

<b>REPORT TO:</b>	Environment and Urban Renewal Policy and Performance Board
<b>DATE:</b>	12 <sup>th</sup> June 2013
<b>REPORTING OFFICER:</b>	Strategic Director – Policy and Resources
<b>PORTFOLIO:</b>	Physical Environment
<b>SUBJECT:</b>	Statement of Community Involvement (SCI) Local Plan Document
<b>WARDS:</b>	Borough wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to present Halton's local planning Draft Statement of Community Involvement (SCI). This SCI was approved by Executive Board on 23<sup>rd</sup> May 2013 as a draft for public consultation.
- 1.2 The SCI outlines the standards that the Council will employ to meet the legal requirements for involving the community effectively in the planning system. Following public consultation for a four week period the document will be submitted to Executive Board for approval to formally adopt the SCI.

## **2.0 RECOMMENDATION: That PPB note and comment on the content of the draft Statement of Consultation (Appendix A).**

## **3.0 SUPPORTING INFORMATION**

- 3.1 The Statement of Community Involvement, or SCI, sets out the way the Council will involve the local community, stakeholders and statutory bodies in the preparation and revision of Local Plans. The SCI informs the community about how and when they can get involved. The SCI also describes the Council's procedures and arrangements for involving the community when considering planning applications and major proposals for development. The procedures contained with an adopted SCI must be followed for consultation on all Local Plan documents and all planning applications within Halton.
- 3.2 The Council's first SCI was adopted in 2007. It is being updated in 2013 because there have been a number of legislative changes to the way that planning documents are prepared. In addition, technological advances have seen the emergence of online and electronic communication as the preferred media for many individuals and organisations.

## **4.0 POLICY IMPLICATIONS**

- 4.1** The SCI has been produced to ensure that through its function as a Local Planning Authority; the Council is in accordance with National Planning Policy and Regulations.

## **5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### **5.1 A Healthy Halton**

The SCI seeks to strengthen community and stakeholder involvement in the planning and development management process. This will help to engage the community in forward planning to address health problems through the maintenance of well-designed places and spaces, through the support of accessible sustainable travel options and through the provision of a healthy, green local environment.

### **5.2 Halton's Urban Renewal**

The SCI describes consultation methods required by the Local Development Planning Regulations 2012. This will assist developers by ensuring that community consultation is undertaken for major development projects affecting the Borough's urban renewal and regeneration priorities. The SCI will ensure that consistent community engagement in the planning process is maintained.

### **5.3 Children and Young People in Halton**

The SCI addresses the need to encourage and provide opportunities for children and younger people to engage in the planning process.

### **5.4 Employment, Learning and Skills in Halton**

The SCI will support the continued community engagement in the planning process which will contribute towards the maintenance and enhancement of the Borough's economy and hence will support economic growth.

### **5.5 A Safer Halton**

The SCI will encourage effective communication in the production of planning documents and the development planning process. In doing so, future development will seek to create and sustain safer environments, which are well designed, well built, well maintained and valued by all members of society.

## **6.0 OTHER IMPLICATIONS**

No other known implications

## **7.0 RISK ANALYSIS**

No legal or financial risks to the Council can be identified so long as the statutory procedures for the preparation of the SCI are met.

Continuing with the original SCI entails minor financial risk as its requirements become increasingly out-of-date and out of step with modern communication practices impeding potential cost savings.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

No equality and diversity implications have been identified.

## **9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Planning and Compulsory Purchase Act (2004 as amended) Section 18	Municipal Building	Alasdair Cross
Town and Country Planning (Local Planning) (England) Regulations 2012	Municipal Building	Alasdair Cross
Halton Local Development Scheme	Municipal Building	Alasdair Cross

## | Consultation Draft Statement of Community Involvement 2013

Operational Director  
Policy, Planning and Transportation  
Halton Borough Council,  
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Kingsway,  
Widnes,

WA8 7QF

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# 1. Introduction and Purpose

## **Statutory basis for this Statement of Community Involvement (SCI)**

- 1.1 The requirement to prepare a SCI was introduced by section 18 of the Planning and Compulsory Purchase Act 2004. A SCI is a statement of the Council's policy as to the involvement of interested parties in the exercise specified under sections 19, 26 and 28 of this Act and Part 3 of the Town and Country Planning Act 1990. This relates to persons who appear to the authority to have an interest in matters relating to development in their area.
- 1.2 The functions specified for the purpose of SCI's are the Council's functions relating to:
  - 1.2.1 The preparation and revision of local development documents (including joint local development documents) and
  - 1.2.2 The provisions relating to the control of development in Part III Town and Country Planning Act 1990.

## **Our Statement of Community Involvement (SCI): Role and Purpose**

- 1.3 The role and purpose of the SCI is to provide the community with clarity on the levels of involvement that they should expect in planning processes. This statement explains how the Council will involve the community in planning for the future use of land in the Borough. It gives a level of certainty to key stakeholders and the general public as to how they can be involved in plan making and development control processes.
- 1.4 The Council is responsible for preparing planning documents used to shape the future development of the Borough. Together, these documents are known as the Local Development Framework (LDF). The policies within these documents need to take into account local, regional, sub-regional and national policies, needs and interests. This document is the second Statement of Community Involvement (SCI) Halton Borough Council has produced and is part of the LDF. The first SCI was adopted in 2006 but now requires revision because of:



- Recent changes in the planning regulations and procedures governing plan making.
- The introduction of the 'Duty to Inform, Consult and Involve' arising from the Local Government & Public Involvement in Health Act 2007.

1.5 The LDF is a folder made up of a number of different Local Plan Documents (LPDs), Supplementary Planning Documents (SPDs) and process documents such as the Authority's Monitoring Report (AMR) and the Statement of Community Involvement (SCI). These plans and documents can be prepared and reviewed separately, increasing opportunities for community involvement, as different LPDs and SPDs will be prepared at different times in response to changing circumstances. The Halton LDF is illustrated in figure 1 below.

**Figure 1:** SCI Policy context

National

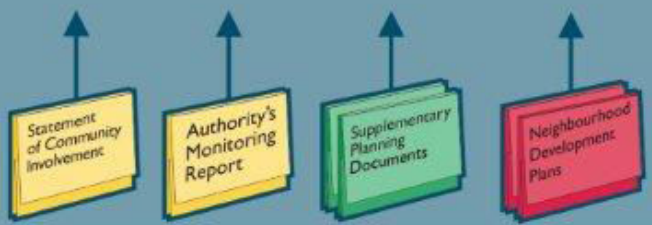


Sub-Regional



# Halton's Local Development Framework

Local



## 2 How to interpret this document

- 2.3 The Central part of this document is divided into Part A and Part B to reflect the requirements of Section 18 Planning and Compulsory Purchase Act<sup>1</sup>.
- 2.4 **Part A** deals with the preparation and revision of local development documents (including joint local development documents and supplementary planning documents).
- 2.5 **Part B** deals with the provisions relating to the control of development in Part 111 of the Town and Country Planning Act 1990<sup>2</sup>.

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<sup>1</sup> HMSO (2004) The Planning and Compulsory Purchase Act

<sup>2</sup> HMSO (1990) The Town and Country Planning Act

## 3 Regulatory Framework

- 3.1 The Council's first SCI<sup>3</sup> was prepared in the context of the Town and Country Planning (Local Development) (England) Regulations 2004<sup>4</sup>. It was adopted in July 2006.
- 3.2 The Government has since made changes to the planning process through legislation<sup>5</sup> and associated revised regulations<sup>6</sup>, together with revised policy in the National Planning Policy Framework (NPPF)<sup>7</sup>. This second version of the SCI has been prepared in the context of these changes and to ensure that the legal requirements for community involvement will be met.
- 3.3 The requirements set out in the regulations can be summarised as follows:
- Formal consultation for a defined period: this must be for a minimum of six weeks for Local Plan (LP) documents and a minimum between four six weeks for Supplementary Planning Documents (SPDs).
  - Notification and issue of information to specific consultation bodies which the Council considers would have an interest in the subject matter.
  - Notification to 'general' consultees which the Council considers appropriate or have expressed an interest in the preparation of a LP or SPD and whose details are held on the LDF database.
  - Information made available on the Council's website.
  - Make information available at 'deposit locations' as identified in Appendix A.

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<sup>3</sup> HBC (2006) Statement of Community Involvement

<sup>4</sup> CLG (2004) Town and Country Planning (Local Development)(England) Regulations

<sup>5</sup> CLG (2008) The Planning Act

<sup>6</sup> CLG (2012) Town and Country Planning (Local Planning)(England) Regulations 2012

<sup>7</sup> CLG(2012) National Planning Policy Framework

- Publish a statement setting out who has been consulted during the preparation of the LP documents and how the consultation was undertaken. The statement will also include a summary of the main issues raised and details as to how the issues have been addressed in the document.
- Publish an adoption statement on the website, and post to consultees who had requested to be notified of the adoption of a LP document.

- 3.4 The 2011 Localism Act introduced the ability for local communities to shape their local communities and have a greater say in the planning of their areas, Section 110 setting out a new 'duty to co-operate'. This applies to all local planning authorities and to a number of other public bodies. The new duty relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter. It requires that councils set out planning policies to address such issues and requires that councils and public bodies 'engage constructively, actively and on an on-going basis' to develop strategic policies.
- 3.5 The National Planning Policy Framework (NPPF) was published in April 2012; Paragraph 156 of the NPPF sets out the strategic issues where co-operation might be appropriate. Paragraphs 178-181 of the NPPF give further guidance on 'planning strategically across local boundaries', and highlight the importance of joint working to meet development requirements that cannot be wholly met within a single local planning area, through either joint planning policies or informal strategies such as infrastructure planning.
- 3.6 The Halton Core Strategy was adopted by the Council in April 2013 and became the principal local development document against which planning applications will be tested and which begins the process of replacing the saved policies from the Unitary Development Plan.
- 3.7 Nothing in this SCI overrides any statutory provision relating to the preparation, adoption or revision of local development documents (including joint local development documents).

# PART A:

## Preparation and Revision of Local Plan Documents

### 4 Community Involvement in the Local Development Framework

4.1 Halton Borough Council is responsible for preparing a LDF to guide development in the borough. This framework includes the saved policies from the Halton Unitary Development Plan (UDP)<sup>8</sup> and a range of adopted SPDs. These documents will be in place until superseded by the adoption of new LPDs which are subject to examination in public by an independent inspector, appointed by the Secretary of State. An update on the production of the various documents that make up the Local Development Framework is provided annually, in December, with the production of the Authority's Monitoring Report and made available on the Council website.

#### **Key Contacts and LDF Consultation Database**

4.2 The Council holds a database of contact details for organisations and community groups. It contains details of people who have responded to previous consultations or have requested to be informed of the production of LPDs and SPDs. This is a 'live' database, updated on a regular basis to ensure only those who wish to be kept informed are on the database, and new content added.

4.3 The database will be used to identify which groups can be involved in specific and more general issues, and contains the contact details for consultees. All data held is pursuant to the principles of the Data Protection Act <sup>9</sup>(1998).

#### **When and how can the community get involved in the production of the LDF documents?**

#### **Local Plan Documents**

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<sup>8</sup> HBC (2005) Halton Unitary Development Plan

<sup>9</sup> HMSO (1998) Data Protection Act

4.4 Each Local Plan Document (LPD) that the Council prepares has to go through a number of stages, with consultation taking place along the way. The stages are described below and illustrated in Figure 2.

#### **Pre-Production**

4.5 The Council will seek the involvement of the relevant groups in the formation of evidence; this will be used to support planning policies. The Council will ensure that based upon the relevance of the subject of the LPD, the most appropriate consultees will be selected from the LDF consultation database.

4.6 Information will be made available for viewing at deposit locations (as listed in Appendix A) and made available on the Council's website. As a method of reducing duplication and achieving greater efficiency, the Council anticipates that where topics overlap it will be possible to consult jointly on two or more documents.

4.7 Planning Authorities must undertake a Strategic Environmental Assessment (SEA) on documents which are likely to have significant environmental effects under European Directive 2001/42/EC<sup>10</sup>. It is also mandatory for LPDs to produce a Sustainability Appraisal (SA)<sup>11</sup>. The SA process ensures that we assess the environmental, economic and social effects of policies and proposals as the LPD is being produced. The overall aim is to check whether our policies and plans are contributing towards achieving sustainable development. The SA takes place alongside the preparation of the Local plan document and includes opportunities for involvement at key stages of the document's production. Whilst the SA and SEA tests are distinct, it is possible to carry them out in one appraisal process. At the production stage of a LPD the SA and SEA will be made available at deposit locations and on the Council website.

#### **Production**

4.8 Using extensive evidence previously gathered or commissioned, the Council will begin work on preparing a draft document that;

a) has considered alternative approaches and is justified in the selected approach, and;

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<sup>10</sup> European Union Directive (2001) The European SEA Directive 2001/42/EC

<sup>11</sup> Sustainability Appraisal

b) is underpinned by both the evidence base and SA.

- 4.9 The draft LPD will be subject to a six week public consultation period. Appropriate stakeholders, stored in the LDF consultation database will be contacted. The draft LPD and supporting documents will be placed at deposit locations and will be made available on the Council website.
- 4.10 Representations received following the public consultation will be taken into consideration and the LPD altered as appropriate. A concise report called a 'Statement of Consultation' will be prepared summarising the representations received and how they are to be, or have been, addressed in the 'submission' version of the LPD.

#### **Examination - Submission**

- 4.11 The 'submission' version of the LPD, the SA and supporting documents will be placed at deposit locations and on the Council website. These documents will also be sent to the Secretary of State. Representations can be made at this stage, however, they will not be considered by the Council, but by an independent Inspector, appointed by the Secretary of State.
- 4.12 At least six weeks before the examination begins all details of the examination will be advertised in the local press and on the Council website. This information will include times, dates and the location of the examination and the name of the inspector appointed.
- 4.13 It is at the inspectors' discretion as to whether a 'pre examination' meeting is called. This would take place 8 weeks prior to the start of an examination.

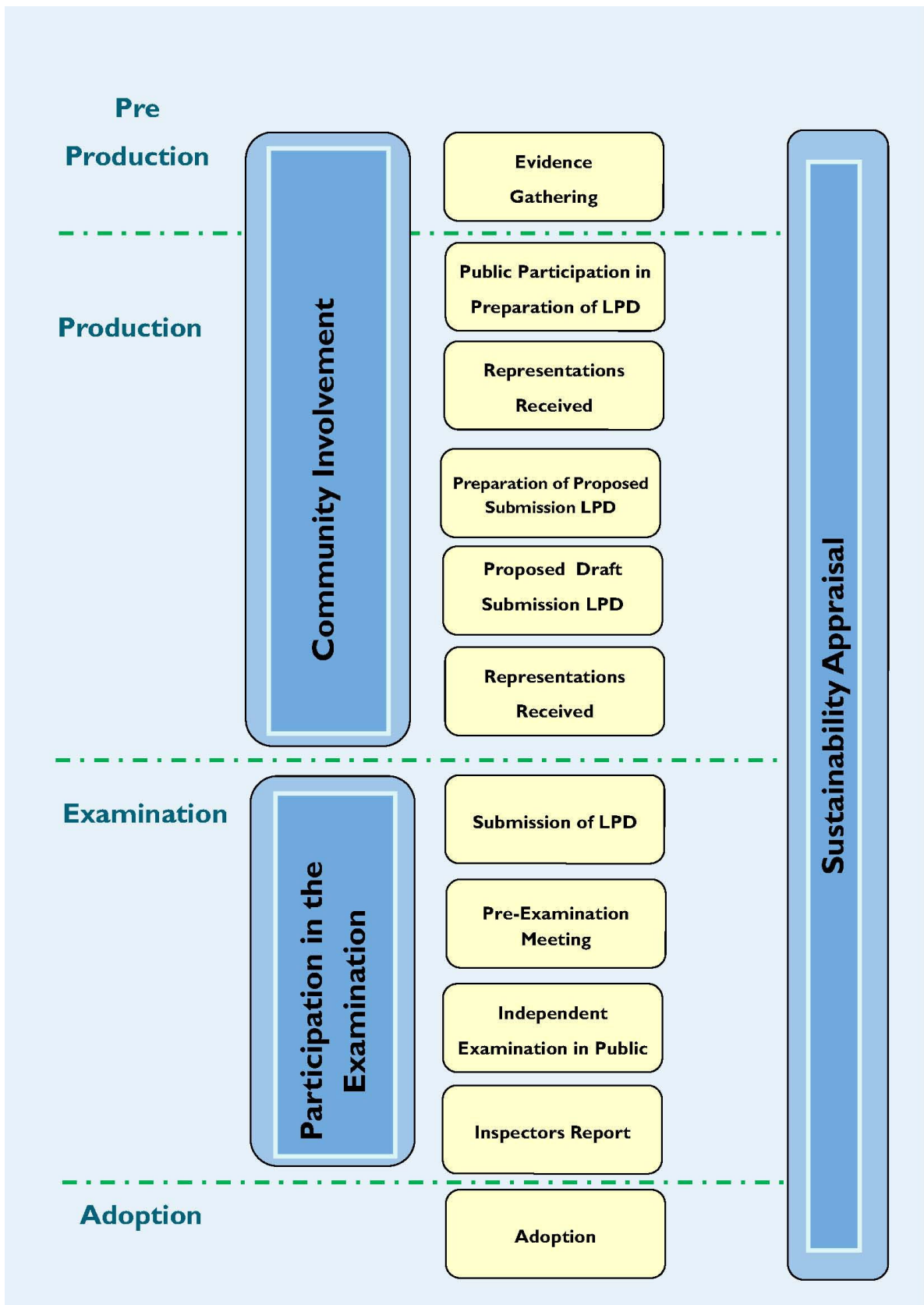
#### **Adoption**

- 4.14 Following an examination, the Inspector will produce a report which informs the Council of his or her findings. If no major changes to the LPD are required the Council can proceed to adoption.
- 4.15 The Council will produce an adoption statement; this will be advertised in the local press and will be available on the Council's website. A notification letter will also be posted to all



consultees that have previously requested to be notified of the adoption of the LPD.

**Figure 2:** LPD production stages



## **Supplementary Planning Documents (SPD)**

- 4.16 Supplementary planning documents are produced to provide more detailed planning policy guidance to applicants or their agents seeking planning permission. They supplement existing Local Plan documents. The following section describes when and at what stage public consultation takes place in the production of an SPD and is illustrated in figure 3 below.
- 4.17 Unlike a LPD, an SPD is not required to be examined by the Secretary of State, as the content of the SPD is intended to 'supplement' policies within a LPD which will have undergone an examination in public.

### **Pre-Production**

- 4.18 At this stage evidence is gathered to support policies to be written. As previously stated SPDs supplement existing LPD policies or saved Unitary Development Plan (UDP) policies. Therefore, evidence will exist in support of the SPD. Where additional evidence is required, consultation will occur with selected groups determined by the Council on their relevancy to the SPD content.

### **Production**

- 4.19 A draft SPD is prepared and is subject to a minimum four week consultation period. Appropriate stakeholders stored on the LDF database and any organisation or person requesting to be kept informed of the production of SPDs will be contacted and informed that the SPD is available at deposit locations. The SPD consultation will be advertised and made available on the Council's website.
- 4.20 In accordance with Regulation 17 (d)(i) of the Town and Country Planning (Local Planning)(England) 2004 Regulations 2012<sup>12</sup> a 'Statement of Consultation' will be produced. This will list all representations received as a result of the consultation and will explain how they have been taken into consideration and where appropriate the SPD altered.

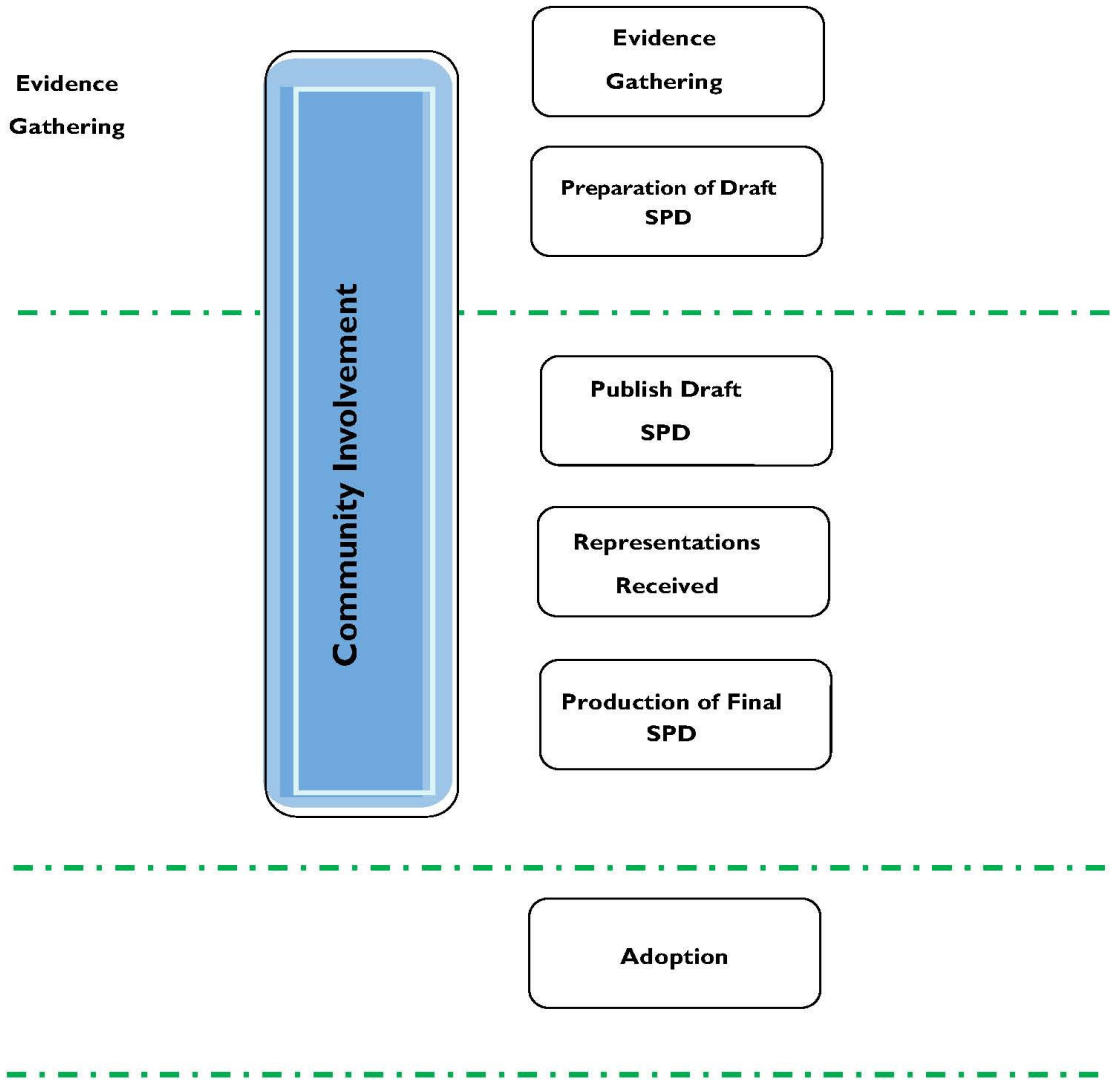
### **Adoption**

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<sup>12</sup> CLG (2012) Town and Country Planning (Local Planning)(England) Regulations

4.21 Following an internal approvals process, the Council will advertise the adoption of an SPD in accordance with Regulation 14(a) and (b) of the Town and Country Planning Act. Copies of the SPD, a statement of consultation and an adoption statement will be made available on the Council website and at deposit locations. An adoption statement will be posted to any person who had requested to be notified of the adoption of the SPD.

**Figure 3:** SPD production stages



# PART B:

## Community Involvement and Planning Applications

### 5 Provisions relating to the control of development in Part 111 Town and Country Planning Act 1990.

5.1 In addition to setting standards of community involvement in the preparation of the Local Development Framework, this SCI also identifies how we engage the community who have an interest in planning applications. When planning applications are received by the Council, the Council will follow the requirements relating to publicity set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010. These provisions in relation to a valid planning application consist of the following:

- Public notices in the local press,
- On-site or 'near to site' publically visible site notice, and;
- Letters of notification to occupiers and owners of adjoining properties.

The extent to which these minimum requirements may be extended will depend on the facts of any given application for planning permission.

5.2 The results of consultation are considered by officers and Members when making decisions on the acceptability of planning applications, known as development control or development management.

5.3 The obligations on the Council relating to publicity in the 2010 Order are supplemented in the case of certain planning applications by requirements on applicants to engage in consultation before submitting a planning application. These requirements are set out in sections 61W to 61Y of the Town and

Country Planning act 1990<sup>13</sup>. Development orders will designate the types of applications caught by these provisions.

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<sup>13</sup> Inserted by section 122 of the Localism Act 2011

## 6 Further Planning Advice

6.1 The aim of the SCI is to set out a clear set of guidelines on how the consultation process will take place. This is to ensure that all parties are aware of their rights and responsibilities throughout the process and to shift to a system of earlier and more open engagement on planning issues. However, it must be appreciated that consensus will not always be possible in every instance, as the results of community involvement, are one of many factors that need to be taken into account when arriving at decisions. The Council has to take into account, amongst other considerations:

- Legislation including European Directives;
- The Government's national planning policies, including changes;
- Regional and sub-regional planning policies and the policies of surrounding areas; and;
- Legal rulings

6.2 Engagement, negotiation and discussion activities are at the heart of participatory planning. The implementation of the SCI and Engagement Strategy will ensure that Halton continues to engage the community.

6.3 The Royal Town Planning Institute (RTPI) is helping to encourage public participation in planning issues by setting up a Planning Aid system in every region. The advice offered to community groups and individuals is complementary to the advice given by the local authority. Planning Aid England provides free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees.

Planning Aid England (PAE)  
Tel: 0330 123 9244  
([www.advice@planningaid.rtpi.org.uk](mailto:www.advice@planningaid.rtpi.org.uk))

6.4 The planning portal is a web based source of planning information. ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)). The information provided allows members of the public to learn more about how the planning system works and find out how they can become involved. The planning portal provides comprehensive



information for both planning policy and development control/development management.

## 7 Monitoring

- 7.1 The Council will continue to maintain the LDF consultation database which will continue to be the main source to identify individual consultees for future consultation exercises. The Council will seek to work with partners and land owners to pursue delivery against the Vision and Strategic Objectives of the Sustainable Community Strategy and Core Strategy LPD, which is the overarching strategic planning policy document within the LDF.
- 7.2 The Authority's Monitoring Report (AMR) published on the Council's website annually, specifically charts the progress of the LDF and the success of its planning policies.

### Availability of Consultation Material - Deposit Locations

- Halton Lea Direct Link, Halton Lea, Runcorn
- Widnes Direct Link, Brook Street, Widnes
  - Open 9:00am – 5:30pm Mon to Fri (*correct at time of writing*)
  
- Runcorn Direct Link, Granville Street, Runcorn
  - Open: 9.30 – 4.45pm Mon, Tue, Thurs and Fri (*correct at time of writing*)
  
- Halton Lea Library, Runcorn
- Widnes Library (Kingsway)
- Runcorn Library, Granville Street, Runcorn
- Ditton Library, Widnes
  - Opening times of the Council's Libraries can be found online at:  
<http://www3.halton.gov.uk/educationandlearning/libraries/>