

# Report to Cabinet

**20 July 2022**

<b>Subject:</b>	Draft Statement of Community Involvement 2022
<b>Cabinet Member:</b>	Cabinet Member for Regeneration and Growth Councillor Peter Hughes
<b>Director:</b>	Regeneration and Growth Tony McGovern
<b>Key Decision:</b>	Yes (c) to be significant in terms of its effect on communities living or working in an area comprising two or more wards of the Borough
<b>Contact Officer:</b>	Planning Officer, Zoe Wilson <a href="mailto:zoe_wilson@sandwell.gov.uk">zoe_wilson@sandwell.gov.uk</a>

## 1 Recommendations

- 1.1 That approval be given to adopt the Statement of Community Involvement.
- 1.2 That the Director, Regeneration and Growth be authorised to make any minor amendments to the Statement of Community Involvement prior to circulation.

## 2 Reasons for Recommendations

- 2.1 The revised Statement of Community Involvement sets out how the Council will involve communities in the planning decision making process. The previous document was adopted in 2016. Given the age of the document and with the changes made to national and local planning policy, it was perceived that the document was no longer relevant for its intended purpose.



2.2 For the document to remain relevant and to ensure it was consistent with policies in the Black Country Core Strategy 2011, the emerging Black Country Plan and changes within the National Planning Policy Framework (NPPF). It was recommended that the Statement of Community Involvement should be revised to reflect changes in planning policy and technological advances

2.3 Following approval to consult on the draft SCI, the consultation took place between 9<sup>th</sup> May and 19<sup>th</sup> June 2022. Notification of the draft SCI was made available on the council's consultation page, the council's website and social media accounts. Notification was also sent via letter or email to

- Statutory Consultees, including adjoining authorities
- Local Plan database contacts including individuals, developers and agents

Hard copies of the draft SCI (2022) were made available within all six of the main town libraries and an additional copy was made available at Council House, Oldbury.

The comments form was interactive and made available on the council's website. A hard copy of the comments form was also available upon request.

Comments were requested to be made via the interactive comments form on the council's website, by email to [ldf\\_planning@sandwell.gov.uk](mailto:ldf_planning@sandwell.gov.uk), or in writing to Strategic Policy, Sandwell Council, Directorate of Regeneration & Economy, Council House, Freeth Street, Oldbury B69 3DE

An introduction to the Draft Statement of Community Involvement was made publicly available on the Sandwell MBC website

2.4 The revised Statement of Community of Involvement was circulated for consultation between 9<sup>th</sup> May and 19<sup>th</sup> June 2022. A total of 5 representations were received (see Appendix 1 for details).



As a result, minor amendments have been made and incorporated in to the document. As these were only minor amendments, and as the core purpose of the document remains, the revised SCI is recommended for adoption

2.5 An EIA has been carried out. No adverse impacts were identified, and no specific actions are required. This document provides further guidance to processes and arrangements for polices already adopted in the Black Country Core Strategy and within the emerging Black County Plan and national policy

### 3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people Engaging with customers early in the process can help deliver better quality development meeting their needs and those of future generations.
	Strong resilient communities Identifies how the community, including the residents, businesses and stakeholders can get involved in the planning process and how these views will be balanced
	A strong and inclusive economy Inclusion of businesses and stakeholders
	A connected and accessible Sandwell Planning transport matters contribute to making Sandwell better connected

### 4 Context and Key Issues

4.1 The draft Statement of Community Involvement aims to set out simplified guidance for involving communities and is aimed at all those involved in planning. The document:

- Explains why community involvement is important in Sandwell and sets out the existing policy framework;
- Revises the existing (2016) Statement of Community Involvement
- Identifies the types of development and documents where community involvement is encouraged and to what extent.



- Proposes a variety of methods that detail how communities can become involved in the planning process. This includes; targeting specific community groups, enabling greater accessibility and recent technological shifts in the way the Sandwell Council communicate i.e. social media and live streaming.
- Explains how the Council deals with issues surrounding consultation within a pandemic

4.3 The Statement of Community Involvement supplements Policy CSP4 (Place Making) of the adopted Black Country Core Strategy (2011), and reflects the National Planning Policy Framework (paragraph 16) which states that ‘...plans should be shaped early, proportionate and effective engagement between plan makers and communities, local organisation, businesses, infrastructure providers and operators and statutory consultees’

4.4 The Council will encourage relevant stakeholders including communities, businesses, developers, statutory consultees and other external agencies to engage in the process, their role in the preparation of plans is crucial. We will ensure that every opportunity is given for engagement within the process and meetings can be arranged if necessary. We will aim for representation forms to be interactive in the first instance, but they will also be available electronically and a hard copy will also be available upon request during the relevant consultation periods.

4.5 The period of consultation on the draft Statement of Community Involvement ran for a period of 6 weeks from May 9<sup>th</sup> until 19<sup>th</sup> June 2022. During this time, the document was able to be viewed at the reception area at Oldbury Council House as well as at the six main town centre libraries, and on the Council’s website. Notification of the consultation was sent to statutory consultees and key stakeholders.

4.6 The representations received during the consultation period have been considered and, where appropriate, have been incorporated in the final document. The changes and reasons for incorporating them are identified below;



Rep No.	Consultee	Rep	Action	How changed	Reason for change
Sci1	Dudley MBC	Para 1.3 bpt 6, direct reference to community engagement statement required in LP preparation under Part 17 (d) of the 2012 regs (proposed submission documents)	Amend Document	The following sentence has been added to the end of the 6 <sup>th</sup> bullet point "This will form the basis of the Consultation Statement, and includes which people were invited to make representations and how they were involved, a summary of the main issues raised and how these have been incorporated in to the document, in line with the Town and County Planning Act."	To make reference to requirements under the T&CP Act
Sci2	Dudley MBC	2.7 - reference to the BCCS in the process of being superseded by the emerging BCP?	Amend Document	Para 2.7 has been amended to incorporate "...which is in the process of being superseded by the Black Country Plan..."	To identify that the Core Strategy is in the process of being replaced by the BCP
Sci3	Dudley MBC	3.2 – words run into each other throughout the doc – e.g. here "planningdecisions" and "andambitions"	Amend Document	Amended layout in areas where this has occurred so the space between words is more obvious	For Clarity
Sci4	Dudley MBC	3.2 – "stakeholder" mentioned here, but only defined at 7.1	Amend Document	Footnote added "The term stakeholder has a broad definition, but it often referred to as any individual or organisation with an interest"	To clarify what Stakeholder means when it is first referenced
Sci5	Dudley MBC	3.3 – caution – potential repeal of DtC under the Levelling Up and Regeneration Bill (currently we do this but this is under review, will follow national guidance - currently have to Make reference, this is under review)	Amend Document	Sentence amended to read the following (sections underlined have been added) "There is <u>currently</u> a duty to cooperate in the plan making process with neighbouring councils and government bodies, <u>however, this requirement is currently under review. Whilst the duty to cooperate is still required,</u> the council will endeavour to assist partners wherever possible throughout the formation of the plan making process. Sandwell Metropolitan BoroughCouncil has a strong working relationship with neighbouring boroughs (Appendix 1). An example of this is the creation and adoption of the joint Black Country Core Strategy and the ongoing collaborative working on its successor document, the Black Country Plan. <u>We will continue to follow national guidance and will undertake the requirements of the most up to date legislation.</u>	To make the reader aware that the CIL may be replaced by another mechanism
Sci6	Dudley MBC	4.2 – Libraries – may need a footnote to reference that libraries and other public buildings may not be open in nationally or locally prescribed lockdown measures (If	Amend Document	Footnote added "Note should be taken that during pandemic conditions, libraries and other public buildings may not be open"	To clarify that future pandemics may impact on the opening of public buildings and the



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		another pandemic, may not be open)			consultation process
Sci7	Dudley MBC	4.2 – mention here large print copies of planning documents, and translations?	Amend Document	Sentence added to the end of the Hard Copies bullet point “Upon request, copies may also be available in large print or languages other than English”	To identify that copies of documents may be available in other formats
Sci8	Dudley MBC	4.3 bpt 3, could mention virtual Q and A sessions here?	Amend Document	The last bullet point of 4.3 has the added wording “virtual question and answer sessions”	To highlight that another form of communication may be available during lockdown conditions
Sci9	Dudley MBC	5.1 – mention redaction of comments/ subject to GDPR?	Amend Document	The following sentence has been added to the end of 5.1 “Comments will be available for public view but these will be redacted in line with GDPR”	To make clear that representations are available for public view but that it will comply with GDPR
Sci10	Dudley MBC	8.1/Fig 3 - “Annual Monitoring Report” now “Authority Monitoring Report”	Amend Document	Diagram amended to read Authority Monitoring	Correct terminology
Sci11	Dudley MBC	8.1/Fig 3 – some planning docs missed out such as LDOs/ CACAs?	Amend Document	Suggested documents have been added to the diagram	Add missing content
Sci12	Dudley MBC	8.2 - reference to the Local Plans under preparation?	Amend Document	Sentence added to 8.2 “...and other land use documents under preparation”	Add missing content
Sci13	Dudley MBC	8.3 – DPDs do more than “outline” the key development goals of the Idf?	Amend Document	Removal of the word “outline” and replaced with “identify and guide”	To better represent what a DPD does
Sci14	Dudley MBC	8.5/8.6 – caution Levelling up and Regeneration Bill may give more weight to SPDs and IPSs etc	Amend Document	Sentence added to the end of 8.5 “In the future, the Levelling up and Regeneration Bill may give more weight to SPDs”  Sentence added to the end of 8.6 “In the future, the Levelling up and Regeneration Bill may give more weight to IPSs”	To identify that changing legislation can impact on existing documents
Sci15	Dudley MBC	8.7 – caution CIL being replaced by IF? (There may be changes afoot, currently, may change dependant on national policy)	Amend Document	The first four sentences within 8.7 now reads as follows “The council currently has a Community Infrastructure Levy (CIL) in place. As set out in national guidance, this is in the process of being replaced by an Infrastructure Levy. The council will utilise the most up to	To highlight that the CIL mechanism may change in the future



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				date requirement as identified in National Policy. These processes allow local authorities to raise funds from developers undertaking new building projects in their area.”	
Sci16	Dudley MBC	9.2 – need to expand more on the benefits of pre-apps (although 10.1 is noted) – as under para 40 of the NPPF – also note rouge apostrophe in this para	Amend Document	The following sentence has been added to 9.2 “This can be done via the pre-application process, which is identified in paragraph 10.1”	Reference made to another section which deals with this – to make it an easier read
Sci17	Dudley MBC	9.9 – mention the possible need for Planning Committee meetings to be held virtually during periods of lockdown	Amend Document	The following sentence has been added to 9.9 “In the event of another pandemic and periods of lockdown, Planning Committee meetings will be held virtually”	Add content
Sci18	Dudley MBC	virtually during periods of lockdown <ul style="list-style-type: none"> <li>(9.10) – mention appeal process and how the community can engage with it?</li> </ul>	Amend Document	9.10 is an addition to the document. The paragraph reads as follows “The appeal process is in place should the person who made the application disagree with the decision, and this is the most common reason for an appeal being made. An appeal can be lodged within 12 weeks for a householder application and within 6 months for a Major application. There is also a right to appeal should a decision not be made within 8 weeks (13 for a major development) and an extension of time had not been agreed. The deadline is earlier if the appellant has received an enforcement notice, the appeal must then be made within 28 days”	Add content
Sci19	SFS	“More effort could be made to include the residents of Sandwell. All projects should include written letters to those affected either locally, or for major projects (town centres etc), every Sandwell resident, with a survey such as this, as well as the chance to add their own thoughts and ideas”.	Amend Document	“Letters to residents” has been added to the bullet point entitled Additional Comments	To identify that this can be a method used up to a degree
Sci20	West Bromwich BID	thanks whilst I cc to clients of mine, whom work together & whom will be looking to promote their freehold ownerships in the next Site Allocations and Delivery DPD and also	Noted		Noted only as it did not specifically refer to this document and there were no calls for change



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		<p>review of West Bromwich &amp; Tipton AAP</p> <p>Also cc to couple of Architectural firms e.g. below I've previously referred them both to, whom may wish to pass on to the couple of the planners, they refer their planning policy to,</p>			
Sci21	Canal and River Trust	<p>The Trust is a statutory consultee in the Development Management process and whilst we are not a specific consultation body on planning policy matters, we note our inclusion in the draft SCI Appendix 1 within the groups listed as an 'other consultee' on page 22. We consider that the Canal and River Trust is more specifically a 'Specific Consultation Body' as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015, Statutory Instruments 2015 No. 595 (as amended), Schedule 4 (consultations before the grant of Planning Permission) of Section 18, paragraph (za). This provides that the Trust must be consulted on "Development likely to affect (i) any inland waterway (whether natural or artificial) or reservoir either owned or managed by the Canal and River Trust; or (ii) any canal feeder channel, water course, let off or culvert, which is within an area which has been notified for the purposes of this provision to the local planning authority by the Canal and River Trust."</p> <p>We would therefore request that reference to the Canal and River Trust on page 22 been altered to our inclusion within the earlier list of 'Specific</p>	Amend Document	Added the Canal and River Trust to 'Specific Consultation Body' section and removed from 'other consultee' section	To better represent the status of the consultee



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		Consultation Bodies' on page 21.			
Sci22	Historic England	Paragraph 3.3 it may be useful to include some additional detail about the Duty to Cooperate process and when, who and how the Council engage in this.	Amend Document	The following was added to the start of 3.3 "The Duty to Cooperate applies to all Local Planning Authorities and a number of public bodies. The duty relates to sustainable development/use of land that significantly impacts two or more local planning areas. Cooperation is also required on issues of common concern. Councils are required to address such issues. The council and the public bodies will actively and constructively engage with each other, and on an on-going process, to develop strategic policies. The Duty to Cooperate also requires councils to consider joint approaches to plan making".	To offer a greater explanation
Sci23	Historic England	Section 4; Historic England is available to attend meetings and/or workshops where relevant to our specific remit on the historic environment.	Noted		This relates more specifically to HE rather than the process
Sci24	Historic England	Paragraph 5.2 given the nature of our role and the detail of our formal representation it is not possible for Historic England to fill in a representation form for each issue. Instead we will submit a letter response via email within the consultation deadline period.	Noted		No change as, although other forms accepted, the preferred method is representation form
Sci25	Historic England	Section 6/7 it would be useful in either of these sections to have a reference to Appendix 1 and the list of Consultation Bodies. We welcome the inclusion of Historic England on this list.	Amend	Added "This can be seen in appendix 1." After the first sentence in 6.4	To highlight the consultees
Sci26	Historic England	Paragraph 8.2 we would request that there is transparency between the Development Plan document and the Sustainability Appraisal assessments for example, that the same policy numbers or site reference numbers are used within both documents or if this is not possible, then a	Noted		The Council are aware of this issue and are in talks on how to address it. The document will be updated once this is established



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		conversion chart should be supplied.			
Sci27	Historic England	It may be useful in Section 9 to have a link to the Statutory Bodies that will be consulted during the planning application process.	Amend	Added text to 9.3 - The relevant statutory bodies will also need to be consulted during the application process.	Noted comment and amended text to highlight statutory consultees but link may cause confusion

## 5 Alternative Options

5.1 The alternative option would be to continue to use the SCI adopted in 2016. However, this document will not be up to date and would not tackle issues surrounding the Coronavirus (Covid-19) pandemic and other pandemics which may affect the ability to consult

## 6 Implications

<b>Resources:</b>	The costs of preparing the draft Statement of Community Involvement for Sandwell, and the consultation process will be met from existing budgets
<b>Legal and Governance:</b>	<p>The current Development Plan for Sandwell includes the Black Country Core Strategy (currently being reviewed), the Sandwell Site Allocations and Delivery Development Plan Document and a number of Area Action Plans and Supplementary Planning Documents.</p> <p>Following consultation and adoption, the Statement of Community Involvement will form part of the Local Development Framework suite of documents. The document is being prepared under the provisions of the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Planning)(England) Regulations 2012, the Localism Act 2011 and the National Planning Policy Framework.</p>
<b>Risk:</b>	The council's corporate risk management strategy has been complied with, to identify and assess the risks associated with this decision/recommendations. This has identified that there are no significant risks that need to be reported.



	<p>In terms of the risks themselves, have we considered the following:</p> <ul style="list-style-type: none"> <li>• Programme risks in terms of whether there is sufficient capability and capacity to deliver the programme of work</li> <li>• Key dependencies (i.e. key people required to deliver the documents)</li> <li>• Budget/ financial risks</li> </ul>
<b>Equality:</b>	An EIA has been carried out. This document provides further guidance to processes and arrangements for policies already adopted in the Black Country Core Strategy.
<b>Health and Wellbeing:</b>	Planning seeks to uphold the health and wellbeing of the community as a whole. Consultation on planning matters should therefore address health and wellbeing
<b>Social Value</b>	Through effective community involvement, people will feel more involved in the planning process, leading to better outcomes for everyone

## 7. Appendices

Draft Statement of Community Involvement

## 8. Background Papers

None

