

Thursday, 08 September 2022

Report of the Portfolio Holder for Skills, Planning, Economy & Waste

Statement of Community Involvement and Local Development Scheme

Exempt Information

None.

Purpose

To seek Cabinet approval for the adoption and publication of a new Statement of Community Involvement and Local Development Scheme.

Recommendations

It is recommended that:

1. Cabinet consider increasing the number of speakers, and the time limit for each speaker, at Planning Committee meetings in line with the recommendations of the Infrastructure, Safety, and Growth Scrutiny Committee;
2. Cabinet resolve to approve the publication of the new Statement of Community Involvement, as included at Appendix A, subject to any changes resulting from recommendation 1;
3. Cabinet resolve to approve the publication of the new Local Development Scheme, as included at Appendix B.
4. Authority is delegated to the Planning Policy and Delivery Team Leader to make any minor typographical amendments to the documents before or after publication.

Executive Summary

The Council is required by legislation to publish and keep up to date a number of documents that sit alongside the local plan and provide information to the public and other stakeholders.

- A Statement of Community Involvement (SCI) which sets out a strategy for engagement with the local community and other relevant parties in producing a local plan and determining planning applications.
- A Local Development Scheme (LDS) which enables the local community and other interested parties to keep track of the progress of development plan documents and to identify points in the process where they are able to get involved.

The current SCI was published in November 2018 and a temporary Covid-19 addendum was added in October 2020. The current LDS was published in 2021 and sets out a work programme up to the end of 2024. It is important to ensure that both of these documents kept as up to date as possible, particularly when a new local plan is being prepared.

The existing documents have been reviewed and updated, and the new documents are appended to this report. The new SCI (included at Appendix A) and LDS (included at Appendix B) have been reviewed by the Infrastructure, Safety, and Growth Scrutiny Committee and incorporate the recommendations made by that committee. Recommendation 1 has also been added at the suggestion of the scrutiny committee.

Cabinet approval is sought for the adoption and publication of the new Local Development Scheme and Statement of Community Involvement (subject to any amendments required as a result of Cabinet's consideration of recommendation 1). The documents will be adopted from September 2022 to coincide with the publication of the Issues and Option Local Plan Consultation.

Options Considered

The alternative option for both the SCI and the LDS is to not revise the existing documents and to continue to use them both as they are. This option is not considered appropriate for the SCI as legislation requires that the document is updated every five years, and so to not do so by November 2023 would leave the Council not in compliance with the legislation. This could lead to difficulties in preparing local plan documents and making decisions on planning applications. Although there is some time remaining before the legislative deadline, the new local plan is in its early stages of preparation, and it is important to have an updated SCI prior to the commencement of any associated consultation periods.

It is also not considered appropriate to continue to use the current LDS. The existing document requires multiple amendments to reflect an updated timeframe. As the LDS is intended to enable the public and other interested parties to keep track of development plan progress, it would be beneficial for them to have access to the most up-to-date version which reflects the most accurate timeline at the point of publication.

Resource Implications

There are no resource implications associated with the recommendations contained within this report.

The resource implications associated with the work programme set out within the LDS are included within the document at Appendix B. The main resource required to deliver the work programme is officer time. There is a budget identified for the development of a new local plan of £10,000 per year for the period covered by this LDS. Due to the work commencing later than expected, there remains £244,159 held in a retained fund from previous years that will be used to supplement the existing budget.

The budget setting process for 2025/26 and beyond will need to include appropriate consideration of resources required to deliver the later stages of the local plan, including the examination in public. The costs associated with an examination are not easy to estimate as this point because they will depend on the complexity of the issues raised during the process.

Legal/Risk Implications Background

The requirements to have a Statement of Community Involvement and Local Development Scheme are set out in Regulations 18 and 15 respectively of the Planning and Compulsory Purchase Act 2004 (as amended) and the requirement to update the SCI every five years is set out within the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Section 3A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) also makes provision for the Secretary of State to prepare an LDS on behalf of any local authority who does not have an up-to-date one, and to direct the authority to bring that LDS into effect. Therefore, the risk associated with not having an up-to-date LDS is the possibility of having one imposed on the Council by the Secretary of State.

Equalities Implications

There are no direct equalities implications resulting from the proposals set out in this report.

The work programme set out in the LDS will involve the undertaking of an equalities impact assessment at each relevant stage of local plan production to ensure compliance with the Equality Act 2010 and the Council's own policies on diversity and equality.

A Community Impact Assessment has been carried out for the approach set out in the SCI and no negative impacts were identified.

Environment and Sustainability Implications (including climate change)

Any sustainability implications are set out in other areas of the report.

Background Information

Statement of Community Involvement (SCI)

Regulation 18 of the Planning and Compulsory Purchase Act 2004 (as amended) places a duty on local planning authorities to prepare an SCI, which should explain how they will engage the local community and other interested parties when producing a local plan and determining planning applications. The Council's current SCI was adopted in November 2018.

Under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), local planning authorities are required to review their SCI at least every five years, starting from the date of adoption of the document. As the current SCI was adopted in November 2018, the Council is required to have completed a review of the SCI by November 2023.

Although this legislative deadline has not yet been reached, Regulation 10A permits the document to be updated prior to this point in time if it is deemed necessary. The Council are currently in the early stages of preparing the new local plan, which will involve numerous instances of consultation with the general public and other interested parties. In light of this, and the changes associated with the impacts of COVID-19, it has been determined that the process would be better supported by the publication of an updated SCI. The SCI has been revised to reflect these changes, with the updated processes and procedures set out in Appendix A.

It was confirmed prior to the publication of the current SCI that no consultation period would be required in the instance of any document update and/or replacement. It is therefore recommended that Cabinet determine that the revised document takes effect from September 2022.

Local Development Scheme (LDS)

Regulation 15 of the Planning and Compulsory Purchase Act 2004 (as amended) requires a local planning authority to prepare and maintain a scheme (the LDS) that sets out the following:

- The local development documents which are to be development plan documents.
- The subject matter and geographical area to which each development plan document is to relate.
- Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities.
- The timetable for the preparation and revision of the development plan documents.
- Such other matters as are prescribed.

The purpose of the LDS is to allow the local community and other interested parties to keep track of progress on development plan documents. It should be made available publicly and kept up-to-date. There is no specific timeframe for review of the LDS, but the legislation states that local planning authorities should revise the LDS at such time as they consider appropriate. The current LDS was adopted in 2021 and covers the period up to 2024. Whilst the timeline set out in this current version has not yet reached its conclusion, it does include allowance for an annual review. Upon review, it was concluded that the timescales for individual projects have changed significantly enough to warrant the publication of an updated Local Development Scheme. The LDS has therefore been updated to reflect a revised programme for the development of the new local plan for Tamworth. The updated LDS is included in Appendix B.

Consideration by Infrastructure, Safety, and Growth Scrutiny Committee

Both documents were considered by the Infrastructure, Safety, and Growth Scrutiny Committee (IS&G) at the meeting of 23 August 2022 and a number of recommendations were made.

In relation to the SCI, it was recommended that Cabinet consider extending the time limit for, and number of public speakers at meetings of the Planning Committee. A recommendation has been included within this report to reflect that. If Cabinet resolve to extend the number and/or duration of public speakers, the draft LDS will be updated accordingly prior to publication.

In relation to the LDS, it was recommended that a specific reference to the relevant highway authorities (Staffordshire County Council and Warwickshire County Council) be added to the section on joint working. This has been reflected in the draft document that is recommended for publication.

Report Author

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List of Background Papers

None.

Appendices

Appendix A – Draft Tamworth Borough Statement of Community Involvement

Appendix B – Draft Tamworth Borough Local Development Scheme 2022-2025