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Housing, Planning and Regeneration Portfolio Holder

Report Title: Cheshire East Planning Statement of Community

Involvement - Consultation Responses

Portfolio Holder: Cllr Ainsley Arnold

Senior Officer: Sean Hannaby, Director of Planning & Environment

1. Report Summary

- 1.1. This report seeks approval to amend and update the Council's Statement of Community Involvement (SCI). The SCI sets out how the Council will engage with stakeholders and the wider public on all of its principal planning functions.
- 1.2. The SCI has been the subject of a six week consultation to ensure that the standards that the Council adopts have been the subject of public comment and scrutiny.
- 1.3. The document has generally been well received, subject to the addition of some specific groups to the appropriate consultation lists, and some minor alterations to address typos and additional minor amendments. These are summarised in the table below as well as being attached in full in Appendix 1.

Table 3.1	Add
	Sport England and Manchester Airport
	to the list in of Specific consultation bodies
Paragraph	
6.11	Add the publication of some material may be restricted by law e.g.: material
6.14	containing racist or other offensive comments, or falling within statutory
6.15	exemptions or protected by confidentiality" in line with the Anti-social
	Behaviour Act 2003
	Add Further information on Committee decisions can be found on the Council
	& Democracy web page Add hyperlink
Para A3.1	
	change Canal and River Trust to Canal & River Trust

Appendix	Add
3	Active Cheshire, Sustrans and Residents of Wilmslow Group
	to the list of bodies that may be consulted on planning applications

2. Recommendations

- 2.1. To consider the consultation responses set out at Appendix 1 and the recommendations from Strategic Planning Board
- 2.2. Subject to any recommendations, that the Housing, Planning and Regeneration Portfolio Holder be recommended to approve the Statement of Community Involvement December 2018 attached at Appendix 2

3. Reasons for Recommendation/s

3.1. The updated SCI will ensure and evidence that the standards that the Council adopts have been the subject of public comment and scrutiny.

4. Other Options Considered

4.1. The Council is obliged to prepare a Statement of Community Involvement under section 18 of the Planning and Compulsory Purchase Act 2004.

5. Background

- 5.1. The first SCI for Cheshire East was prepared in the early years of the Council in 2010. Accordingly it is appropriate to review the document and bring it up to date.
- 5.2. Since 2010 the nature of development plans has changed considerably, with the advent of Neighbourhood Planning and the introduction of the NPPF. In addition, the scale and nature of development proposals received by the Council has also changed over the past 8 years, with Cheshire East receiving the second highest number of residential 'major' planning applications of any Council in England.
- 5.3. Over the same period, the nature of personal communication has evolved significantly, with the rise of social media and the widespread availability of smart phones. In turn, there is markedly less reliance on paper based communication and media. Taking all of these factors

- together, there is a need to revise and update the SCI so it is better suited to current demands and requirements.
- 5.4. The revised document has been slimmed down and simplified and covers both planning policy and development management functions. It is always open to the Council to do more than is set out in the SCI, but it can never do less. Consequently there may be occasions where it is necessary and appropriate to adopt a more detailed level of engagement where circumstances dictate.
- 5.5. In terms of planning policy there is less reliance on providing paper copies of documents and greater flexibility as to approach through the different stages of plan making. There is also a dedicated section on Neighbourhood Planning and the duty to cooperate. This reflects the importance of Neighbourhood Planning within the suite of development plans and its growing role in decision making.
- 5.6. In terms of Development management the principles of the previous SCI remain the same but updates have been made to the legislative background to the publicity afforded on various types of planning applications. Emphasis has been placed on the use of the Council's website to view applications and to signpost the public to the website to monitor any additional information and updates. The current *Publicity on Planning Applications Protocol* will also be updated alongside the SCI and made available on the Council's website.

6. Implications of the Recommendations

6.1. **Legal Implications**

- 6.1.1. The preparation of a Statement of Community Involvement is a requirement of section 18 of the Planning and Compulsory Purchase Act 2004. The Statement should set out the Council's policy as to how people who have an interest in the development in their area can be involved in our principal planning functions.
- 6.1.2. Section 6 of the Neighbourhood Planning Act 2017 requires Local Planning Authorities to set out in their SCI the policies for giving advice or assistance on proposals for the making, or modification, of Neighbourhood Development Plans.

6.2. Finance Implications

6.2.1. The policies adopted by the Council on Community Involvement can have potential financial implications for the whole of the Planning department. Obligations to supply hard copy documents, send letters

by post or place public notices in newspapers involve a direct financial cost. Others, such as the placing of site notices involve a cost in staff time and resources. Overall, electronic communication such as email notification, web based consultation and social media have lesser financial implications.

6.2.2. In drawing up appropriate policies for community involvement in planning, the Council needs to balance the cost of each form of engagement with the benefit that it accrues to stakeholders and the public.

6.3. Policy Implications

6.3.1. The SCI prescribes the Council's policies on how it will involve people in its planning processes. These policies involve a combination of mandatory and discretionary activities.

6.4. Equality Implications

- 6.4.1. The Council needs to ensure that its policies and processes for planning engagement enable all sections of the community are involved. The SCI considers if there are any barriers to engagement and how these can be overcome.
- 6.4.2. Under the Council's public sector equality duty, the authority needs to consider the effect of its policies on members of society with protected characteristics

6.5. Human Resources Implications

6.5.1. There are no direct implications for human resources

6.6. Risk Management Implications

6.6.1. There are no direct implications for risk management

6.7. Rural Communities Implications

6.7.1. The new requirement to include policies on assisting Neighbourhood Plans will assist rural communities.

6.8. Implications for Children & Young People

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. All Wards – implications are Borough Wide

8. Consultation & Engagement

8.1. The draft SCI has been subject to six weeks consultation period which ran concurrently with the consultation on the second stage of the Local Plan – the Site Allocations & Development Policies Document. Following this, all comments have been considered and revisions proposed, as set out in Appendix 1 before a final version of the SCI is prepared for approval.

9. Access to Information

9.1. The Council's website includes the current <u>SCI</u> as well as our policies for assisting <u>Neighbourhood Plans</u>.

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

Name: Adrian Fisher

Job Title: Head of Planning Strategy

Email: adrian.fisher@cheshireeast.gov.uk

Appendix 1

Statement of Community Involvement

Summary of comments and proposed changes 2018

Name & Organisa tion	ID	Title/ Number	Overall view	Comments	CEC Response
Mrs Debbie Jamison	SCI5	Paragraph 1.1	Comment	Does this replace the previous ambition for all in the LPS?	This SCI updates the previous Statement of Community Involvement from 2010. No change
Mrs Debbie Jamison	SCI6	Paragraph 1.7	Comment only	The review should include a public call to groups/ bodies to be considered for inclusion on the consultee list. You will see in later comment that some bodies have been created since the lists were last done. e.g. Active Cheshire.	Noted See suggested changes in the relevant sections
Mrs Debbie Jamison	SCI7	Paragraph 2.2	Support	the key word is 'early' Too often community groups are left till last and that slows the application process to committee and makes the discussions too long at that last stage. All planning applications should demonstrate early community engagement.	Noted No change
Mrs Debbie Jamison	SCI8	Paragraph 2.4	Support	AND both the Council and the applicants should look to address issues raised by community groups not just ignore in summary officer reports when it seems that the Council and applicant are agreed.	Noted "take account of" means the same as "address" here No change
Mrs Debbie Jamison	SCI9	Paragraph 2.5	Support		Noted No change
Mrs Debbie Jamison	SCI12	Paragraph 2.6	Comment	Consultees are only fatigued because it requires so much repetition of submitting views in the planning process to get points across. When people are	Noted This paragraph seeks to address the issue No change

Name & Organisa tion	ID	Title/ Number	Overall view	Comments	CEC Response
				still having to speak at Planning committee meetings this must show you that the current community process is not working in delivering acceptable compromises	
Mrs Debbie Jamison	SCI10	Paragraph 2.7	Support	The public and general interest groups should be included in the conversations and compromises and be of at least equal weight to WARD councillors who may have conflicting interests with their public and party demands.	Noted No change
Mrs Debbie Jamison	SCI11	Paragraph 2.8	Support		Noted No change
Mrs Debbie Jamison	SCI13	Paragraph 3.2	Object	TWO key statutory consultees have been omitted from the list - SPORTS ENGLAND & PUBLIC HEALTH ENGLAND	Sport England and Public Health England are not identified in national planning policy and guidance as statutory consultee for strategic planning issues. Sport England are statutory consultees for planning applications. Add Sport England to the list in Table 3.1 of Specific consultation bodies. Public Health England is already on the list.
Mrs Debbie Jamison	SCI14	Consultation bodies and consultees Table 3.1	Object	SPORT ENGLAND should be on specific consultation bodies list.	Add Sport England and to the list in Table 3.1 of Specific consultation bodies
Mrs Debbie Jamison	SCI16	Consultation bodies and consultees Table 3.1	Object	Active Cheshire should be added to a list	The list of Other Consultees, lists "types" of groups that will be consulted. This includes Sports Clubs/ Bodies . Paragraph 3.3 sets out that "The following list of organisations will be informed of any consultation being undertaken, as appropriate".

Name & Organisa tion	ID	Title/ Number	Overall view	Comments	CEC Response
					In Appendix 3 add Active Cheshire to the list of bodies that may be consulted on planning applications
Tim Bettany- Simmons Area Planner NW & N Wales / Cynlluniw r Ardal Gogledd Orllewin a Gogledd Cymru Canal & River Trust	SCI3	Consultation bodies and consultees Table 3.1		The Canal & River Trust (the Trust) have reviewed the Statement of Community Involvement. We welcome the inclusion of the Canal & River Trust within Table 3.1 under 'Other Consultees' who may be consulted on Local Plan/Planning Policy related matters.	No change
Mrs Debbie Jamison	SCI15	Consultation bodies and consultees Table 3.1	Comment	Cycling infrastructure and footpath bodies should be added to the list. SUSTRANS RAMBLERS	The list of Other Consultees, lists "types" of groups that will be consulted. This includes Infrastructure and service providers as well as sports clubs/ bodies. Paragraph 3.3 sets out that "The following list of organisations will be informed of any consultation being undertaken, as appropriate". Add Sustrans to the list of bodies consulted on planning applications in Appendix 3 (3.2) The Ramblers Association is
Mr David Whitworth	SCI33	Consultation bodies and consultees Table 3.1	Comment only	Cheshire Brine Subsidence Compensation Board should be included.	The list of Other Consultees, Lists "types" of groups that will be consulted. This encompasses bodies such as the Cheshire Brine Subsidence Compensation Board. Paragraph 3.3 sets out that "The following list of organisations will be informed of any consultation being undertaken, as appropriate". Cheshire Brine

Name & Organisa tion	ID	Title/ Number	Overall view	Comments	CEC Response
					Subsidence Compensation Board is already included in Appendix 3.2 No change
Mrs Natalie Belford Manchest er Airports Group	SCI38	Consultation bodies and consultees Table 3.1		Thank you for consulting and inviting comments from Manchester Airport on your draft Statement of Community Involvement (SCI). We are supportive of the general approach to consultation set out in the document and of the intention to encourage greater community involvement in the planning process. However, we would request that Manchester Airport is listed as a specific consultation body within Table 3.1. Manchester Airport outside of London, with annual passenger throughput surpassing 27 million. The Airport serves more than 225 destinations worldwide and enjoys significant cargo operations. As the primary international gateway for the North, Manchester Airport provides crucial links with overseas markets and is recognised as a key driver of the North West economy. During 2017/18, the Airport directly contributed around £1.55 billion to the North West region and directly supported around 25,000 jobs. Manchester Airport has a significant impact and influence on Cheshire East, in terms of economic benefit, transport connectivity and environmental impact. Parts of the Airport's Operational Area also lie within Cheshire East. It is therefore important for Manchester Airport to be involved in the	Manchester Airport is listed in Appendix 3 Under Development Management consultees Add Manchester Airport to the Specific Consultation bodies in Table 3.1

tion Number view	Name & Organisa tion
consultation process when you are preparing planning documents. This will allow appropriate consideration of how the Airport impacts upon Cheshire East, and how development within the borough may impact upon the Airport, rensuring that a suitable policy framework is put in place. Manchester Airport also has an influential role in the development management process due to our aerodrome safeguarding procedures and role as acting Aerodrome Safeguarding Authority. Manchester Airport is officially safeguarded to ensure that the safe operation of aircraft and its future development protential is not compromised in any way by potentially hazardous development and activity at or in the vicinity of the airport. Legislative provisions regarding the process of Aerodrome Safeguarding are set out in the Town and Country Planning (Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002 (ODPM Circular 1/2003). In order to determine the safety implications of a proposal there is an established safeguarding process between local planning authorities and safeguarding maps (which are issued to LPA's by the CAA) show the extent of the safeguarded area and set out the requirements for statutory consultation with the Airport. Cheshire East is located within Manchester Airport's safeguarded area and the	

Name & Organisa tion	ID	Title/ Number	Overall view	Comments	CEC Response
				LPA must therefore consult Manchester Airport as statutory consultee on any planning application that falls within the remit of Circular 1/2003 and criteria indicated on the safeguarding map. Thank you again for providing Manchester Airport with the opportunity to comment on your draft SCI. We trust that our comments have been useful and would be grateful if you could inform us when the SCI is adopted.	
Mr David Whitworth	SCI37	Consultation bodies and consultees Table 3.1	Comment	Cheshire Brine Subsidence Compensation Board should be included.	The list of Other Consultees lists "types" of groups that will be consulted. This would encompasses Bodies such as the Cheshire Brine Subsidence Compensation Board. Paragraph 3.3 sets out that "The following list of organisations will be informed of any consultation being undertaken, as appropriate". Cheshire Brine
					Subsidence Compensation Board is already included in Appendix 3.2 No change
Mrs Debbie Jamison	SCI20	Paragraph 5.1	Comment only	All consultations should undertake a stakeholder scoping exercise before agreeing the blend of communication methods and deadlines for response.	No change
Mr David Whitworth	SCI34	Development Plan Documents consultation methods Table 5.1	Object	All periods should be 6 weeks minimum excluding bank holidays. The Christmas/New year period should be avoided.	This is implicit assuming bank holidays are avoided Where CEC has discretion from strict planning regulations, bank holidays are avoided. No change

Name & Organisa tion	ID	Title/ Number	Overall view	Comments	CEC Response
Mr David Whitworth	SCI36	Development Plan Documents consultation methods Table 5.1	Object	All periods should be 6 weeks minimum excluding bank holidays. The Christmas/New year period should be avoided.	This is implicit assuming bank holidays are avoided. Where CEC has discretion from strict planning regulations, bank holidays are avoided. No change
Mrs Debbie Jamison	SCI17	Development Plan Documents consultation methods Table 5.1	Object	All consultations duration on major planning documents should be six weeks excluding Bank holidays. Excluding bank holidays - should mean excluding bank holiday weeks, in particular to launch or close the consultation So this would be Christmas and Easter fortnights. If the consultation concerns schools or things that would affect families with school age children - then school holidays should be excluded - this is in line with national best practice consultation guidance.	School holidays are always avoided where possible. No change
Mrs Debbie Jamison	SCI18	Neighbourhood plans consultation methods Table 5.2	Comment only	Consultation methods Local papers and specific consultees should be sent information directly.	No change
Mrs Debbie Jamison	SCI19	Supplementary planning documents consultation methods Table 5.3	Object	draft SPD - excluding bank holidays	This is in compliance with planning regulations 19/20. Where CEC does have any discretion, bank holidays are excluded otherwise they are included. No change
Mrs Debbie Jamison	SCI22	Paragraph 6.3	Comment only	The planning development process is heavily weighted in support of development proposals that produce a quantity of development but not much attention to quality of place.	Noted. Consultation takes into account the entire range of views from all consultees. No change
Mrs Debbie	SCI21	Paragraph 6.3	Comment only	More haste less speed. It would be helpful if the	Consultation results are always reviewed and

Name & Organisa tion	ID	Title/ Number	Overall view	Comments	CEC Response
Jamison				council published their considered response to the main points raised and showed where proposals had been amended following consultation feedback. It was particularly disappointing that the playing field and indoor facilities strategies were not reviewed following consultation comment and the summary report is not mentioned now in the evidence documents in the SAD PD. The view prevails that the Council is trying harder and harder to show how it has given people the opportunity to take part in consultation but usually at a point beyond which the comments will make any difference.	comments taken into account. No change
Mrs Debbie Jamison	SCI23	Paragraph 6.6	Object	Pre-app discussions seem to be the place where the Developer and Council agree things before the community has had chance to see plans and comment. Pre-apps should insist that evidence of community consultation has taken place prior to application submission and it should demonstrate where changes have been considered and made. Council support for community ideas for a better development should be demonstrated	Paragraph 6.5 sets out that the onus is on the applicant to seek early public engagement/ opinion. The Council cannot make public plans until an official application is made. No change
Mr David Jefferay Member Residents of Wilmslow	SCI1	Paragraph 6.7	Comment only	Councillors should always be included in pre-application discussions on significant or major applications, not "may".	Noted No change
Mr David Whitworth	SCI35	Paragraph 6.11	Object	The period should be adjusted or restarted if material changes or	Applications are consulted on for a statutory period. The LPA has discretion to

Name & Organisa tion	ID	Title/ Number	Overall view	Comments	CEC Response
				evidence is introduced partway through or after the public consultation period.	accept comments after the formal deadline. If the LPA accepts revised plans and additional information in relation to a planning application it has discretion on whether to re-consult depending on the significance of the amendment.
					No change
CEC legal		Paragraph 6.11		**Add "the publication of some material may be restricted by law eg: material containing racist or other offensive comments, or falling within statutory exemptions or protected by confidentiality" The SCI should include a proposal to add a link from	Add "the publication of some material may be restricted by law eg: material containing racist or other offensive comments, or falling within statutory exemptions or protected by confidentiality" in line with the Anti-social Behaviour Act 2003
				each planning application documents page to the (Council & Democracy) committee page	Further information on Committee decisions can be found on the Council & Democracy web page Add hyperlink
Mrs Debbie Jamison	SCI28	Paragraph 6.14	Object	Delegated decisions - the officer's recommendation should be available for comment for 1 month (21 working days) to allow scrutiny and challenge.	The current system is in line with planning regula, 6.15tions. The decisions of the LPA can be challenged through judicial review. Decisions are also accountable through the Council's complaint process and Local Government Ombudsman. There is no third party right of appeal in planning legislation. No change
CEC legal		Paragraph 6.14		Add "the publication of some material may be restricted by law eg: material containing racist or other offensive comments, or	**Material may be restricted by law e.g.: material containing racist or other offensive comments, or

Name & Organisa tion	ID	Title/ Number	Overall view	Comments	CEC Response
				falling within statutory exemptions or protected by confidentiality" The SCI should include a proposal to add a link from each planning application documents page to the (Council & Democracy) committee page	falling within statutory exemptions or protected by confidentiality" in line with the Anti-social Behaviour Act 2003 Add Further information on Committee decisions can be found on the Council & Democracy web page Add hyperlink
Mrs Debbie Jamison	SCI31	Paragraph 6.14	Comment only	Where an Officer has clearly not highlighted and or dealt with information arising then there should be an appeals process for the public. At present it relies on Councillor call in and this is not adequate scrutiny.	This is in line with current planning legislation. No change
Mrs Debbie Jamison	SCI29	Paragraph 6.15	Comment	The Officers report should be publicly available 2 weeks before the committee decision to allow time for representation particularly in relation to 106 agreements	The current system is in line with planning regulations. Representations on planning applications should be made within the statutory consultation period. No change
CEC legal		Paragraph 6.15		Add "the publication of some material may be restricted by law eg: material containing racist or other offensive comments, or falling within statutory exemptions or protected by confidentiality" The SCI should include a proposal to add a link from each planning application documents page to the (Council & Democracy) committee page	**the publication of some material may be restricted by law eg: material containing racist or other offensive comments, or falling within statutory exemptions or protected by confidentiality" in line with the Anti-social Behaviour Act 2003 **Add Further information on Committee decisions can be found on the Council & Democracy web page Add hyperlink**
Mrs Debbie Jamison	SCI30	Paragraph 6.16	Comment	Referee recently planning committee decisions have been made contrary to the development plans and planning policy. The material consideration -	Member training and Officer RTPI Continual Professional Development (CPD) is on going. No change

Name & Organisa tion	ID	Title/ Number	Overall view	Comments	CEC Response
				we can stuff in a quantity of housing or employment is over riding all other policy consideration. The Development planning team should have a training day looking at the LPS & SAD PD. This should also be an exercise undertaken with planning committee members who still seem to be deciding on emotion.	
Mrs Debbie Jamison	SCI32	Paragraph 6.18	Object	If the applicant can appeal then also groups and members of the public who have made representation should have the right of appeal. The current system only allows Councillor call in and this is not adequate scrutiny and oversight.	Elected Councillors are the mechanism to voice public concerns. This is in line with the NPPF No change
Tim Bettany- Simmons Area Planner NW & N Wales / Cynlluniw r Ardal Gogledd Orllewin a Gogledd Cymru Canal & River Trust	SCI4	Paragraph A3.1		We also welcome being specifically listed as a statutory consultees to the development management process within Appendix 3 at A3.1. We would however ask that the Trust are listed as Canal & River Trust (as we are at Table 3.1) not Canal and River Trust as currently drafted.	Agree Change and to &
Mrs Debbie Jamison	SCI24	Paragraph A3.1	Object	. Not sure if regional sports council exists but ACTIVE CHESHIRE should be added. Consider fields in trust and Open spaces society. Knutsford civic society doesn't exist. Add Public health England and clinical commissioning groups.	The list of Other Consultees, lists "types" of groups that will be consulted. This includes Sports Clubs/ Bodies . Paragraph 3.3 sets out that "The following list of organisations will be informed of any consultation being undertaken, as appropriate". In Appendix 3 add Active Cheshire to the list of bodies that may be

Name & Organisa tion	ID	Title/ Number	Overall view	Comments	CEC Response
					consulted on planning applications
Mr David Jefferay Member Residents of Wilmslow	SCI2	Paragraph A3.2	Commen t only	Please add "Residents of Wilmslow Group" to the list of non-statutory consultees	The list of General Consultation Bodies, lists "types" of groups that will be consulted. This includes Voluntary Bodies which would include Residents groups. Paragraph 3.3 sets out that "The following list of organisations will be informed of any consultation being undertaken, as appropriate".
					Residents of Wilmslow Group to the list of bodies that may be consulted on planning applications
Mrs Debbie Jamison	SCI25	Current Cheshire East protocol Table 4.1	Object	Cheshire East protocol needs to be better. All types of planning application should go to Town or Parish council. Public rights of way should go to local walking and cycling & equestrian groups. Newspaper adverts should be more prominent and give an email address for response not just an address to write to. Licensing applications should be viewable online like development applications. Departures from development plans should go to community groups.	The protocol is based on statutory legislation and does not preclude any of these suggestions. No change
Mrs Debbie Jamison	SCI26	Paragraph A4.10	Commen t only	News paper advert is not prominent enough hidden in the classified columns.	Emphasis has been placed on the use of the Council's website to view applications and to signpost the public to the website to monitor any additional information and updates. The current Publicity on Planning Applications Protocol will also be updated alongside the SCI and made available on the Council's

Name & Organisa tion	ID	Title/ Number	Overall view	Comments	CEC Response
					website
					No change
Mrs Debbie Jamison	SCI27	Paragraph A5.1	Support	Great Extra advice needed now on what a CIL policy will mean re 106 for off site mitigations - eg leisure centre contributions, sports pitches. Should Neighbourhood plans have CIL project lists?	Noted No change

Appendix 2

Statement of Community Involvement December 2018