy, neighbourhood planning and development management (the determination of planning applications).

The Local Plan and Planning Policy

- 3.3 The authority must prepare and adopt both a local plan and a minerals and waste plan for all the North Yorkshire planning authority area (excludes the two National Parks). One of

the first stages in achieving this is setting out how the community and other interested parties will be engaged in this process within the Statement of Community Involvement. Community engagement and consultation is critical to both meet the statutory requirements of plan making, but more importantly to ensure that the views of the community are understood and considered in the plan making process. This is not to say that there will always be agreement in the planning policies and allocations that are proposed (there most certainly will not be) but the SCI will ensure that there is a defined level of engagement and a wide range of opportunities for community engagement.

3.4 The SCI sets out, for the purposes of preparing the local plan and minerals and waste local plan, the following:

- When you can be involved in preparing planning policy documents;
- How to know when you can be involved;
- How contact will be made;
- Where documents will be available;
- How to make comments; and
- How the authority will respond to comments.

3.5 The SCI also clearly sets out the various stages of plan production and whether the stage allows formal or informal consultation or as is the case with later stages notification only.

3.6 The simplest way for the community and other interested parties to be engaged in the local plan process is to register their details on the local plan consultee database. This will enable all persons registered to be notified on local plan progress, direct them to consultation material, engagement events and other opportunities to have their say.

3.7 A number of the former districts utilised an end-to-end local plan software solution that incorporated the above mentioned consultee database and we are in the process of working with IT and transformation colleagues to ensure the new authority has access to the same/similar software solution.

3.8 The above may also be relevant to other documents produced by the planning policy section including design codes, supplementary planning documents, development briefs and other guidance notes.

Neighbourhood Plans

3.9 Neighbourhood plans are plans prepared by the community to influence planning policy in their areas. The town or parish council is typically the lead authority and it is their plan, not North Yorkshire Council's. Whilst neighbourhood plans are prepared by those bodies the local planning authority does have a role in guiding the preparation of the plan and is responsible for enabling the consultation stages, examination of the document and the referendum.

3.10 The SCI sets out the various stages of neighbourhood plan preparation and specifies when the community can engage with the process, make formal comments and vote in the referendum.

Development Management

3.11 Development management is the planning service that deals with, amongst other matters, planning applications and the enforcement against unauthorised developments.

3.12 The consideration of planning applications is the time when most people are engaged in the planning process as this can typically affect a person or community directly when

development is proposed near or adjacent to the place they live. Ensuring we have a consistent approach to dealing with planning applications is critical to ensuring confidence in the service. The Government helpfully sets out statutory consultation guidance on when and how to consult with relevant persons. This confirms that site notices, neighbour notifications, newspaper advertisements and websites are the agreed means of publicising planning applications and the form of statutorily required notification depends on the type of development proposed. This information is set out in the SCI and is drawn from the Development Management Procedural Order 2015 (as amended) and as shown in table form in the online planning guidance 'Consultation on pre-decision matters'.

3.13 The SCI sets out how individuals can access information on planning applications using the council's Public Access software, how you can see what comments have already been submitted and then how and when to submit your comments.

3.14 Some planning applications are determined by planning committee and there are procedures in place to allow representation at those meetings. The SCI explains who is allowed to speak to committee and how long they are permitted to speak for. Other matters, the development management section of the document covers, includes:

- Pre-application community involvement (encouraging developers to engage early);
- Site visits by planning committee;
- Dealing with appeals of planning refusal; and the
- Consideration of applications relating to trees.

3.15 In addition to the above the development management section also deal with breaches (or alleged breaches) of planning. Investigations take place into alleged unauthorised works; however, there is a need for levels of confidentiality in respect of this aspect of planning. The SCI sets out what may constitute a breach of planning (what we cannot investigate) and how you can raise any such concerns in a confidential manner.

4.0 CONSULTATION UNDERTAKEN AND RESPONSES

4.1 Consultation is the next step. The SCI will be subject to a six-week consultation process with the community and other parties who have an interest in the local plan and development management process and how they can be involved. Responses received will be considered and the SCI amended if necessary. These responses will be made available within the appendices of the future report to be taken to the Executive Member for Open to Business to support the adoption of the SCI.

5.0 CONTRIBUTION TO COUNCIL PRIORITIES

5.1 Setting out the methods of engagement and consultation to be deployed across planning services in respect of the preparation of the local plan, other policy documentation and the consideration of planning applications will assist in the Council Plan objective to support local citizens to become more actively involved in their communities.

6.0 ALTERNATIVE OPTIONS CONSIDERED

6.1 The preparation and adoption of a Statement of Community Involvement is a legislative requirement as set out in section 18 of the Planning & Compulsory Purchase Act 2004. There are therefore no other alternatives available to meeting this legislative requirement.

7.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

- 7.1 The preparation and adoption of the Statement of Community Involvement is the first step in the council preparing a new local plan. This document is not considered to have a direct impact on other services, with the exception of:
- working with the Communications Team to ensure wide notification; and
 - working with IT and Transformation (ongoing) on delivering an end-to-end local plan software solution that incorporates a consultee database.
- 7.2 The actual long-term ambition of adopting a local plan can affect all services as the local plan will set the tone for development across the county by allocating sites for development and policies that development will have to accord with.

8.0 FINANCIAL IMPLICATIONS

- 8.1 There are financial implications to engagement with the community and organisations, however, it should be noted that there is a legislative requirement to engage with the community in all aspects of planning.
- 8.2 Systems are already in place to enable much of the requirements set out in the Statement of Community Involvement for the consideration of planning applications.
- 8.3 In respect of local plan preparation there is a need to procure software to prepare, consult on and adopt the plan. Four of the former districts currently use a local plan software solution, which, if rolled out authority wide, would result in a financial saving over the former individualised costs.
- 8.4 The wider costs of community engagement, a fundamental part of local plan preparation and without which a plan would be found unsound, are part of the overall budget to prepare and adopt a local plan for North Yorkshire. . As set out in an earlier Executive report, a specific report will be prepared setting out the required evidence base and associated costs/resource to support the preparation of the new plan.

9.0 LEGAL IMPLICATIONS

- 9.1 The preparation and adoption of a Statement of Community Involvement is a legislative requirement as set out in section 18 of the Planning & Compulsory Purchase Act 2004. The process will involve the publication of the draft for public comment for a period of six weeks followed by its adoption, subject to any modifications.

10.0 EQUALITIES IMPLICATIONS

- 10.1 An Equalities Impact Screening assessment has been completed (Appendix 2). This concluded that a full Equalities Impacts Assessment was not required in this instance.
- 10.2 The Statement of Community Involvement is a document that sets out how engagement and consultation will take place on local plan and planning application matters with all communities across North Yorkshire as well as businesses and organisations within and outside of the authority area. The proposals do not set out consultative or engagement measures that would prejudice the ability of certain groups (protected or not) from participating in the planning process.

11.0 CLIMATE CHANGE IMPLICATIONS

- 11.1 Whilst the local plan will consider climate change implications and put forward policies to reduce carbon emissions and mitigate the impacts of climate change, the Statement of Community Involvement is a technical document that solely sets out the process for consultation and engagement.

- 11.2 It is therefore not considered to have any significant climate change implications (see Appendix 3), though one could propose that by embracing new engagement technologies and holding virtual exhibitions, meetings and events that this could go a small way to reducing emissions. There is a fine balance to this though as the use of these new technologies should also not be at the detriment of engaging with protected (or non-protected) groups as per para 10 (Equalities Implications).
- 11.3 To seek to mitigate greenhouse gas emissions from in-person public engagement, consideration will be given to the accessibility of locations by public transport, walking and cycling. This will apply to decisions on where to hold planning meetings, engagement events and Examinations in Public as well as where planning documents will be put on deposit for local inspection. Shared transport options will also be considered for site visits where this is practical.

12.0 PERFORMANCE IMPLICATIONS

- 12.1 The preparation of the Statement of Community Involvement (SCI), along with the Local Development Scheme (the timetable for the local plan) is the first stage in the council preparing and adopting a new local plan. There is a requirement from Government that local plans should be delivered within a period of 5 years from conception to adoption. The failure to agree the draft SCI for consultation purposes and subsequently adopt it could impact the preparation timescales for the local plan.

13.0 ICT IMPLICATIONS

- 13.1 To deliver the local plan and achieve the engagement as set out in the Statement of Community Involvement the planning service requires bespoke end-to-end local plan software. This is something that a number of the former districts utilised and is referred to under para 8.3. Discussions are ongoing with IT and Transformation to ensure the most appropriate systems are in place in due course to enable the local plan to proceed and meet the consultative requirements as set out in the SCI.

14.0 CONCLUSIONS

- 14.1 The adoption of a Statement of Community Involvement is a statutory requirement and the appended document is the draft document for formal consultation. Subject to considering, any comments and making any required amendments it is hoped to adopt the SCI in due course and use that as the basis for engagement and consultation in all aspects of planning.
- 14.2 It is considered that there are no substantial implications from taking the SCI forward as set out in this report. The major implications in respect of finance and other matters are tied to the preparation of the North Yorkshire Local Plan not the document that sets out the engagement policy for the local plan and development management.

15.0 REASONS FOR RECOMMENDATIONS

- 15.1 The local authority must prepare and adopt a local plan and the first stage in achieving this is setting out a timetable for production and the strategy for engagement. The Statement of Community Involvement is the latter of these requirements and requires to be consulted upon prior to formal adoption.
- 15.2 The second recommendation is to delegate authority to the Executive Member for Open to Business to sign off the finalised document for adoption and any future amendments. As this document is not a development plan document, the Constitution does not formally

require the Statement of Community Involvement to be presented before the Executive (or Full Council), however, it was considered important for the Executive to be aware of the early stages of local plan preparation including engagement arrangements. For this reason it is considered appropriate that future reports and approvals in relation to the Statement of Community Involvement should be considered by the relevant Executive Member.

16.0 RECOMMENDATIONS

16.1 The Executive are asked to:

- i) Agree, for the purpose of public consultation, the draft Statement of Community Involvement at Appendix 1; and
- ii) Subject to consultation and any subsequent amendments, delegate authority to the Executive Member for Open to Business to approve the Statement of Community Involvement for adoption and any future amendments or replacements to that document.

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5 June 2023

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APPENDICES:

Appendix A – The draft Statement of Community Involvement
Appendix B – The Equality Impact Screening assessment
Appendix C – Climate Change Assessment

BACKGROUND DOCUMENTS: The Planning & Compulsory Purchase Act 2004

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.