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**Report of:** Laraine Manley, Executive Director of Place

**Report to:** *Councillor Bob Johnson (Cabinet Member for Transport and Development)*

**Date of Decision:** 29 July 2020

**Subject:** *Sheffield Statement of Community Involvement: 2020 Update*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000		<input type="checkbox"/>		
- Affects 2 or more Wards		<input type="checkbox"/>		
Which Cabinet Member Portfolio does this relate to? <i>Councillor Bob Johnson (Cabinet Member for Transport and Development)</i>				
Which Scrutiny and Policy Development Committee does this relate to? <i>Economic and Environmental Wellbeing Scrutiny and Policy Development Committee</i>				
Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>Reference number: 790</i>				
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>				

**Purpose of Report:**

*(Outline the decision being sought or proposal being recommended for approval.)*

The purpose of this report is to seek approval to adopt an update to Sheffield's currently adopted Statement of Community Involvement (see embedded "2020-03-11 Statement of Community Involvement" document).

**Recommendations:**

*Adopt the 2020 update of the Statement of Community Involvement*

**Background Papers:**

*(Insert details of any background papers used in the compilation of the report.)*

***The Sheffield Statement of Community Involvement, July 2020***

***The Statement of Community Involvement, August 2014***

**Statement of Community Involvement eAccessibility PDF Check Result**

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Sarah Uttley, Assistant Finance Manager</i>
		Legal: <i>Portia Watkins, Planning and Highways Lawyer</i>
		Equalities: <i>Annemarie Johnston, Business Improvement Manager</i>
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	<b>EMT member who approved submission:</b>	<i>Laraine Manley, Executive Director of Place</i>
3	<b>Cabinet Member consulted:</b>	<i>Councillor Bob Johnson (Cabinet Member for Transport and Development)</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> <i>Paul Gordon</i>	<b>Job Title:</b> <i>Planning Officer</i>
	<b>Date: 29 July 2020</b>	

## **1. PROPOSAL**

- 1.1. This report seeks approval of the 2020 update of Sheffield's **Statement of Community Involvement (SCI)**<sup>1</sup>, which was originally adopted in 2006 and was last updated in 2014 (see embedded background papers). The update of the SCI includes minor changes to express how we consult on planning applications and planning policy documents and is purely an administrative refresh of the document's content aimed at making the document more accessible and informative. It does not introduce new planning policies.
- 1.2. We also seek to ensure the updated SCI is available to inform the public of the measures we intend to take to consult them on the Sheffield Plan, prior to consultation on the Sheffield Plan Issues and Options document, starting this July.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1. The SCI's purpose is to explain the planning process related to public consultation rather than to create new planning policies or specific outcomes. The SCI does not directly impact on the sustainability of new development but it affects the way planning decisions are made and the timescales for making those decisions.
- 2.2. It does this by clarifying to local people the administrative processes in place that enable their involvement in the creation of new planning policies and in the decisions made on planning applications. Decisions to approve new development play a crucial role in ensuring Sheffield transforms in a sustainable way. Therefore, the SCI plays a key role in ensuring that local people, organisations and businesses have a say in Sheffield's planning decisions.

## **3. THE STATEMENT OF COMMUNITY INVOLVEMENT**

- 3.1. A local planning authority is required to have a Statement of Community Involvement (SCI). Sheffield's SCI explains how we will involve local communities, businesses and organisations in the preparation of local planning policies and in making planning application decisions. It sets the standards to be met in terms of community involvement in relation to planning matters, building upon the minimum requirements set out in the Regulations.
- 3.2. Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), local planning authorities must review their local plans and their Statements of

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<sup>1</sup> Statement of Community Involvement (SCI) is a document explaining to the community: how and when they can be involved in the preparation of the planning policy documents and the determination of planning applications; and the steps that will be taken to encourage their involvement.

Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. National planning policy guidance advises that local planning authorities may review and update their SCI at the same time as reviewing and updating their local plan to reflect the actions taken to involve local communities in any change to the plan.<sup>2</sup>

3.3. Sheffield's recently revised **Local Development Scheme (LDS)**<sup>3</sup> which came into effect on 2019, sets out the timetable for producing Sheffield's new Local Plan (the 'Sheffield Plan'. The LDS states that consultation on a Sheffield Plan Issues and Options document is timetabled to start in July 2020, in compliance with Regulation 18<sup>4</sup>.

3.4. It is vital that the updated SCI is made available prior to starting consultation of the Sheffield Plan this summer. Its content will inform local people of any changes in the actions we will take: to involve them in preparing the Sheffield Plan; or, to involve them in the planning application decision making process. The update of the existing SCI is necessary for the following reasons:

- a. To adhere to and reflect national planning policy and planning legislation.
- b. To review our practices due to budget pressures while continuing to consult as efficiently as possible.
- c. To promote new and increasingly standard electronic communication and social media.
- d. To account for changes to how we deliver services.

#### **4. KEY CHANGES TO THE SCI**

4.1. In general, the proposed changes to the currently adopted SCI are not significant enough to make the decision to adopt the resultant update a key decision. The proposed SCI continues to ensure we perform our Public Sector Equality Duty under the Equality Act 2010<sup>5</sup> when we consult; and, it continues to prioritise 'fairness' based on the same six consultation principles as listed in the existing SCI (adopted 2014).

4.2. However, there have been several changes in planning legislation that require local planning authorities to consult on planning related documents since the existing SCI was last adopted. Therefore, the proposed SCI includes added information about how we will consult: on Neighbourhood plans; on changes to Part 1 and 2 of Sheffield's

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<sup>2</sup> National Planning Practice Guidance – Guidance on Plan Making. Paragraph 071 with reference: 61-071-20190315

<sup>3</sup> A Local Development Scheme (LDS) sets out the timetable for local development documents produced by a local planning authority.

<sup>4</sup> Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012.

<sup>5</sup> Equality Act 2010, Part 11, Chapter 1, Section 149, Public Sector Equality Duty.

**Brownfield Register<sup>6</sup>**; and, on the changes to the **CIL Charging Schedule<sup>7</sup>**.

4.3. Other changes are aimed at improving the user experience when viewing the document electronically. For example, a more succinct writing style has been adopted to ensure the additional information doesn't add significantly to the document's overall length. Technical terms are described and hyperlinks are provided to pertinent information on the internet or the document's glossary. The document has also been changed to comply with new regulations<sup>8</sup> aimed at ensuring public sector organisations publish accessible documents<sup>9</sup>, which we need to comply with by 23 September 2020.

4.4. The number of Local Plan consultation stages remains the same as do the updated SCI's methods of consultation. However, the key changes to how we consult on Planning policy documents are:

- The methods of consultation are employed with more emphasis on the efficient use of available resources. This provides additional flexibility on how we consult within the constraints imposed by limited resources. In the adopted SCI (2014), locations chosen for events are targeted simply at the people most affected and where most change is proposed. The adopted SCI's approach currently has a negative impact on our ability to deploy enough staff resources to adequately cover broad ranging consultation events with a city-wide or district-wide focus. The updated SCI 2020 mitigates this impact as it allows us to:
  - Continue to target locations of events for proposals that affect a specific site, confined area or specialised topic; or
  - Locate events in accessible central locations for wide ranging proposals that involve issues with a city-wide or district wide focus.

The ability to use the most suitable approach for different consultations enables us to more effectively use scarce staff resources as appropriate.

- Planning document preparation stages together with the actions we'll take to involve people at each stage are more clearly outlined using diagrams accompanied by succinct descriptions and lookup tables in the 2020 version of the SCI. Planning documents include the Local

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<sup>6</sup> A brownfield land register is a list of previously developed sites (as defined by planning legislation) that may be suitable for potential future development. Government Regulations require that we publish the Councils' register online.

<sup>7</sup> The CIL Charging Schedule: a Community Infrastructure Levy charging authority sets out its levy rates in a [charging schedule](#) (see [section 211\(1\) of the Planning Act 2008](#)).

<sup>8</sup> The new regulations are called '[The Public Sector Bodies \(Websites and Mobile Applications\) \(No.2\) Accessibility Regulations 2018](#)'. They are now law in the UK and implement the [EU Directive on the accessibility of public sector websites and mobile applications](#).

<sup>9</sup> An accessible document is a document created to be as easily readable by a sighted reader as a low vision or non-sighted reader. Making a document accessible is easiest when we are in the original stages of creating a document.

Plan, the LDS, **Supplementary Planning Documents (SPDs)**<sup>10</sup>, the SCI and other planning documents like planning briefs.

- Neighbourhood Planning Consultation responsibilities of the Council and the **Qualifying Neighbourhood Planning Body's (QNPB's)**<sup>11</sup> are briefly explained. Links are provided to more detailed information on Sheffield's neighbourhood planning webpages.
- The process for adding sites to Sheffield's **Brownfield Register** and how people can get involved in placing individual sites on to Parts 1 and 2 are briefly explained.
- In relation to the **Community Infrastructure Levy (CIL)**<sup>12</sup>, public consultation and involvement in future updates of the **CIL Charging Schedule** is briefly explained.
- When giving feedback to consultees, the updated SCI explains that we publish our responses to consultee comments in a consultation statement after each consultation stage as before. However, we no longer pledge to inform consultees about their comments on our consultations.

4.5. In relation to changes to how we consult on planning applications, information under the following headings is more succinctly described where possible but has not fundamentally changed:

- background to current practice;
- Site Notices and Notification by letters;
- Other Statutory Requirements;
- Recording Meetings;
- Decisions on Applications;
- Enforcement;
- Substantial additional consultation on development proposals;
- Methods of Consulting on Substantial Planning Applications;
- Validity of Pre-Application Consultations;
- Accessibility of Planning Services; and,
- Personal Information on the internet

## 5. CONSULTATION ON THE 2020 SCI

5.1. There is no legal requirement to consult when making changes to our adopted statement of community involvement under the Planning and

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<sup>10</sup> Supplementary Planning Documents are a type of Local Development Document which provides supplementary information on the policies within Development Plan Documents. SPDs are not subject to independent examination. An SPD may be related to a topic or to a specific area.

<sup>11</sup> Neighbourhood plans are led by authorised local community organisations, known as qualifying neighbourhood planning bodies, including parish or town councils (often through steering groups) or neighbourhood forums, rather than the local planning authorities.

<sup>12</sup> The Community Infrastructure Levy (the 'levy') is a charge which can be levied by local authorities on new development in their area. It is an important tool for local authorities to use to help them deliver the infrastructure needed to support development in their area.

Compulsory Purchase Act<sup>13</sup>. This is confirmed by national planning practice guidance<sup>14</sup>. However, we consulted on the 2014 update of the SCI because it is best practice; and the document considered various key impacts from changes to legislation, planning policy and the replacement of Community Assemblies (decision making area committees) with Local Area Partnerships (no delegated decision making powers). The decision to adopt the updated SCI involves approving minor procedural changes only and is suitable for approval by the Cabinet member for Transport and Development under the Leader's Scheme of Delegation, unlike the decision to adopt in 2014 that considered significant issues and was made by Cabinet.

- 5.2. While it is considered good practice to invite comments on changes to a local planning authority's SCI, the changes made to the adopted SCI during the 2020 update are purely administrative and do not fundamentally change how we will consult local people across the city on planning policy documents, or on planning application decisions.

## 6. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

### 6.1. Equality of Opportunity Implications

- 6.1.1. An Equality Impact Assessment for the SCI update was approved<sup>15</sup>. The engagement outlined in the SCI will have a low positive impact on equality of opportunity. The PDF version of the document to be published on our website has been made an '*accessible document*'<sup>16</sup> in line with new regulations<sup>17</sup> requiring all documents published by public sector organisations to be accessible by 23 September 2020. In addition to stating it can be supplied in alternative formats, the document also clearly states, that for non-English speakers, we can provide support from a translator, or provide translations of small parts of the document.

### 6.2. Financial and Commercial Implications

- 6.2.1. The Head of Planning will continue to liaise with the Cabinet Member for Transport and Development to agree a consultation plan for each consultation on new planning policies. This will be done within existing budgets and will require judgement on the effectiveness and costs of different options.

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<sup>13</sup> Planning and Compulsory Purchase Act 2004, Part 2 - Local development, Section 18 Statement of Community Involvement.

<sup>14</sup> National Planning Practice Guidance – Guidance on Plan Making. Paragraph 035 with reference: 61-035-20190723

<sup>15</sup> EIA Reference Number: 790.

<sup>16</sup> An accessible document is a document created to be as easily readable by a sighted reader as a low vision or non-sighted reader. Making a document accessible is easiest when they are in the original stages of creation.

<sup>17</sup> '[The Public Sector Bodies \(Websites and Mobile Applications\) \(No.2\) Accessibility Regulations 2018](#)' requiring all documents published by public sector organisations to be accessible by 23 September 2020. Its requirements are now law in the UK and implement the [EU Directive on the accessibility of public sector websites and mobile applications](#).



6.2.2. The added flexibility in how we consult on new planning policies will make it easier to adapt to future budget changes. However, the scale of the changes we need to plan for and the fact that we have started preparing the Sheffield Plan, will increase the need and demand for more consultation. The costs of consultation will be met from existing budgets.

### 6.3. Legal Implications

6.3.1. In accordance with regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) a local planning authority must review their SCI every five years from the date of adoption. As the current SCI was due for review, the Council have reviewed the SCI and are providing this subsequent update.

6.3.2. The Council must comply with the SCI in preparing local development documents in accordance with section 19(3) of the Planning and Compulsory Purchase Act 2004 (as amended). The Council must also ensure that they comply with their commitments as set out within the SCI when preparing a local plan or consulting on planning applications.

### 6.4. Other Implications

6.4.1. In terms of human resource implications, the change made to the methods we will use to hold public events enables us to efficiently employ scarce staff resources to effectively cover centrally located events for policy documents that have a city or district wide impact.

6.4.2. In terms of public health implications, the changes made to the electronic version of the document will be as easy to read for sighted readers as they are for low vision or non-sighted readers. The PDF version of the updated SCI has been tested to ensure it is an accessible document meeting the requirements of new regulations<sup>18</sup> on the accessibility of public sector websites.

6.4.3. There are no property implications from adopting the proposed SCI.

6.4.4. The impacts of local, national or international emergencies on Planning's services are almost impossible to quantify as each emergency will be unique. However, in the event of consultations on planning issues occurring during such emergencies, the SCI now states that we may temporarily consider: reductions in services; imposition of service restrictions; cancelling planning committee meetings; or, even postponing pre-planned consultations, in the light of Sheffield City Council or Government emergency advice and in the interest of providing clarity to the public. It also states that we will post notification of any temporary

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<sup>18</sup> [‘The Public Sector Bodies \(Websites and Mobile Applications\) \(No.2\) Accessibility Regulations 2018’](#) requiring all documents published by public sector organisations to be accessible by 23 September 2020. Its requirements are now law in the UK and implement the [EU Directive on the accessibility of public sector websites and mobile applications](#).

changes made to Planning's services during such emergencies via the Sheffield City Council Website.

## **7. ALTERNATIVE OPTIONS CONSIDERED**

- 7.1. Not updating the Statement of Community Involvement was considered but was immediately rejected. This was because we have a legal duty to review the SCI every five years from the date of adoption.
- 7.2. Undertaking consultation on the changes to the SCI was considered, but was rejected as the changes to the document's content are administrative in nature: they do not introduce new planning policies that affect local communities, they are procedural updates that need to be published prior to us consulting on the Sheffield Plan's Issues and Options document this July. Consultation now on the proposed SCI runs the risk of the proposed SCI update not being adopted and published before consultation on the Sheffield Plan.

## **8. REASONS FOR RECOMMENDATIONS**

- 8.1. Seeking approval of the 2020 update to the SCI ensures accessible information is available that explains how this authority intends to consult on planning policy documents and planning applications prior to consultation on the Sheffield Plan, which begins in July 2020. The SCI update additionally explains how we intend to consult on changes to the Brownfield Register, Neighbourhood Planning and the CIL Charging Schedule; effectively updating the document's contents, attractiveness and usability. Approval of the document in line with this report's recommendations also allows us to fulfil our legal duty to update the SCI on a regular basis.