

ADOPTION OF ADDENDUM TO THE STOCKPORT STATEMENT OF COMMUNITY INVOLVEMENT (SCI) 2015

Report of the Deputy Chief Executive

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 The Planning and Compulsory Purchase Act (2004) (as amended) requires the Council to publish a Statement of Community Involvement (SCI) detailing how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications. The council are required to adhere to the adopted SCI when undertaking consultation in relation to these activities.
- 1.2 The current Statement of Community Involvement (SCI) for Stockport was adopted by the Council in October 2015 and can be viewed at: <https://s3-eu-west-1.amazonaws.com/live-iag-static-assets/pdf/LDF/StatementOfCommunity/Statement+of+Community+Involvement.pdf>. The current SCI document is referred to as the SCI (2015).
- 1.3 An addendum to the SCI (2015) is now proposed to deal with the constraints on undertaking community involvement which arise from the Health Protection (Coronavirus) Regulations 2020. Some of the measures set out in the SCI (2015) are direct regulatory requirements arising from the Town and Country Planning (Local Planning) (England) Regulations 2012; the Government have made a temporary amendment to those regulations (until 31st December 2020) to remove such requirements where meeting them is not currently considered possible.
- 1.4 The addendum contains a number of other proposed clauses which seek to align the SCI more closely with the Town and Country Planning (Local Plan) (England) Regulations 2012 where amendments to those regulations have been made since the SCI was last updated in 2015.
- 1.5 The proposed Addendum to the Stockport Statement of Community Involvement (SCI) 2015 is appended to this report as Appendix A.
- 1.6 The purpose of this report is to seek Council approval of the proposed Addendum to the Stockport Statement of Community Involvement (SCI) 2015.

2. CONSULTATION

- 2.1 As required under paragraph 2.16 of the SCI (2015) a period of 2 weeks informal consultation was undertaken with the statutory bodies, adjoining local authorities and other general consultation bodies (as listed in Appendix 1 of the SCI (2015), or as updated since that time). Besides a number of consultee bodies confirming

that they did not wish to comment at that time, no responses to the consultation were received.

2.2 As required under paragraph 2.17 of the SCI (2015) a formal period of consultation was then undertaken for 4 weeks and 2 days. Notification of this period of consultation was sent to all those registered on the Council's Planning Policy consultation database and a notice was published in the Stockport Express advising of the period of consultation and where copies of the proposed Addendum to the Statement of Community Involvement (2015) could be viewed. The document was made available online and copies were provided that could be taken away by consultees from the seven libraries which were open during the consultation period (Cheadle, Bramhall, Brinnington, Hazel Grove, The Heatons, Marple and Reddish). The SCI (2015) would ordinarily require consultation documents to also be made available at Fred Perry House and in other libraries and information centres throughout normal office hours; however, because of the ongoing Coronavirus pandemic those other locations were, at the time of the consultation taking place, not open.

2.3 Again a number of consultation bodies responded to the consultation to say that they had no comments to make. Only one comment of substance was made and which set out three specific issues:

- 1) **In response to paragraph 12 of the proposed addendum** (*which states that National Planning Practice Guidance sets out that Local Planning Authorities are not required to consult when reviewing and updating their Statement of Community Involvement*) the consultee observed that not being required to consult is not an instruction not to consult and that the choice remains with the Council.
- 2) **In response to paragraph 13 of the proposed addendum**, and specifically the replacement paragraph 2.36C proposed for insertion into the SCI (2015), the consultee queried how members of the public might feedback on methods of consultation if the Council has not made them aware of proposed reviews and updates of methodology?
- 3) **In response to paragraph 7 of the proposed addendum** (*which states that a temporary amendment to The Town and Country Planning (Local Planning) (England) Regulations 2012, applying from 16th July 2020 until 31st December 2020, has removed the requirement for councils to make documents available for public inspection at the authority's principal office and at such other places as the authority considers appropriate during that period and that, during that period, the Council will not place consultation documents on deposit*) the consultee commented that they can see no effective guarantee that documents will be fully available online at all times throughout a consultation period as it has been their experience that this has not always been the case during previous consultation periods.

2.4 Taking each point in turn:

- 1) The Council is not limited by the provisions of its SCI. Whilst the Council must fulfil requirements it places upon itself through inclusion in the SCI that does not preclude it from undertaking consultation activities which are

above and beyond those required by the SCI. Given the difficulties with managing the availability of documents during the current Coronavirus pandemic it is preferable that the SCI includes a clear statement that they will not be made available whilst national statute does not require them to be. It is important to note that this does not apply beyond 31st December 2020, even if the temporary amendment to the regulations was extended, and that beyond that date, whilst The Health Protection (Coronavirus) Regulations 2020 are in force, the provisions in the latter part of paragraph 7 of the proposed addendum will apply:

"...Beyond that period the availability of documents made available for inspection might be constrained through a limit on the number of viewings within a given period and/or the need for viewings to be by prior-appointment only. It may be that locations at which documents would ordinarily have been made available for inspection or at which publicly available computers might be used to view documents will not be open."

- 2) The second part of replacement paragraph 2.36C which the addendum proposes is inserted into the SCI (2015) sets out that:

"...the Council welcomes constructive feedback on its methods of consultation especially where this can help to improve their inclusiveness, appropriateness, cost-effectiveness or timeliness."

Whilst this statement is considered to invite constructive feedback at any time (and the SCI (2015) already sets out contact details through which this might be done) a specific opportunity arises whenever consultation is undertaken. During periods of consultation consultees frequently comment on the approach to and methods of consultation as well as the matters which are the subject of the consultation. The Council's Authority's Monitoring Report (AMR) is intended to be used to collate such feedback, allowing the Council to assess the effectiveness of the various community involvement techniques used. Future updates of the SCI will make use of this collated feedback.

It is important to note that the Council is under a variety of statutory obligations with regards to how it consults on planning matters. In reviewing or updating the SCI the Council must be mindful of continuing to meet those requirements. Notable within this is the requirement in relation to plan-making which arises from paragraph 16 c) of the National Planning Policy Framework¹ which states that plans should:

"be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees."

¹ See page 10 of the NPPF available at <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- 3) It is known that there have been occasions when, for technical reasons, consultation documents or consultation websites have been temporarily unavailable for a short period during a period of consultation. This is known to have happened twice during the 2019 consultation on the Greater Manchester Spatial Framework (GMSF) so as to allow updated information to be added to the consultation platform. Looking further back it was reported to have occurred over the course of a weekend during consultation on an early stage of the Council's preparation of the Stockport Core Strategy, although no evidence was provided to show that this affected more than a single consultee at that time.

Whilst such "down-time" is unfortunate, such periods (where pre-planned and unavoidably necessary) would be advertised as widely as possible, including through direct notification of registered consultees (as was the case with the 2019 GMSF consultation). If needs be, and subject to consideration of the potential impact on overall plan-making timescales, the Council might consider extending the consultation period or agreeing an extension of time with specific consultees who claim to have been disadvantaged, both of which courses of action the Council has taken previously (for reasons other than issues with online document availability).

In the preparation of a development plan (Local Plan) document consultees would have recourse to raise their claim of having been disadvantaged through the Examination in Public process. Where such issues have arisen elsewhere Planning Inspectors have taken a sympathetic approach and allowed consultees to raise any issues they consider they did not have the opportunity to raise during the consultation period as part of the examination hearings. Planning Inspectors will also, however, have regard to the overall extent of consultation opportunity throughout the document's preparation (including the number and length, compared to statutory requirements, of consultation periods).

3. CONCLUSIONS AND RECOMMENDATIONS

- 3.1 For the reasons set out under paragraph 2.4 above, the concerns raised by the solitary consultation response are not considered to merit any amendment to the proposed Addendum to the Stockport Statement of Community Involvement (2015) as set out in Appendix A.
- 3.2 Members are recommended to approve adoption of the Addendum to the Stockport Statement of Community Involvement (2015).

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Emma Curle on Tel: 0161-474-3542 or by email on emma.curle@stockport.gov.uk

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Part 1: Introduction

1. The Planning and Compulsory Purchase Act (2004) (as amended) requires the Council to publish a Statement of Community Involvement (SCI) detailing how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications.
2. The current Statement of Community Involvement (SCI) for Stockport was adopted by the Council in October 2015 and can be viewed at <https://s3-eu-west-1.amazonaws.com/live-iag-static-assets/pdf/LDF/StatementOfCommunity/Statement+of+Community+Involvement.pdf>. The current SCI document is referred to as the SCI (2015).
3. This addendum to the SCI (2015) is intended as an interim update to deal, principally, with the constraints on undertaking community involvement which arise from The Health Protection (Coronavirus) Regulations 2020. The Council intends to prepare a wider-reaching review of the SCI to bring its provisions up-to-date and fully in line with national guidance or regulations later this municipal year.
4. It follows that the SCI (2015) should be read in conjunction with the statements set out in Part 2 and Part 3 of this addendum below.

Part 2: The Health Protection (Coronavirus) Regulations 2020

5. Where under Regulation 3 of The Health Protection (Coronavirus) Regulations 2020 the Secretary of State has declared (by published notice) that the incidence or transmission of Coronavirus is such that those Regulations are applied, and such declaration has not been revoked, the Council may by necessity limit the use of consultation methods which run counter to the advice of Public Health England or the Council's own Director of Public Health.

6. It may be necessary to limit the number of people that might attend exhibitions or displays at any given time and it may not be possible to hold conferences, workshops or public meetings in the way that they have traditionally been held.
7. The Town and Country Planning (Local Planning) (England) Regulations 2012 have been temporarily amended from 16th July 2020 until 31st December 2020 to remove the requirement for councils to make documents available for public inspection at the authority's principal office and at such other places as the authority considers appropriate. During this period the Council will not place consultation documents on deposit. Beyond that period the availability of documents made available for inspection might be constrained through a limit on the number of viewings within a given period and/or the need for viewings to be by prior-appointment only. It may be that locations at which documents would ordinarily have been made available for inspection or at which publicly available computers might be used to view documents will not be open.
8. The Council will consider using alternative methods of engagement to ensure that no interested person is unreasonably disadvantaged but, in all cases, will give primary consideration to the safety of its officers, elected Members and the public. Such alternative methods might include online seminars or offering appointments at alternative locations by special arrangement where it is apparent that a consultee would otherwise be disadvantaged.
9. In all cases, however, consultees are strongly encouraged to make use of the online version of documents if they can, thereby helping to limit the impact of any restrictions on the small percentage of people who do not have that option and might otherwise be disadvantaged.
10. The advice of the Council's Director of Public Health will be sought as appropriate.
11. Paragraphs 2 to 10 of this addendum, whenever applied, will have a direct impact on the application of the following elements of the SCI (2015):
 - i. paragraph 2.10;
 - ii. paragraph 2.14;
 - iii. paragraph 2.19;
 - iv. paragraphs 2.22 to 2.24 inclusive;
 - v. Table 2 "Methods of Consultation";
 - vi. paragraph 2.43;
 - vii. Table 5 "Consultation Methods for Different Stages of Local Development Document Preparation";
 - viii. paragraph 2.54;
 - ix. paragraph 6.3; and
 - x. paragraph 6.5.

Part 3: Future revisions of the Statement of Community Involvement

12. Current national guidance set out in Paragraph: 035 Reference ID: 61-035-20190723 of the Government's Planning Practice Guidance (titled "How should local planning authorities keep communities informed of evidence gathering and plan-making?")² sets out that Local Planning Authorities are not required to consult when reviewing and updating their Statement of Community Involvement. This is a change from earlier guidance and regulations which set out a statutory requirement for consultation to be undertaken whenever amendments to an SCI were proposed.
13. Paragraphs 2.36 and 2.37 of the SCI (2015) are consequently deleted and the following inserted in their place –
 - 2.36A The Council is required to review its Statement of Community Involvement (SCI) every 5 years. It is important that the SCI is kept up-to-date to ensure effective community involvement at all stages of the planning process.
 - 2.36B This SCI has been under review since its first adoption and will remain under review in the future; the continuing aim is to learn from experience and find ways to improve the arrangements. The Authority's Monitoring Report is used to feedback and monitor consultation processes and the success of the SCI. As part of this the Council will evaluate consultation that has been undertaken (in terms of resources used, response rates and the effectiveness of the methods and procedures used) and amendments to the SCI might subsequently be made. The Council might also have regard to feedback received from the public or other stakeholders. Amendments to the SCI might also be made as a consequence of changes to legislation or regulatory requirements such as, for example, changes to the details of a specific consultation body listed in Appendix 2: Consultation Bodies.
 - 2.36C In accordance with national Planning Practice Guidance the Council will not consult when reviewing and updating their Statement of Community Involvement. However, the Council welcomes constructive feedback on its methods of consultation especially where this can help to improve their inclusiveness, appropriateness, cost-effectiveness or timeliness.
14. The column of Table 2 "Methods of Consultation" of the SCI (2015) headed "Statement of Community Involvement" is deleted.
15. Section 5 of the SCI (2015), titled "SCI – Review", is deleted.

² <https://www.gov.uk/guidance/plan-making>