

Sandwell MBC

Statement of Community Involvement (SCI)

Regulation 12(a) Report of Consultation and Consultation Statement

July 2022

Background

This report sets out the consultation that took place in the lead up to and during public consultation of the Sandwell MBC Draft Statement of Community Involvement (in this document referred to as the Draft SCI) from 9th May 2022 to 19th June 2022. It reviews the consultation responses received, the number of representations made and a summary of the main issues raised by the representations.

This document has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 which requires that Local Authorities set out the persons the local planning authority consulted when preparing the supplementary planning document, a summary of the main issues raised with the consultation responses, and how those issues have been addressed.

The consultation on the Draft SCI was taken following changes in planning legislation, technological advancements and to address consultation during lockdown conditions.

Once adopted, the new Statement of Community Involvement will replace the Council's current Statement of Community Involvement (2016).

The intention is that this SCI will help all parties involved understand how Sandwell MBC will involve the public and stakeholders in the planning process from July 2022.

Consultation

Following approval to consult on the SCI, the consultation took place between 9th May and 19th June 2022. Notification of the draft SCI was made available on the council's consultation page, the council's website and social media accounts. Notification was also sent via letter or email to

- Statutory Consultees, including adjoining authorities
- Local Plan database contacts including individuals, developers and agents

Hard copies of the draft SCI (2022) were made available within all six of the main town libraries and an additional copy was made available at Council House, Oldbury.

The comments form was interactive and made available on the council's website. A hard copy of the comments form was also available upon request.

Comments were requested to be made via the interactive comments form on the council's website, by email to ldf_planning@sandwell.gov.uk, or in writing to Strategic Policy, Sandwell Council, Directorate of Regeneration & Economy, Council House, Freeth Street, Oldbury B69 3DE

An introduction to the Draft Statement of Community Involvement was made publicly available on the Sandwell MBC website

Summary of Response to the Consultation

The Council received a total of 27 sets of comments, from three representatives, to the consultation. These are identified below:

Dudley MBC – (18 comments)

SFS – (1 comment)

LP Property – (1 comment)

Canal and River Trust (1)

Historic England (6)

The Respondents to the Draft Charging Schedule are set out below:

Rep No.	Consultee	Rep	Action	How changed	Reason for change
Sci1	Dudley MBC	Para 1.3 bpt 6, direct reference to community engagement statement required in LP preparation under Part 17 (d) of the 2012 regs (proposed submission documents)	Amend Document	The following sentence has been added to the end of the 6 th bullet point "This will form the basis of the Consultation Statement, and includes which people were invited to make representations and how they were involved, a summary of the main issues raised and how these have been incorporated in to the document, in line with the Town and County Planning Act."	To make reference to requirements under the T&CP Act
Sci2	Dudley MBC	2.7 - reference to the BCCS in the process of being superseded by the emerging BCP?	Amend Document	Para 2.7 has been amended to incorporate "...which is in the process of being superseded by the Black Country Plan..."	To identify that the Core Strategy is in the process of being replaced by the BCP
Sci3	Dudley MBC	3.2 – words run into each other throughout the doc – e.g. here "planningdecisions" and "andambitions"	Amend Document	Amended layout in areas where this has occurred so the space between words is more obvious	For Clarity
Sci4	Dudley MBC	3.2 – "stakeholder" mentioned here, but only defined at 7.1	Amend Document	Footnote added "The term stakeholder has a broad definition, but it often referred to as any individual or organisation with an interest"	To clarify what Stakeholder means when it is first referenced
Sci5	Dudley MBC	3.3 – caution – potential repeal of DtC under the Levelling Up and Regeneration Bill (currently we do this but this is under review, will follow national guidance - currently have to Make	Amend Document	Sentence amended to read the following (sections underlined have been added) "There is <u>currently</u> a duty to cooperate in the plan making process with neighbouring councils and government bodies, <u>however, this</u> requirement is currently under	To make the reader aware that the CIL may be replaced by another mechanism

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		reference, this is under review)		review. Whilst the duty to <u>cooperate is still required</u> , the council will endeavour to assist partners wherever possible throughout the formation of the plan making process. Sandwell Metropolitan Borough Council has a strong working relationship with neighbouring boroughs (Appendix 1). An example of this is the creation and adoption of the joint Black Country Core Strategy and the ongoing collaborative working on its successor document, the Black Country Plan. <u>We will continue to follow national guidance and will undertake the requirements of the most up to date legislation.</u>	
Sci6	Dudley MBC	4.2 – Libraries – may need a footnote to reference that libraries and other public buildings may not be open in nationally or locally prescribed lockdown measures (If another pandemic, may not be open)	Amend Document	Footnote added “Note should be taken that during pandemic conditions, libraries and other public buildings may not be open”	To clarify that future pandemics may impact on the opening of public buildings and the consultation process
Sci7	Dudley MBC	4.2 – mention here large print copies of planning documents, and translations?	Amend Document	Sentence added to the end of the Hard Copies bullet point “Upon request, copies may also be available in large print or languages other than English”	To identify that copies of documents may be available in other formats
Sci8	Dudley MBC	4.3 bpt 3, could mention virtual Q and A sessions here?	Amend Document	The last bullet point of 4.3 has the added wording “virtual question and answer sessions”	To highlight that another form of communication may be available during lockdown conditions
Sci9	Dudley MBC	5.1 – mention redaction of comments/ subject to GDPR?	Amend Document	The following sentence has been added to the end of 5.1 “Comments will be available for public view but these will be redacted in line with GDPR”	To make clear that representations are available for public view but that it will comply with GDPR
Sci10	Dudley MBC	8.1/ Fig 3 - “Annual Monitoring Report” now “Authority Monitoring Report”	Amend Document	Diagram amended to read Authority Monitoring	Correct terminology

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Sci11	Dudley MBC	8.1/Fig 3 – some planning docs missed out such as LDOs/ CACAs?	Amend Document	Suggested documents have been added to the diagram	Add missing content
Sci12	Dudley MBC	8.2 - reference to the Local Plans under preparation?	Amend Document	Sentence added to 8.2 “...and other land use documents under preparation”	Add missing content
Sci13	Dudley MBC	8.3 – DPDs do more than “outline” the key development goals of the ldf?	Amend Document	Removal of the word “outline” and replaced with “identify and guide”	To better represent what a DPD does
Sci14	Dudley MBC	8.5/8.6 – caution Levelling up and Regeneration Bill may give more weight to SPDs and IPSs etc	Amend Document	Sentence added to the end of 8.5 “In the future, the Levelling up and Regeneration Bill may give more weight to SPDs” Sentence added to the end of 8.6 “In the future, the Levelling up and Regeneration Bill may give more weight to IPSs”	To identify that changing legislation can impact on existing documents
Sci15	Dudley MBC	8.7 – caution CIL being replaced by IF? (There may be changes afoot, currently, may change dependant on national policy)	Amend Document	The first four sentences within 8.7 now reads as follows “The council currently has a Community Infrastructure Levy (CIL) in place. As set out in national guidance, this is in the process of being replaced by an Infrastructure Levy. The council will utilise the most up to date requirement as identified in National Policy. These processes allow local authorities to raise funds from developers undertaking new building projects in their area.”	To highlight that the CIL mechanism may change in the future
Sci16	Dudley MBC	9.2 – need to expand more on the benefits of pre-apps (although 10.1 is noted) – as under para 40 of the NPPF – also note rouge apostrophe in this para	Amend Document	The following sentence has been added to 9.2 “This can be done via the pre-application process, which is identified in paragraph 10.1”	Reference made to another section which deals with this – to make it an easier read
Sci17	Dudley MBC	9.9 – mention the possible need for Planning Committee meetings to be held virtually during periods of lockdown	Amend Document	The following sentence has been added to 9.9 “In the event of another pandemic and periods of lockdown, Planning Committee meetings will be held virtually”	Add content
Sci18	Dudley MBC	virtually during periods of lockdown • (9.10) – mention appeal process and how the community can engage with it?	Amend Document	9.10 is an addition to the document. The paragraph reads as follows “The appeal process is in place should the person who made the application disagree with the decision, and this is the most common reason for an appeal being made. An appeal can	Add content

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				be lodged within 12 weeks for a householder application and within 6 months for a Major application. There is also a right to appeal should a decision not be made within 8 weeks (13 for a major development) and an extension of time had not been agreed. The deadline is earlier if the appellant has received an enforcement notice, the appeal must then be made within 28 days"	
Sci19	SFS	"More effort could be made to include the residents of Sandwell. All projects should include written letters to those affected either locally, or for major projects (town centres etc), every Sandwell resident, with a survey such as this, as well as the chance to add their own thoughts and ideas".	Amend Document	"Letters to residents" has been added to the bullet point entitled Additional Comments	To identify that this can be a method used up to a degree
Sci20	West Bromwich BID	thanks whilst I cc to clients of mine, whom work together & whom will be looking to promote their freehold ownerships in the next Site Allocations and Delivery DPD and also review of West Bromwich & Tipton AAP Also cc to couple of Architectural firms e.g. below I've previously referred them both to, whom may wish to pass on to the couple of the planners, they refer their planning policy to,	Noted		Noted only as it did not specifically refer to this document and there were no calls for change
Sci21	Canal and River Trust	The Trust is a statutory consultee in the Development Management process and whilst we are not a specific consultation body on planning policy matters, we note our inclusion in the draft SCI Appendix 1 within the groups listed as an 'other consultee' on page 22. We consider that the Canal and River	Amend Document	Added the Canal and River Trust to 'Specific Consultation Body' section and removed from 'other consultee' section	To better represent the status of the consultee

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		<p>Trust is more specifically a 'Specific Consultation Body' as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015, Statutory Instruments 2015 No. 595 (as amended), Schedule 4 (consultations before the grant of Planning Permission) of Section 18, paragraph (za). This provides that the Trust must be consulted on "Development likely to affect (i) any inland waterway (whether natural or artificial) or reservoir either owned or managed by the Canal and River Trust; or (ii) any canal feeder channel, water course, let off or culvert, which is within an area which has been notified for the purposes of this provision to the local planning authority by the Canal and River Trust." We would therefore request that reference to the Canal and River Trust on page 22 been altered to our inclusion within the earlier list of 'Specific Consultation Bodies' on page 21.</p>			
Sci22	Historic England	<p>Paragraph 3.3 it may be useful to include some additional detail about the Duty to Cooperate process and when, who and how the Council engage in this.</p>	Amend Document	<p>The following was added to the start of 3.3 "The Duty to Cooperate applies to all Local Planning Authorities and a number of public bodies. The duty relates to sustainable development/use of land that significantly impacts two or more local planning areas. Cooperation is also required on issues of common concern. Councils are required to address such issues. The council and the public bodies will actively and constructively engage with each other, and on an on-going process, to develop strategic policies. The Duty to Cooperate also requires</p>	To offer a greater explanation

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				councils to consider joint approaches to plan making".	
Sci23	Historic England	Section 4; Historic England is available to attend meetings and/or workshops where relevant to our specific remit on the historic environment.	Noted		This relates more specifically to HE rather than the process
Sci24	Historic England	Paragraph 5.2 given the nature of our role and the detail of our formal representation it is not possible for Historic England to fill in a representation form for each issue. Instead we will submit a letter response via email within the consultation deadline period.	Noted		No change as, although other forms accepted, the preferred method is representation form
Sci25	Historic England	Section 6/7 it would be useful in either of these sections to have a reference to Appendix 1 and the list of Consultation Bodies. We welcome the inclusion of Historic England on this list.	Amend	Added "This can be seen in appendix 1." After the first sentence in 6.4	To highlight the consultees
Sci26	Historic England	Paragraph 8.2 we would request that there is transparency between the Development Plan document and the Sustainability Appraisal assessments for example, that the same policy numbers or site reference numbers are used within both documents or if this is not possible, then a conversion chart should be supplied.	Noted		The Council are aware of this issue and are in talks on how to address it. The document will be updated once this is established
Sci27	Historic England	It may be useful in Section 9 to have a link to the Statutory Bodies that will be consulted during the planning application process.	Amend	Added text to 9.3 - The relevant statutory bodies will also need to be consulted during the application process.	Noted comment and amended text to highlight statutory consultees but link may cause confusion