

COUNCIL

30 MARCH 2016

ADOPTION OF THE COUNCIL'S STATEMENT OF COMMUNITY INVOLVEMENT

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PURPOSE OF THE REPORT

- 1 This report seeks to inform the Council of revisions made to its Statement of Community Involvement (SCI), following amendments by the Government in 2012 to the Town and Country Planning (Local Development) (England) Regulations. It further seeks the adoption of the amended SCI, in accordance with the above Regulations.

BACKGROUND

- 2 On the 11 August 2015, the Council's Executive approved the draft SCI, for public consultation. The public consultation period was for six-weeks and commenced on the 25 September 2015 and closed on the 6 November 2015.
3. SCI's were first introduced under the Planning Act 2004 and formed part of the Local Development Framework (LDF) series of documents that local authorities are required to prepare. As part of the above Act and under the new system of Local Plans, local authorities are required to keep their SCI's under review to incorporate any significant changes made in legislation or updated engagement procedures.
4. The Council adopted its first SCI in December 2005. Following amendments by the Government in 2008 to the Town and Country Planning (Local Development) (England) Regulations, the adopted SCI was subsequently reviewed in 2010. Following further significant changes to the above Regulations in 2012, the introduction of the Localism Act 2011 and the National Planning Policy Framework in 2012, this second review of the Council's SCI has been necessary.
5. SCI's are essentially a charter setting out the 'baseline' for the level of involvement the community can expect in the decisions taken on planning proposals and the preparation and revision of Development Plans. As such an SCI sets out a minimum standard that must be met in all engagement activities. This minimum standard, can be, and in Middlesbrough's case is, often exceeded. It is difficult to prescribe a set of engagement methods that will cater for all situations and allow a degree of flexibility. The appropriate method is to produce a minimum standard that is common to all engagement events and to then tailor further consultation/engagement processes to suit local circumstances.

6. The process for the preparation of a SCI is set down in the above Regulations, which has been summarised below:-
 - i. **Production** – an informal scoping or evidence gathering exercise is undertaken to establish what the authority’s main statutory consultation bodies and other stakeholders would like to see in the SCI. Local authorities can involve the wider community, if they consider it appropriate.
 - ii. **Publication** – following the production stage and consideration of comments received the draft SCI is prepared and then published for consultation. This is a six weeks (minimum) public consultation period for the authority to receive formal views on the contents of the draft SCI.
 - iii. **Adoption** - the authority will consider the representations received, amend where appropriate, and then finalise the draft SCI. The authority will then proceed to formally adopt the SCI by Council resolution. Once adopted the authority will advertise that the SCI has been adopted, make the document available for inspection, and publish a statement of consultation undertaken, along with a summary of representations received and the Council's response to those representations.
7. In reviewing Middlesbrough’s SCI the first and second stages of this preparation process (the Production & Publication stages) have now been completed. As part of the publication stage a statutory notice was placed in the Evening Gazette, identifying the period of consultation and where copies of the draft SCI could be obtained. The public could also respond via the Council’s ‘Consultation Portal’. Copies of the reviewed SCI and response forms were distributed to local libraries and placed in the reception area of the Civic Centre. A letter and accompanying response form were sent out to over 150 consultation bodies and other stakeholders. A Statement of Consultation outlining these engagement processes has been attached for information purposes (see Appendix 2).
8. At the end of the six-week consultation period, the Council had received 15 formally submitted representations. In summary, analysis of the representations found that the majority of respondents (13) supported the reviewed SCI. A summary of responses has been attached to this report, (see Appendix 2) for information purposes. A copy of the reviewed SCI accompanies this report.
9. The third stage (the Adoption stage) is the next step in the process, which involves the Council formally adopting the finalised SCI, as part of the Development Plan and planning application consultation procedures. Once the SCI has been adopted, the Council is required to issue an adoption notice to be placed in the local press and on the Council’s web-site. Additionally, the newly adopted SCI will be placed in local libraries and the Civic Centre (reception area), with a copy of the adoption notice, along with a statement of consultation, a summary of representations received and the Council’s response to those representations, for a minimum period of six weeks.
10. After adoption of the SCI, any person who feels aggrieved by the SCI may apply to the High Court to seek a judicial review of the decision to adopt the SCI. This application must be made within 3 months after the day on which the SCI was adopted.

PROPOSALS

11. That in accordance with the above Regulations, and relevant Council procedures the reviewed SCI be adopted, in order to form part of the Council's planning policy documentation.

FINANCIAL CONSIDERATIONS

12. Provisions are made within the Local Plan budget for printing, consultation and other costs associated with reviewing the SCI.

RECOMMENDATIONS

13. It is recommended, that the Council adopts the reviewed SCI, in accordance with the Town and Country Planning (Local Development) (England) Regulations 2012.

BACKGROUND PAPERS

- DCLG – The Town and Country Planning (Local Development) (England) Regulations 2012.

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Appendix 1

Consultation Statement for the Review of the Statement of Community Involvement

Introduction

1. This document sets out the consultation that was carried out on the revised Statement of Community Involvement (SCI), the representations received and the Council's response to those representations.

How the consultation was undertaken

2. Under the provisions of the Town and Country Planning (Local Development) (England) Regulations 2012, the Council sent a letter (dated 25 September 2015) to its main consultees detailing the Council's intention to review the adopted SCI, and to invite them to comment on a revised document. The letter and accompanying response form was also sent to the Council's other consultees.
3. In total over 150 letters were sent out to relevant authorities in the local area, general consultation bodies defined in the Regulations, another local community groups and others that had requested to be kept informed on progress of the Council's planning documents. In addition, the public could also respond via email and the Council's Consultation Portal. Copies of the reviewed SCI and response forms were also placed in the Council's Community hubs and local branch libraries. A statutory notice was also placed in the Evening Gazette. This six weeks consultation period ended on the 6 November 2015.

How comments were considered

4. In total the Council received comments from 15 respondents. Of the 15 respondents, 13 respondents supported the reviewed SCI with only two making objections. The comments made by one of the two objectors were in relation to other planning issues, separate to the SCI, which were subsequently dealt with under the Council's Complaints Procedure.
5. It was considered that some of the suggestions made by respondents tended exceed the minimum standard requirements of an SCI, which essentially sets out the 'baseline' level of involvement the community can expect in the decisions taken on planning proposals and the preparation and revision of Development Plans. These additional engagement suggestions however, can be utilised on a case-by-case basis, particularly when consulting on major planning applications and reviewing planning documents, but which do not need to be listed in the SCI. A summary of the comments and the Council's responses in respect of this consultation process are shown below.

Conclusion

6. Following the consultation and received comments, it is not considered necessary to amend the reviewed SCI further, and that it can now proceed to adoption.

Summary of Responses – Statement of Community Involvement – Review Public Consultation				
Respondent	Paragraph Number/s	Support/Object	Respondent Comment/ Suggested Change	Suggested Change Accepted/Declined
Hartlepool Borough Council	-	Support	Thank you for consulting Hartlepool Borough Council on your updated Statement of Community Involvement. It is noted that the document makes reference to the Duty to Cooperate and this is supported. There are no further comments we wish to make on this document.	Support welcomed. No further action required.
Environment Agency	-	Support	I can advise that we have no comment to make regarding this.	Support welcomed. No further action required.
Mr D Lawrence Middlesbrough Resident.	-	Support	No further observations made	Support welcomed. No further action required.
S. Pink Middlesbrough Resident	General	Objects	<p>‘Hands on Middlesbrough’ is a community group which aims to support and promote Middlesbrough’s heritage and green spaces. The group formed in 2014, following concerns regarding the Acklam Hall housing & medical village development which arguably put heritage (above and below ground), a conservation area and habitat for wildlife at unnecessary risk, without appropriate care and provision.</p> <p>We revealed a number of flaws in the consultation process when we conducted interviews with members of the local community and researched the methods of consultation and publicity utilised by the Council since 2009/10 when a preferred developer for the site was accepted.</p> <p>‘Hands on Middlesbrough’ recognise that the SCI identifies a minimum consultation framework, which in most cases does not effectively consult the public in good time.</p>	<p>Under the statutory planning system there are prescribed consultation periods regarding processing planning applications and plan-making to ensure that the public are consulted in good time. The Council adheres to these timescales and will extend them where appropriate (major developments).</p> <p>A newsletter is not always successful, as some people see them as junk mail, and will bin them before looking at them. In the case of major development</p>

		<p>We welcome a review of the current SCI because it gives the local authority an opportunity to make positive changes, which will enable members of the public to get involved in the decision making process and we would suggest that the SCI document describes how community involvement will impact on the decision making process, and any potential outcomes.</p> <p>Hands on Middlesbrough would like to offer our support for a review of this document and give recommendations about how we feel the current consultation process could be made more effective and inclusive.</p> <p>ELECTED MEMBERS, COMMUNITY AND PARISH COUNCILS</p> <p>Historically, it has always been elected members, community and parish councils who are identified as best placed to relay community concerns with regards to planning proposals. Community and Parish councils often use traditional methods to disseminate information; meetings, newsletters, word of mouth and emails to members. These forms of communication can be successful but they are rarely effective in reaching out to a wider audience beyond the community or parish council itself. A newsletter can be successful for reaching those who may not have internet access.</p> <p>The fundamental flaw with this is that despite being regarded as the most effective way to consult the general public, community and parish councils are not representative of the diverse society in which we live. Therefore, they should not be given the sole responsibility of bridging the gap between members of the community and the local authority when consulting on planning proposals or discussing neighbourhood plans.</p> <p>The community council, in some cases, can be a politically charged environment. It is not always a comfortable environment</p>	<p>proposals those properties bordering the site will be notified about the proposals, as described in the SCI.</p> <p>Appendix 1 - Methods of Engagement of the draft SCI outlines a variety of engagement methods which the Council will utilise, when appropriate. These methods also include web and social media methods of consultation.</p> <p>Unfortunately, there will be instances where someone will say that they have not been informed about a particular development proposal or plan preparation. In these cases the Council will investigate the complaint and the reasons why that person or persons has/have not been informed.</p> <p>The SCI is designed to enable local authorities to set down a minimum consultation/engagement framework. This minimum framework can then be tailored on a case-by-case basis, to give scope and flexibility to include additional</p>
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		<p>for those who find the jargon involved in planning difficult. A more relaxed, informal approach where people can view plans and ask questions is perhaps the way to reach out to members of the community.</p> <p>Some Middlesbrough wards do not have an active community council who hold regular meetings, so it is unclear how people in these areas get involved in the planning process.</p> <p>EARLY INVOLVMENT</p> <p>The local community should be informed at an early stage through well publicised public meetings, drop in sessions, online communication, such as emails and social media and articles in the local press and media. It is also essential that there is an easily accessible public consultation section of the Middlesbrough Council Website, which links to planning proposals and the Search and Track facility for identifying new developments. We therefore welcome the use of more modern media techniques to make consultation easier and also as a means of communicating with a wider audience.</p> <p>Planning notices give a planning application reference number and a contact, but there is often no description and they are difficult to read due to the small font size used. They are also written in jargon which is difficult to understand and excludes some members of the community.</p> <p>The Love Middlesbrough magazine which goes out to 64,000 people every quarter would be an effective way of offering advice and support to people interested in getting involved in planning. It is recommended that this is used as a vehicle for communicating and consulting on major planning proposals.</p> <p>Since the ward councillors are the first point of contact for a member of the community, it is vital that they are approachable</p>	<p>methods of engagement, where appropriate. A more rigid framework will not allow flexibility and become more of a tick-box process, rather than considering who it is being consulted.</p> <p>Comments noted regarding planning notices and 'jargon' used. It should however, be recognised that these notices are statutory and require reference to the Planning Acts and/or Regulations that the proposal falls under. We will investigate whether it is possible reduce the so called 'jargon' on the notices without undermining any legal requirements.</p> <p>An article for the Love Middlesbrough magazine is an interesting idea regarding planning issues, and will be investigated; however, it may not be a suitable vehicle to list planning applications.</p> <p>Comments noted regarding Ward Councillor approachability and communication aspects. This however, is not an issue</p>
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		<p>and emails are responded to promptly. If an email is sent to a councillor regarding a development which is not in their ward, then they still need to pass on the email to the councillors who are responsible.</p> <p>HERITAGE CHAMPION</p> <p>Heritage Champion, English Heritage states:</p> <p>The role of a Heritage Champion is to act as the elected representative championing the historic environment, working alongside the local conservation staff. Champions should provide authority and clarity about heritage issues, connecting the work of elected representatives with local planning authority officers.' (English Heritage 2014).</p> <p>If Middlesbrough Council still has a heritage champion, then they should be made aware of all developments which put heritage above or below ground at risk and should also be actively involved in consulting with relevant groups. The heritage champion should also be a first point of contact for the public to flag up any concerns they may have regarding heritage at risk.</p> <p>CONCLUSION</p> <p>Often, planning proposals can last a number of years. Therefore, more effort needs to be made to re-consult so as to keep the community informed. This exceeds the minimum consultation requirement but is essential in enabling social cohesion and confidence in the planning system.</p> <p>One reason for a loss of confidence in the planning system is due to a lack of transparency. Some meetings regarding the sale of land for development take place without the public or press present. This creates feelings of mistrust towards those who are</p>	<p>for the SCI, which is about process. If you do have a complaint about a particular Councillor, or their approachability then you will need to complete a Standards Complaint form (downloaded from the Council's website or by writing to Members' Office, P.O. Box 503, Town Hall, Middlesbrough, TS1 9FX.</p> <p>The Council's Heritage Champion is Cllr. Julia Rostron, who is regularly updated on heritage issues/matters by the Conservation Officer.</p> <p>Consultation is an important part of the planning system, providing local communities with the opportunity to comment on and object to development plans and planning applications. It is not however, part of the planning remit to buy and sell land. In consulting local communities the Council does take on board their comments. Unfortunately, their views can sometimes fall outside the Government's legislative</p>
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			<p>supposed to represent the community as some people feel they are excluded from the consultation process.</p> <p>A way to regain that trust is by setting out the ways in which public views will be listened to and acted upon. The review of the consultation process is welcomed but once the public have been consulted it is not clear how these views will be taken into consideration when making planning decisions.</p> <p>If a large majority of public opinion is against a particular development proposal how can the public be confident that their opinions will be listened to and acted upon?</p> <p>Hands on Middlesbrough would like to be directly consulted on future planning proposals and will disseminate that information via social media and other means.</p> <p>It is also a recommendation that Middlesbrough Borough Council puts together a diverse advisory board of proactive local people (including young people and hard-to-reach groups) and consults with them directly on a month by month basis.</p>	<p>planning framework, and/or the adopted Local Plan which can give the impression that local communities are not being listened to.</p> <p>The SCI seeks to set down minimum guidelines of how the Council will meet its consultation/engagement obligations and how local communities can respond to development proposals or planning policy documents.</p> <p>All comments are considered and form part of a range of 'material considerations' when deciding planning applications or during the plan-making process.</p> <p>The Government's National Planning Policy Framework (NPPF) makes clear that 'there is a presumption in favour of sustainable development, unless material considerations indicate otherwise'.</p> <p>The Council does not directly (apart from Statutory consultees) consult on future planning proposals. It does</p>
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				<p>however, publish a list applications in the local newspaper and prepares a weekly list of planning applications, which can be downloaded from the Council's website at: www.middlesbrough.gov.uk</p> <p>In respect of the community advisory panel the Council is not in a position to resource this activity, given current financial constraints. This does not prevent groups like 'Hands On Middlesbrough' from submitting their comments on planning applications through existing consultation methods.</p> <p>Comments noted.</p> <p>No further action required, as part of the review of the SCI.</p>
Mrs J. Olley Middlesbrough Resident.	General	Supports	I am not sure how I qualify to receive this form. The SCI Statement is long and involved. If it means local communities will be notified of planning applications, or change of use for premises, within an area which will affect them, regardless of Community Council boundaries, so much the better.	<p>As a resident/stakeholder of Middlesbrough you qualify to receive the response form.</p> <p>Notification letters are sent out to adjoining landowners and occupiers within 3 days of receipt of a planning application. Where there are</p>

				<p>clear impacts from a proposed development on the near neighbours, then the Council will notify them.</p> <p>Depending on the scale of the development proposal the Council will assess if the notification needs to be wider.</p> <p>Additionally, weekly planning application lists can be downloaded from the Council's website or viewed in Public Notices section of the local newspaper.</p>
Mrs J Cook Middlesbrough Resident.	General	Support	If a resident's property has been altered and later applies for further alterations/land please send the updated plan to neighbours/interested parties for comments. Several times Coulby Newham residents have looked at applications or the original plan.	Some minor amendments do not necessarily require a fresh application, and in these cases will not require further consultation. If there are significant amendments made to a proposal then a fresh application will be required, which will entail normal notification and processing procedures.
David Richardson Middlesbrough Resident	-	Support	-	<p>Support welcomed</p> <p>No further action required.</p>
Ian Reid Business Owner, Stokesley	-	Support	-	<p>Support welcomed</p> <p>No further action required.</p>

Francis Raymond Middlesbrough Resident	-	Support	-	Support welcomed No further action required.
Kelvin Bowes Middlesbrough Resident	-	Support	-	Support welcomed No further action required.
Beryl Bird Tees Valley Local Access Forum	-	Support	-	Support welcomed No further action required.
Scarlet Pink Hands on Middlesbrough	-	Support	Community Councils and Parish Councils are no longer representative of the diversity of community. They are not best placed in isolation to inform the wider community about planning applications. Middlesbrough council would be welcomed to inform community groups including Hands on Middlesbrough, so that information be posted on social media (enabling a younger age group to be consulted).I welcome the changes regarding access to information neighbourhood plans and a more inclusive approach.	Appendix 1 - Methods of Engagement of the draft SCI outlines a variety of engagement methods which the Council will utilise, when appropriate. These methods also include web and social media methods of consultation. Also see above S. Pink comments & officer response. Support welcomed No further action required.
Robert Mullen Middlesbrough Resident	-	Support	The draft SCI contains one fundamental flaw. Through this draft SCI procedure Middlesbrough Council is obliged to consult with the public on a number of planning matters - the SHLAA, the Local Plan, Housing Masterplans and even bog standard planning applications., But sadly there is no directive included in the Statement to have them genuinely listen to the public. This is something we have faced in Middlesbrough for a long time. This document is elegant but lacking the above requirement.	Support welcomed Comments noted.

Janis McBride Middlesbrough Resident	-	Support	<p>Consultation from the council is superficial. Usually a plan seems to have been made by developers, the council approve it and then the public are told of the plan, not in a straightforward way but in a way that will make the plan easier for the public to accept. This isn't consultation, it is persuasion. It is the way that the plan is put to them as the only choice and 'the plan' presented as the only way forward. Consultation is a tick box and it should be much more than that.</p>	<p>Support welcomed.</p> <p>Comments noted.</p>
S. Thompson Middlesbrough Resident	-	Object	<p>I sincerely hope that now 1700 people have lost their jobs at British Steel on Teesside that you will revise your planning to build so many new houses. There is no justification for more housing in Teesside. Middlesbrough has a declining population. New houses will sell but leave behind more voids at the end of the chain. Void housing equals crime. We have been there before. There is no incentive for new people to move into our area - there are no new jobs. You have not filled all the available brown field sites and you are proposing to destroy our beautiful countryside with little boxes creating look alike 'Monopoly' housing.</p> <p>How can you refer to community involvement when all you do is bulldoze through needless planning consents in order to receive more revenue through Council Tax. You have not listened to the people in your consultations and not given any consideration to their views.</p> <p>Taylor Wimpey have built houses on Rose Cottage Farm where planning consent was only given for bungalows. These houses need to be pulled down now. Middlesbrough Council has told me in the past that they do not 'sign off' planning permission (unlike building regulations) unless there is a complaint. Well I am complaining now.</p>	<p>The respondent's comments have been dealt with under the Council's complaints procedures.</p> <p>No further action required, as part of the review of the SCI.</p>

Appendix 2

The reviewed Statement of Community Involvement accompanies this Report, but is supplied separately. If the document has not been supplied with this Report please contact:

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