

CABINET	AGENDA ITEM No. 6
26 March 2012	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Hiller, Cabinet Member for Housing, Neighbourhoods and Planning	
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PETERBOROUGH ‘STATEMENT OF COMMUNITY INVOLVEMENT’, NEIGHBOURHOOD PLANNING AND COMMUNITY ACTION PLANS

R E C O M M E N D A T I O N S	
FROM : Paul Phillipson, Executive Director Operations	Deadline date : March 2012
Cabinet is recommended to:	
<ol style="list-style-type: none"> 1. Approve the draft Statement of Community Involvement, as attached at Appendix 1, for the purposes of public consultation, subject to any minor changes necessary in order to ensure that it aligns with the final neighbourhood planning regulations published in mid March; 2. Agree, for the interim period between 6 April 2012 and the adoption of the Statement of Community Involvement (scheduled for later in 2012), that the provisions set out in the draft Statement of Community Involvement in respect of Neighbourhood Planning be applied; and 3. Endorse the continued production of Community Action Plans, based on the outline detailed at paragraphs 4.23 to 4.29. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet following recent new and amended Acts of Parliament (in particular the Localism Act 2011 and the amended Town and Country Planning Acts), and recent and forthcoming changes to regulations governing matters such as plan making, planning applications and consultation with communities.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is twofold: (a) to update and gain approval from Cabinet as to how Peterborough City Council wishes to consult and assist the public on all matters relating to planning, neighbourhood planning and community action planning; and (b) seek approval from Cabinet, for the purposes of public consultation, the attached draft Statement of Community Involvement (SCI).

2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.4, to promote the Council’s corporate and key strategies and Peterborough’s Community Strategy and approve strategies and cross-cutting programmes not included within the Council’s major policy and budget framework.

3. **TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	NO
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4. **PETERBOROUGH STATEMENT OF COMMUNITY INVOLVEMENT, NEIGHBOURHOOD PLANNING AND COMMUNITY ACTION PLANS**

Introduction

- 4.1 Planning is a high profile and contentious issue, whether that be plan-making (such as allocating sites for development), determining planning applications or preparing 'action plans' for specific communities.
- 4.2 How we plan, and how people can get involved in planning decisions, is also under a period of significant change as a result of the Localism Act 2011.
- 4.3 It is, therefore, essential that the council sets out the 'rules' for all these matters, in order to ensure that:
- the public has full knowledge of the process and know exactly when best to get involved;
 - officers prepare plans and deal with planning applications, in the knowledge that they are being prepared in accordance with Members' wishes with respect to public engagement and consultation; and
 - Members have confidence that a robust and consistent process is in place.
- 4.4 As such, from time to time, it is important the council refreshes its consultation framework, and helps people get the most out of the planning system.

Statutory document setting out consultation arrangements

- 4.5 It is a statutory requirement for the council to set out how it will consult the public on planning matters, in a document entitled '**Statement of Community Involvement**' (SCI). The council adopted its first (and current) SCI in February 2008¹.
- 4.6 However, there have been considerable changes in the past four years, especially since the Localism Act 2011 was given royal assent in November 2011, such as:
- Changes to the local plan making Regulations (likely to come into force in Spring 2012);
 - Revised guidance from Government, mostly in the form of a new National Planning Policy Framework (NPPF) which will replace all previous government guidance notes such as Planning Policy Guidance/Statements and Circulars (the final version of the NPPF is due in Spring 2012);
 - The introduction of 'Neighbourhood Planning', which includes matters such as Neighbourhood Plans, Neighbourhood Development Orders, and the setting up of Neighbourhood Development Areas and associated Neighbourhood Forums (coming into force from 6 April 2012);
 - The introduction of 'referendums' to approve matters prepared under Neighbourhood Planning powers;
 - Proposed abolition of regional planning (likely to come into force later in 2012);
 - New duties on developers to undertake pre-application consultation with communities which will be potentially affected by their proposals (and a duty to

¹ For the current adopted Peterborough SCI (2008), see: http://www.peterborough.gov.uk/planning_and_building/planning_policy/draft_development_plans/statement_of_community_involve.aspx

demonstrate how comments raised have been taken into account by the developer);

- Possible changes to planning application fee setting (thought this now seems less likely than was previously thought);
- A general 'raised expectation' from the public, since the new coalition government has been in place, that planning decisions will be taken with greater involvement of the community; and
- The introduction in Peterborough of Neighbourhood Committees with devolved powers and delegated decision making.

4.7 Thus, officers are recommending that a refresh of the SCI be prepared and have drafted the attached for approval by Cabinet. If Cabinet agree, the draft will be issued for public consultation. Subsequently, a final version, taking into account any comments made, will be brought back to Cabinet for adoption.

Principal changes to the SCI since the 2008 version

4.8 Some parts of the SCI are simply in need of updating from the 2008 version, to ensure that updated government guidance is properly reflected and any best practice taken advantage of. However, two new significant sections to the SCI have been added relating to a 'Pre-application Advice Note' and 'Neighbourhood Planning'.

Pre - Application Advice Note

4.9 The Localism Act has put in place much stronger requirements for developers to undertake consultation with communities before submitting a formal planning application to the city council. The Act also enables local planning authorities to prepare a local 'advice note' on this matter which a developer must have regard to when undertaking pre-application consultation.

4.10 To ensure the city council is well prepared in this regard, we set out in the SCI a draft 'advice note' and are seeking views on it. A final version will then be prepared, taking account of both the consultation response and any other national guidance issued in the meantime.

4.11 We anticipate developers will welcome this local advice note, because it ensures that there is a fair, transparent, level playing field for such pre-application work. Without the advice note, developers could only rely on the rather sketchy details published by Government to date, with the risk that a developer either undertakes too little or too detailed pre-application consultation, the outcome of which would be delay and an impact on our growth aspirations.

Neighbourhood Planning

4.12 A second significant new section in the SCI is entitled 'Neighbourhood Planning in Peterborough'. This section sets out how the council intends to take forward the wide range of issues which come under the 'Neighbourhood Planning' section of the Localism Act.

4.13 In short, 'Neighbourhood Planning' has two principal elements:

- A '**neighbourhood development plan**', which is defined in the Localism Act as 'a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan'.
- A '**neighbourhood development order**', which is defined as 'an order which grants planning permission in relation to a particular neighbourhood area...for development specified in the order, or for development of any class specified in the order'.

- 4.14 In simple terms, a 'neighbourhood area' is either a parish council area (or part thereof) or, where a parish does not exist, an area as defined by a neighbourhood forum. The setting up of such 'areas' and 'forums' have their own set of procedures in the Localism Act, and must be complete before any neighbourhood plan or order is embarked upon.
- 4.15 Whilst not statutorily required, it is considered sensible and helpful to the public that the SCI sets out how the city council will fulfil its statutory functions under the Localism Act in terms of how the council will deal with any applications to become (a) a **Neighbourhood Area**; and (b) a **Neighbourhood Forum**, and against what criteria the council will approve or reject such applications together with the decision making process.
- 4.16 It is important to note that the Localism Act and the associated neighbourhood planning Regulations make it very clear that unitary, district or county councils do not prepare, or even lead preparation of, either neighbourhood plans or orders. They can only be initiated by the community themselves. The costs associated with their preparation fall partly to the local planning authority (i.e. Peterborough City Council) and partly to the Parish Council or Forum which has initiated the process.
- 4.17 The purpose, in part, of the Peterborough SCI is **not** to set the rules as to what a neighbourhood plan or order should contain, but rather what assistance the council will give a parish or neighbourhood forum to help them prepare such a plan or order. Clearly, it is important that the council is very clear in these matters so as to appropriately give confidence to neighbourhood areas as to what help they will get with preparing their plans or orders. Similarly, being clear will ensure that there are no false expectations as to the amount of resources the council is able to offer and the number of Neighbourhood Plans and Orders it can process in any given time period (especially in the current difficult financial climate). It is a very careful balance to be made, and officers feel the SCI is the right and proper place to agree this (following, of course, public consultation on the draft SCI).
- 4.18 In short, it is essentially saying that the council will support any neighbourhood wanting to prepare a 'plan' or 'order', but confirming that the lead on their preparation must come from the community; and the resources available from the council to help on individual cases will be limited and proportionate.
- 4.19 The SCI also sets out how the city council will manage the examination and referendum processes at the end of the Neighbourhood Plan or Order preparation and approval process.
- 4.20 It is relevant to point out that the Neighbourhood Planning Regulations were issued by Government a matter of days before the dispatch of this Cabinet report. The SCI had been initially drafted on the basis of the draft version of the Regulations. Whilst there are no fundamental differences between the draft Regulations and the final version, there are minor differences. As far as possible within the time available, officers have incorporated any necessary changes into the SCI, but it may still be necessary to make minor alterations before the document is published for public consultation, so that it does not contradict any requirement contained in the final Regulations.
- 4.21 It may be that the council gets very limited interest in neighbourhood plans and orders, partly due to the cost burden on communities, partly because we have just gone through a successful joint-working arrangement with parish councils in respect of the Design and Development in Villages SPD or partly because communities have no real desire to pursue their own development opportunities or set their own planning 'rules' for their area. Nevertheless, where communities do want to take advantage of the new legislation, the city council should support communities, ensuring they understand what they are and what help they might get in preparing them. To date, we have had some interest from a few parish councils. Whilst mostly this has been limited to '*what is neighbourhood planning?*' one (Newborough Parish Council) has formally declared its intention, from 6 April 2012, to prepare a Neighbourhood Plan.

Alternative options, instead of neighbourhood planning

- 4.22 The SCI also touches upon what alternative options a local neighbourhood has if it does not want to undergo the somewhat lengthy (and potentially costly) formal neighbourhood planning process. This includes taking advantage of Supplementary Planning Documents (which Cabinet will be familiar with, as a number have been adopted over the past two years) or Community Action Plans. This latter option is discussed in more detail below.

Community Action Plans

- 4.23 Alongside the planning system, the city council's Neighbourhood Managers are preparing 'Community Action Plans' (CAP) for the city council's neighbourhood committee areas. A CAP should not be confused with the new Neighbourhood Planning as established by the Localism Act and described above – they are two very different documents. A Neighbourhood Plan is about land use matters, such as saying what development should go where. A CAP is about setting out what service providers (including the council, but also other providers such as the police and the health authorities) are to prioritise in a particular area, such as street cleaning, education facilities, maintenance and regeneration of play facilities, health facilities etc. i.e. they are about what the public, private and not-for-profit sector partners can or will do in a particular area, excluding anything to do with new development which would require (significant) planning permission, albeit the CAPs may inform planning decisions.
- 4.24 The Neighbourhoods Team will be initiating a series of CAPs, geographically modelled on the Neighbourhood Committee areas. Developed through the Neighbourhood Managers, they will require commitments and input from a wide range of council and other public, private and not-for-profit sector partners to be fully effective (e.g. police, health, voluntary sector, faith communities etc).
- 4.25 Each CAP (there will be seven in total) will follow a similar format, which will be modelled on the same content as the overarching citywide Single Delivery Plan. The Single Delivery Plan is the emerging plan that will address Peterborough's most challenging issues in a fully joined-up way. Seven priority themes have been identified in the Single Delivery Plan by partners, beneath which sit a series of more tangible projects. The seven priority theme headings will be used as the framework for the CAPs, with detail sitting beneath each heading which is specific to that locality whilst supporting the overall priorities for the city.
- 4.26 The seven priority themes are:
- Creating jobs through growth and improved skills and education
 - Supporting the most vulnerable families and tackling the causes of poverty
 - Safeguarding adults and children
 - Helping people and organisations live more healthy and sustainable lives and reducing energy consumption
 - Empowering people and creating cohesive communities
 - Reducing crime and tackling anti-social behaviour
 - Using our resources more efficiently, effectively and innovatively
- 4.27 Additionally, each CAP will contain an introductory section which paints a picture of the area, including population and demographic detail, information about facilities and services, and information about existing community groups and associations.
- 4.28 Once completed, each CAP will need to be approved through the normal routes – Neighbourhood Committee, Scrutiny and Cabinet. Where any decisions are required or any spend needed that originate from the CAPs then that will be subject to the usual corporate processes.
- 4.29 Members are asked to endorse the principle of preparing a CAP for each of the Neighbourhood Council areas.

5. CONSULTATION

- 5.1 The draft SCI has been considered by Planning and Environmental Protection Committee on 6 March. The Committee welcomed the document, but felt there was a degree of repetition in places, which might make it difficult for members of the public to follow. In response, officers have excluded some parts and removed the Executive Summary altogether; instead the summary will appear as a separate leaflet for the public consultation stage. The Committee asked for some detailed changes and clarification, including some of the text relating to voting at a referendum and public speaking at the Committee. All of the changes sought have been incorporated into the document as attached at Appendix 1.
- 5.2 The draft SCI was also considered by Sustainable Growth Scrutiny Committee on the same day. There was a good discussion on the various issues covered by the report. It was pointed out that areas of Peterborough with a parish council are at an advantage because they do not have to set up a neighbourhood area or forum first. Therefore it was considered that the council ought to concentrate its efforts in helping non-parished areas to gear themselves up for neighbourhood planning. This does not call for any change to the SCI but is a potential role for the council's Neighbourhood Management teams.
- 5.3 The draft was due to be considered at a meeting of the Scrutiny Commission for Rural Communities on 19 March and any comments will be reported orally at the Cabinet meeting.
- 5.4 Consultation with the public will take place on the attached SCI document during April and May 2012, assuming it is approved by Cabinet.

6. ANTICIPATED OUTCOMES

- 6.1 It is anticipated that Cabinet will approve the attached SCI document for the purposes of public consultation, plus endorsing the ongoing preparation of Community Action Plans.
- 6.2 Following public consultation, Cabinet will be asked to adopt the SCI later in 2012.

7. REASONS FOR RECOMMENDATIONS

- 7.1 It is a statutory duty to prepare an SCI. While the council already has an SCI in place, it is considered somewhat out of date and in need of a refresh. This will ensure communities are fully aware of how and when best to get involved in planning matters, whether that be plan making, planning applications or Neighbourhood Planning.
- 7.2 With respect to Community Action Plans, whilst they are not a statutory duty, it is considered important that a clear and concise 'action plan' is prepared for each neighbourhood which cuts across a wide range of service providers. This will make it easier for residents to understand what is being provided (and prioritised) in their area, in a single easy to use guide. It will also help ensure service providers are coordinated in the way they deliver services, which should deliver efficiency savings and a better overall outcome.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The council could decide not to issue a refreshed SCI, but this would mean the existing SCI would remain in force which has out of date commitments and expectations. Refreshing the SCI is a relatively quick process and only requires a relatively small amount of officer time. The benefits, therefore, are high compared with the costs of its production, especially considering the substantial amount of change to the planning system over the past few months.

- 8.2 The council could decide not to prepare CAPs, but this would not fill an identified gap, at the local community level, of having a coordinated approach to service delivery, supported by a full spectrum of partners. In the current times of austerity, it is essential to enable smarter decision making through a process which will ensure maximum benefit from the Single Delivery Plan.

9. IMPLICATIONS

- 9.1 **Financial:** Preparation of an SCI has minimal costs, and can be met within existing budgets. Indirectly, the SCI commits the council to undertaking certain consultation tasks in the future. Most of these are of very low cost, and fall within existing established budgets. However, the Neighbourhood Planning requirements, which are new for 2012 onwards, will result in additional costs. The council has a statutory duty to support and facilitate Neighbourhood Planning and the 'service standards' set out in the draft SCI do not significantly increase our financial expenditure requirements compared with the statutory minimum service we must provide. Government has acknowledged that Neighbourhood Planning will incur an additional burden on councils (city council officers estimate the costs on the city council could be somewhere in the region of £20,000 per plan), and had previously indicated in 2011 to financially support councils accordingly in due course. However, to date, we are not aware of the level of that support, if any at all, and therefore this can not currently be relied upon, therefore costs will need to be absorbed from within existing budgets, primarily planning policy, until Government funding is forthcoming.
- 9.2 It should be noted that the draft SCI explicitly sets deadlines for receipt of various applications for receiving neighbourhood planning related matters from communities, as well as limiting the number of plans and orders the council is capable of facilitating in any given year (with waiting lists being put in place, if demand exceeds the council's ability to process proposals). This will ensure that a robust, fair and financially prudent process is in place to deal with Neighbourhood Planning, and explained in advance to communities. To not set such deadlines and thresholds could result in unlimited neighbourhood planning matters being fed through the council, each one with associated costs on the council which the council would be obliged to meet i.e. an unlimited financial liability on the council.
- 9.3 The preparation of CAPs will have a relatively low cost and can be met within existing budgets. The CAPs, themselves, will help steer investment at the neighbourhood level, but not necessarily commit the council to expenditure directly, except by influencing existing budgets.
- 9.4 **Legal Implications:** The SCI, once adopted, must be adhered to by the council in the way it conducts its planning business. Failure to do so could result in legal challenges. However, Cabinet today is only being asked to approve a draft for consultation, so there are no direct legal implications of this agenda report.
- 9.5 **Environmental:** there are no direct implications

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

None.

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