

Local Plan Working Group

20 April 2021

Report of the Corporate Director of Place

Continuation of Temporary Amendments to the Council's Statement of Community Involvement

Summary

1. The purpose of this report is to ask Members to recommend to Executive that approval be given for the continuation of temporary amendments made to the Council's Statement of Community Involvement (SCI) in October 2020. It reflects the need to continue to revise planning related public access and involvement procedures contained in the Council's SCI in response to ongoing social distancing restrictions as a result of the Coronavirus (COVID-19) pandemic. It is anticipated that the temporary amendments to the SCI can be removed once it is safe to resume all standard consultation methods.

Recommendations

2. Members are asked to recommend that Executive:
 - i. approve, for a further 6 month period, the temporary revisions to the Council's adopted SCI (as shown in Annex A) to reflect the specific requirements arising from national guidance and procedures on dealing with coronavirus implications; and
 - ii. agree to delegate authority to the Corporate Director of Place in conjunction with the Executive Member for Economy and Strategic Planning for any necessary future modifications to the SCI, when the current health pandemic allows for suspended consultation methods to be lifted.

Reason: To ensure that consultation and engagement in the planning process remains effective at a time when restrictions have been placed on face to face social interactions to help combat the spread of coronavirus.

Background

3. National Planning Practice Guidance was published in May 2020 to encourage authorities to undertake a review of their SCI and update the policies where necessary so that plan-making can continue under the current COVID pandemic. As such, the Council's adopted SCI was reviewed in light of this to consider which consultation methods could not temporarily be used due to social distancing restrictions and should be suspended, until it is safe to reinstate the full range of methods. A paper was taken to Executive in October 2020 where Members agreed to the temporary revisions to the Council's adopted SCI to reflect the specific requirements arising from national guidance and procedures on dealing with coronavirus implications. It was requested that a follow up paper be brought to Members following a six month period to consider whether a further period of implementation is required.
4. Following a second lockdown at the beginning of the year, on 22 February 2021 the Government published their roadmap out of lockdown, setting out how local restrictions can begin to be relaxed. Of relevance to the SCI is the reopening of public buildings, including libraries on 12 April 2021 and the removal of all legal limits on social contact from 21 June 2021. It is noted that the Government are clear that the dates in the roadmap are indicative and subject to change, and relaxing of lockdown restrictions is to be guided by data, not dates.

Consultation

5. National Planning Practice Guidance¹ confirms that there is no requirement in legislation for local planning authorities to consult when reviewing and updating their SCI, although it is good practice to inform the public of their intentions to update the document and of the changes that have been made. However, where a local planning authority has made a pledge in their SCI to consult on any changes, they may wish to take independent legal advice on how best to proceed.
6. The revised guidance issued by the Government require an urgent change to the SCI to enable compliance with the current pandemic restrictions in place. It remains that some of the methods cannot be implemented under the ongoing restrictions and therefore Officers are proposing the continuation of the temporary suspension of some measures, where necessary, for the duration of the pandemic in order to

¹ Paragraph: 078 Reference ID: 61-078-201200513

comply with the issued guidance. These changes are only temporary, until it is safe to reinstate all consultation methods. Further, we are recommending that the decision on when to lift these temporary suspensions, is subject to a delegated decision to the Corporate Director of Place in consultation with the Executive Member for Economy and Strategic Planning.

7. It is Officer's view that the continuation of temporary suspension of the consultation methods listed in Annex A that are required to take account of social distancing requirements during the current unprecedented COVID-19 Pandemic, do not amount to either of the scenarios that would require a formal review of the SCI engaged at para 13.2 of the adopted SCI (2007). As such, should members be minded to approve the continued use of the temporary covering note to the SCI, it is sufficient to publicise the changes to the SCI, as encouraged under national guidance.

Analysis

8. To ensure that consultation and engagement in the planning process remains effective at a time when restrictions have been placed on face to face social interactions to help combat the spread of COVID-19 the continuation of a temporary update to its SCI is proposed. Officers consider that these proposed temporary changes are necessary to ensure that plan making can continue and that the Council continues to promote effective community engagement by means which are reasonably practicable at this time. Should the recommendation not be accepted this could potentially lead to legal challenges for failure to comply with duties placed on the Local Planning Authority in its SCI. Given that these temporary changes are necessary in the existing situation, it would not be considered beneficial to consult on them.
9. The temporary changes currently in place and proposed to be continued are set out at Annex A. The changes relate to suspending the availability of documents at West Offices reception and the city's libraries, and holding face to face meetings. Where measures cannot be complied with, where possible, an alternative has been proposed, for example holding virtual meetings using software platforms such as Skype and Zoom. A number of temporary changes are also proposed in relation to part three of the SCI regarding consultation on planning applications. For example, during the pandemic standard consultation periods have been temporarily extended.

10. Given that the dates in the Government's roadmap are not fixed and may be subject to change it is suggested that the amendments to the SCI (set out at Annex A) stay in place for a further 6 months. It is also suggested that Members recommend that Executive agree to delegated authority being given to the Corporate Director of Place, in conjunction with the Executive Member for Economy and Strategic Planning, to allow the temporary amendments to the SCI to be reinstated as and when key steps in the Government's roadmap are confirmed to be implemented. This provides the most flexible approach in reinstating consultation methods safely and in line with Government guidance.
11. It is anticipated that the covering note to the SCI will be amended as and when it is safe for consultation methods to be reinstated and ultimately taken down from the website when the removal of all legal limits on social contact is confirmed by the Government. This decision will be publicised, as encouraged under national guidance.

Council Plan

12. In relation to the Council Plan 2019-2023 (Making History, Building Communities), by seeking to maintain the involvement of the community across a range of planning policy matters and planning applications during the pandemic, the covering note to the adopted SCI will help to meet all of the outcomes namely:
 - Well-paid jobs and an inclusive economy
 - A greener and cleaner city
 - Getting around sustainably
 - Good health and wellbeing
 - Safe communities and culture for all
 - Creating homes and world-class infrastructure
 - A better start for children and young people

Implications

13. The following impacts have been assessed:
 - **Financial** – None
 - **Human Resources (HR)** – None
 - **One Planet Council / Equalities** – There will continue be positive benefit in ensuring all parts of the community can partake in consultation and ensuring consultation methods are up-to-date.

- **Legal** – Without updating the SCI as proposed in this report, the Council could come under criticism or legal challenge for not being able to carry out consultation in accordance with its commitments, as set out in the SCI at present. The proposed changes reflect specific guidance and regulations that have been issued at a national level to allow consultation to be carried out in alternative ways in light of the COVID-19 pandemic.
- **Crime and Disorder** - None
- **Information Technology (IT)** – There will be increased reliance on IT through the use of virtual meetings/events to replace face to face meetings, for the duration of the COVID-19 Pandemic. Mechanisms are already in place to enable the use of a number of platforms for hosting virtual meetings.
- **Property** - None
- **Other** – None

Risk Management

14. In compliance with the Council's risk management strategy, the main risks associated with updating the SCI are risks arising from failure to comply with the laws and regulations relating to planning.

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Report
Approved



Date 08/04/2021

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Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Statement of Community Involvement (2007)

<https://www.york.gov.uk/downloads/file/1388/cd016-city-of-york-statement-of-community-involvement-sci-adopted-december-2007->

Annexes

Annex A: Proposed Statement of Community Involvement Update April 2021

List of Abbreviations Used in this Report

COVID-19 – Coronavirus

SCI – Statement of Community Involvement