

# **Statement of Community Involvement Consultation Document**

DRAFT  
10 April 2019

## **Statement of Community Involvement Consultation Document**

The Council is inviting comments on the draft Statement of Community Involvement (SCI) as part of a formal public consultation that runs from 3 June 2019 until 6 September 2019.

You can view the document and find out more about the document and the consultation on the Council's website at [www.birmingham.gov.uk/SCI](http://www.birmingham.gov.uk/SCI) or by calling 0121 303 4323.

### **How do I comment?**

You can respond directly to the document online at our website [www.birmingham.gov.uk/SCI](http://www.birmingham.gov.uk/SCI)

Alternatively, you can also respond by completing a comment form, available from the Planning and Development offices or downloaded from our website, and returning this to us.

- Email: [planningstrategy@birmingham.gov.uk](mailto:planningstrategy@birmingham.gov.uk)
- Write: Planning and Development, PO Box 28, 1 Lancaster Circus, Birmingham, B1 1TU

Hard copies of the SCI are available to view during normal opening hours at the Planning and Development offices or local libraries.

### **What happens next?**

At the end of the consultation period, all of the responses will be analysed. The Council will then compile the results of the consultation in a report which will be made available on our website in due course. All responses received will be taken in to account and used to prepare the final version of the SCI which will then be formally adopted by Birmingham City Council.

The City Council will communicate this document in a suitable way to all audiences. In addition to the online and printed documents, and meetings, requests for the document in alternative formats will be considered on a case by case basis including large print, another language and typetalk.

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# 1. Introduction

## **What is the Statement of Community Involvement (SCI)?**

- 1.1 Planning for land use and development in the city is one of the Council's key responsibilities, impacting directly and indirectly on residents and communities. The Council is committed to engaging with local people, organisations, businesses and other interested parties to get their views on different aspects of its planning work.
- 1.2 The Statement of Community Involvement (SCI) sets out how the Council will involve local communities, businesses and other stakeholders in the preparation and review of planning policy and the consideration of planning applications. It explains who will be consulted, when and how.
- 1.3 The SCI is a Local Development Document and forms part of the Council's statutory local planning framework. The Council must comply with it in the preparation of any planning policy documents and when determining planning applications.

## **Why is the SCI being updated?**

- 1.4 Birmingham's first SCI was adopted in 2008. An update of the SCI is required to reflect the Housing and Planning Act 2016, the Neighbourhood Plan Act 2017, the latest regulations, changes in national planning policy and guidance, as well as changes in communication over the past 10 years. The revised SCI, once adopted, will replace the current SCI.
- 1.5 The Council is consulting on this document from 3 June 2019 until 6 September 2019. You can comment in the ways described at the front of this document on page 2. Following this consultation period, all comments will be considered and the final SCI will be prepared for adoption.

## **What is the aim of the SCI?**

- 1.6 Consultation is crucial in helping the Council and its partners make decisions which affect the City. By involving the community in the planning process the Council can ensure that the planning and development of the area meets the aspirations of the widest possible range of people, communities, organisations and businesses. The aims of the SCI are to:
  - help promote participation and involvement in the planning process by presenting clear opportunities for people to make their views known;
  - help make the planning system more accessible, transparent and inclusive;
  - harness the views, aspirations and knowledge of local communities and stakeholders to improve the quality and efficiency of planning decisions; and

- promote social cohesion by making connections with communities and offering them a tangible stake in decision making.

## **Consultation Principles**

1.7 The SCI is guided by the Government's Consultation Principles: Guidance (2018) which provides guidance on how consultations should in general be conducted. The Council wishes to involve people in a meaningful way using timely, proportionate, and appropriate consultation techniques. This document has been prepared in the context of the following overarching consultation principles:

- Have a purpose and is proportionate, asking relevant questions on the issues that are to be decided on.
- Be clear and informative, using plain English that is clear to help everyone contribute to the process.
- Be open, transparent and responsive, allowing the opportunity for all to take part and showing how comments and views have been considered.
- Be targeted on the most affected people, but also promote consultations as widely as possible.
- Promote equality through ensuring vulnerable people or disadvantaged groups are involved in the planning process.
- Promote social cohesion by involving as many sectors of the local community as possible and recognising their different consultation needs.
- Use appropriate methods to engage with people constructively whilst, at the same time, ensuring Council resources are used in the most effective and efficient manner.
- Commit to working with partners and communities.

## **Consultation Policy Framework**

1.10 The duty to engage the community in planning matters and to prepare the SCI arises from the Planning and Compulsory Purchase Act 2004 (section 18) as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017. This legislation requires the Local Planning Authority (in this case the Council) to prepare a statement for how it will involve those with an interest in development in the area. There is a clear emphasis through national policy on encouraging early and consistent community involvement.

1.11 Legislation sets out the minimum standards for publicity and consultation on planning applications and plan-making, which are set out in the next chapter. The Council will always meet these requirements and, where appropriate and resources allow, will seek to go beyond them to secure wider-ranging involvement in plan-making.

## Commitment to Equality and Inclusive Consultation

1.12 In addition to its legal and statutory requirements, the SCI also captures the City Council's commitment to equality, diversity, involvement and community cohesion in line with the following policies and strategies. These are also reflected in the principles for effective and representative consultation which follows on below.

- Equality - The Council has a commitment to equality which is also a statutory duty under the Equality Act 2010. The Act aims to promote equality, eliminate discrimination and encourage good relations between different groups associated with age, disability, gender/gender reassignment, race, religion and other protected characteristics. Engaging with residents and other stakeholders is key to meeting this duty to better understand the needs of diverse groups. An up-to-date SCI demonstrates that the Council has had due regard to this statutory duty in terms of public consultation on planning documents and applications.
- Council Plan – This SCI will contribute to the endeavours of the Council Plan by 'proactively strengthening our partnerships with key institutions and businesses to create a strong civic family to lead the city' and 'fostering local influence and involvement' so as 'to ensure that local people have a voice in how their area is run'.
- Community Cohesion – the principles and practices of the SCI reflect those of the Community Cohesion Strategy for Birmingham ([link](#)), particularly in promoting inclusive economic growth that benefits everyone across Birmingham and helping to empower and engage neighbourhoods to be active participants in local solutions and decisions.
- Localism in Birmingham – the SCI will also deliver the objectives set out in the Council's framework on Localism in Birmingham as it will help to tailor future engagement on planning matters to be more efficient, better suited to the area and aim to make residents feel that they are more in control of decision making in their local area.

## What will we consult on?

1.13 The SCI relates to the engagement and consultations that the Local Planning Authority carries out; it does not cover all Council related consultations and engagement activities. The SCI specifically sets out how the Council will engage with people on the following matters:

- Planning Policy Documents which are set out as a programme within the Local Development Scheme (see below) including;
  - Development Plan Documents (which make up the **Local Plan**) which sets the strategic planning direction for the city, allocates land for development and policies to guide development decisions;

- Supplementary planning documents which support the Local Plan by providing detailed guidance;
- Informal planning documents, such as area frameworks;
- Neighbourhood Plans, which are prepared by communities;
- Planning applications;
- Community Infrastructure Levy which is a charge that allows local authorities to raise funds from most types of new development in their area to fund essential infrastructure.

## **Local Development Scheme**

- 1.14 The Local Development Scheme (LDS) lists the planning policy documents that the Council intends to produce or review and the timetables for their preparation. When the LDS is updated it will be published on the Council's website. Notifications will be sent to the consultation bodies listed in the regulations<sup>1</sup> and those on the planning policy consultation database.

## **Making consultations more representative and effective**

- 2.11 Birmingham has a diverse population and it is recognised that approaches to consultation need to be designed with this diversity in mind. Where appropriate, we will hold planning policy consultation events in accessible places and convenient times for a broad a range of local people as possible. Information and support to help local communities to comment and engage on local planning issues and development proposals (including Neighbourhood Planning can be found on a wide range of different forums including Planning Aid England on: <http://www.rtpi.org.uk/planning-aid/neighbourhood-planning/>
- 2.12 The Council also accommodate requests for consultation materials in alternative formats and languages to meet the needs of different people and groups where possible and where resources permit.

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<sup>1</sup> The Town and Country Planning (Local Planning)(England) Regulations 2012 (as amended)

## 2. Consultation on Planning Policy Documents

### Introduction

- 2.1 There are various planning documents prepared by the Council. Each of these is described below and the process for their preparation is set out in the tables overleaf. This chapter set out how and when people can get involved during the process. To make consultation as effective as possible, an engagement strategy will be put in place for the consultation on each planning document.
- 2.2 The engagement strategy will ensure that the engagement is relevant to the area being planned for, that key stakeholders have been identified, and that suitable methods of engagement are put in place. The methods used should inform people, and allow opportunities to engage and collaborate as part of the consultation. The strategy should be informed by community profile for the area being planned.
- 2.3 It is recognised that some parts of the community are not always adequately represented. The Council will work closely with relevant organisations that have experience in a particular matter to find the best way of consulting and liaising with these groups.

### Development Plan Documents

- 2.4 Development Plan Documents (DPDs) are statutory documents which set out strategic policies, allocate sites for development, and sets policies for decision making on planning matters. Collectively, the DPDs comprise the Local Plan, which forms part of the development plan. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.5 DPDs need to follow a statutory process set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. This is set out in **Table 1** below along with how the City Council will engage with stakeholders and communities at each stage.

### Supplementary Planning Documents and other Informal Planning Documents

- 2.6 Supplementary planning documents (SPDs) and other informal planning documents do not have statutory status and cannot set new policy. Rather they provide more detailed guidance on how the policies in the Local Plan are applied. While SPDs are adopted formally by the Council and are material considerations in the determination of planning applications, they do not form part of the development plan.
- 2.7 SPDs and other informal planning documents may cover a range of issues - thematic and site specific. SPDs may take the form of design guides, area development briefs,



masterplans or issue-based documents. Birmingham has a number of adopted SPDs adopted and there are also a number currently in preparation. Find out more on

[https://www.birmingham.gov.uk/directory/10/approved\\_planning\\_policies/category/55](https://www.birmingham.gov.uk/directory/10/approved_planning_policies/category/55)

- 2.8 There are a number of key stages in preparing SPDs which are set out in **Table 2** along with how the City Council will engage with stakeholders and communities at each stage. The level and extent of consultation required in the preparation of a SPD is generally less than that for a DPD and the methods used will vary, according to its content.

## **Sustainability Appraisal (SA) and Strategic Environmental Assessment**

- 2.9 Sustainability Appraisal (SA) seeks to assess how the policies reflect sustainable development objectives. This will be consulted on at certain key stages of the plan-making process.
- 2.10 All DPDs must be subject to a Sustainability Appraisal. Most DPDs and some SPDs are also subject to a Strategic Environmental Assessment (SEA), the latter normally being incorporated into the SA via a combined 'Sustainability Report'. The Sustainability Appraisal Scoping Report, which sets out the methodology for the appraisals, will be updated as necessary and be the subject of consultation with relevant stakeholders each time a DPD is prepared to ensure that it provides for an up-to-date and appropriate appraisal of the likely impacts of the document's policies. The Sustainability Report will be published alongside the relevant DPD.
- 2.11 Natural England, Historic England and The Environment Agency are 'Strategic Environmental Assessment Consultation bodies' who will be specifically consulted on the requirement for and on the scope of any Strategic Environmental Assessments (SEAs).

## **Who will be consulted?**

- 2.12 All planning policies and decisions have the potential to impact on people, with a number of statutory and non-statutory consultees. Among this are residents, councillors, businesses, interest groups, agents, developers, community groups, West Midlands Combined Authority, Transport for the West Midlands, and the Greater Birmingham and Solihull Local Enterprise Partnership.
- 2.13 The minimum legal requirements for consultation and public participation in DPDs and SPDs are set down in the Town and Country Planning (Local Planning) (England) Regulations 2012. Specified bodies must be consulted where the Council considers that the body may be affected by what is proposed.
- 2.14 The 2012 Regulations also require consultation with other interest groups, which cover a whole range of voluntary, community, special interest, amenity and business interests, referred to as 'general consultation bodies'. The Council maintains an up to

date database of such contacts which is used to notification of consultations. Individuals and organisations can ask to be included on the database at any time. If you wish to be included please contact the Planning Policy team or fill in a form on the Council's website at (link).

- 2.15 The Council also has a legal 'duty to co-operate' with other local planning authorities, county councils and other the 'prescribed' public bodies<sup>2</sup> in relation to strategic cross boundary issues, such as housing, transport and flood risk. The Council will continue to positively address cross boundary issues in its plan making. This duty is additional to the basic legal requirements for consultation when plan making.

## How will we consult and engage?

- 2.16 The Council considers wide engagement to be important so suitable methods to engage and consult need to be considered in order to meet and build on the statutory regulations. We will carefully consider how consultations are run in order to ensure that the city's diverse community are made aware of relevant planning proposals and opportunities to comment on them. Different methods will be used according to the scope of the consultation, the target audience and the resources available. The following outlines some of the different methods of consultation which will be utilised:

- **Online engagement** – this has become the primary method of engagement for the Council which includes the use of websites, online questionnaires, social media and email alerts. The Council's website will be regularly updated with information about the Local Plan and other planning documents. The Council will advertise all consultations on its website with documents available to view on dedicated pages. The Council will make use of social media where appropriate and will post information on Facebook, Twitter and other social media platforms to promote consultations, as suitable.
- **Face to face engagement** – sometimes speaking directly to someone is the best way to understand a person's point of view. Depending on the issues involved, this can include drop-in events, exhibitions, meetings with relevant groups or organisations, and presentations at public meetings such as ward committees. Meetings and exhibitions will be held at accessible and appropriate locations.
- **Written notifications** – for all statutory consultations, the Council will directly contact by email or letter all known consultation bodies, along with anyone who has asked to be notified when consultation is taking place. Details of consultation and the availability of documents will be set out in this communication. Consultation notification e.g. letters and e-mails, may be accompanied by specially designed comment forms to assist people with their responses.
- **Publicising consultations** – the Council will publicise consultations through a variety of means, including advertisements in the local press, public notices, media releases, newsletters, posters and site notices (for planning applications). Public notices will be published in local newspapers when appropriate and press

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<sup>2</sup> As defined by the Town and Country (Local Planning (England) Regulations 2012) (as amended)

releases and/or briefings to convey information to wider audiences will also be used where appropriate.

- **Making consultation material available** - as well as publishing documents and consultation material online, hard copies will be made available for inspection at the Council's main planning offices or to purchase in hard copy form.

## **What happens to your views and comments?**

- 2.17 All comments received on planning policy documents including the person/ organisation's name and contact details will be recorded. Your details will not be passed onto third parties however, they will be used to notify you of progress with the document that you have made comments on and any subsequent planning policy consultations, if you do not wish to receive these notifications please let us know.
- 2.18 At the draft document stage for DPDs or following consultation on a draft SPD, comments will be reported to the decision making body. The comments received will be reported as summaries or summary reports. All comments will however be available to inspect in full on request. Addresses and contact details will not be published. Generally anonymous comments are not accepted for consultation purposes. Individual written responses to the comments received will not normally be sent.
- 2.19 For DPDs, the Council has to prepare a Consultation Statement for publication alongside the Proposed Submission/ Publication DPD, which summarises the consultation that has been undertaken to date in connection with the preparation of the document and the responses received.
- 2.20 For SPDs the Council has to prepare a Consultation Statement for publication alongside both the draft and final versions of the SPD, which summarises the consultation that has been undertaken in connection with the preparation of the document and the responses received.
- 2.21 For DPDs at the formal Proposed Submission stage, representations made in relation to the Tests of Soundness or legal compliance matters will not normally be considered by the Council as they will be passed to the Inspector. These representations will be assessed and along with a summary of key issues raised, will form a Statement of Representations. All the original comments as submitted will be sent to the Inspector when the Plan is submitted for Examination and will be published via the Council's website in full but with addresses and contact details removed (redacted). All comments will be available to inspect in full upon request.
- 2.22 All comments will be fully considered and, where appropriate, the Council will make decisions or changes as a result. However, it is important to note that it may not always be possible or appropriate to decide the matter in accordance with the comments(s) received. Sometimes there may be other material considerations to which the Council must adhere such as requirements of legislation or national / local policies.

**Table 1: Process for preparing a Development Plan Document**

Key Stage	Process and Requirements	Opportunities for Engagement
<b>1: Pre-production (Regulation 18)</b>	<ul style="list-style-type: none"> <li>• Collect evidence and establish wider policy framework</li> <li>• Informal consultation and early engagement may be carried out</li> <li>• Consider issues and alternatives</li> <li>• Consult with statutory bodies on the scope of the SA/SEA</li> </ul>	<ul style="list-style-type: none"> <li>• Carry out informal consultation and early engagement. The nature/extent of this will be determined by the evidence gathered, subject matter and scope of the consultation</li> <li>• Consult with statutory bodies on the scope of the SA/SEA</li> <li>• Early engagement with relevant groups and organisations</li> <li>• Carry out the 'duty to co-operate' requirement</li> </ul>
<b>2: 'Preferred Options' Draft Plan (Regulation 18)</b>	<ul style="list-style-type: none"> <li>• Prepare and publish 'Preferred Options' Draft Document</li> <li>• Consult for a <u>minimum</u> statutory period of six weeks</li> <li>• Prepare Consultation Statement</li> <li>• Council considers the comments made</li> </ul>	<ul style="list-style-type: none"> <li>• Write to specific, general and all other consultees who the Council consider may have an interest, including everyone on the planning policy consultation database.</li> <li>• Make consultation documents available for inspection including on the Council's website, planning offices and other locations as considered appropriate</li> <li>• Hold public exhibitions, events and workshops or more focused meetings where appropriate.</li> <li>• Use social media and/ or local media to raise awareness</li> </ul>
<b>3: Publication Proposed Submission Document (Regulations 19 &amp; 20)</b>	<ul style="list-style-type: none"> <li>• Having considered the comments and evidence gathered, the Publication/ Proposed Submission Document and SEA/SA Report is prepared</li> <li>• Statutory consultation for a minimum of six weeks to comment on the Plan, the SA/ SEA and supporting evidence</li> <li>• Comments will be considered by the Inspector at the Examination</li> <li>• Prepare Consultation Statement</li> <li>• Council considers the comments and</li> </ul>	<ul style="list-style-type: none"> <li>• Write to specific, general and all other consultees who the Council consider may have an interest, including everyone on the planning policy consultation database.</li> <li>• Make consultation documents available for inspection including on the Council's website, planning offices and other locations as considered appropriate</li> <li>• Hold public exhibitions, events and workshops or more focused meetings where appropriate.</li> </ul>

	may propose further amendments to be considered by the Inspector	<ul style="list-style-type: none"> <li>• Use social media and/ or local media to raise awareness</li> </ul>
<b>4: Examination (Regulation 22)</b>	<ul style="list-style-type: none"> <li>• Main issues raised at Stage 3 are summarised and made publicly available</li> <li>• Plan submitted to Secretary of State for independent examination</li> <li>• Independent Examination likely to involve hearing sessions ( 6 weeks prior notice to people who have requested to appear at the hearings)</li> <li>• Planning Inspector issues report if main modifications are not required, or;</li> <li>• Optional Stage where the City Council agrees, the Inspector can propose changes or 'main modifications' to the plan to avoid it being found 'unsound'</li> <li>• Inspector considers representations on main modifications</li> <li>• The hearing may be re-opened</li> <li>• Planning Inspector issues report</li> </ul>	<ul style="list-style-type: none"> <li>• Use Council's website and social and/ or local media to raise awareness of the Examination</li> <li>• Make Examination documents available on the Council's website</li> <li>• The Inspector will consider all representations made at Stage 3.</li> <li>• The Inspector will decide whether to conduct the examination via written representations or hearings and who is invited to participate.</li> <li>• Notice of Examination is given six weeks in advance to people who have requested to appear at hearing sessions</li> <li>• Hearing sessions are generally open to the public.</li> <li>• Examination documents are published on the Council's website</li> </ul>
<b>5: Adoption (Regulation 26)</b>	<ul style="list-style-type: none"> <li>• Plan adopted by the City Council if found 'sound' by Inspector</li> <li>• Six week period for legal challenge to the High Court</li> </ul>	<ul style="list-style-type: none"> <li>• Publish the Plan, adoption statement and other relevant evidence base documents on the Council's website, and make available at Planning offices and other locations as considered appropriate</li> <li>• Send Adoption Statement to consultees on the Planning Policy Consultation Database and others who have asked to be notified</li> <li>• Use social media and/ or local media to advertise adoption of the Plan.</li> </ul>
<b>6: Monitoring &amp; Review</b>	<ul style="list-style-type: none"> <li>• Plan is monitored to make sure it is achieving its aims</li> <li>• The plan will be reviewed where necessary and at least every 5 years</li> </ul>	

**Table 2: Process for preparing Supplementary Planning Documents and Informal Planning Documents**

<b>Key Stage</b>	<b>Process and Requirements</b>	<b>Opportunities for Engagement</b>
<b>1: Evidence gathering</b>	<ul style="list-style-type: none"> <li>• Collect evidence and establish wider policy framework</li> <li>• Consider issues and alternatives</li> <li>• Screen to determine whether an SEA and Habitats Regulations Assessment is required</li> </ul>	<ul style="list-style-type: none"> <li>• Carry out informal consultation and engagement. The nature/extent of this will be determined by the evidence gathered, subject matter and scope of the consultation</li> <li>• Early engagement with relevant groups and organisations</li> </ul>
<b>2: Consultation on Draft Plan (Regulation 13)</b>	<ul style="list-style-type: none"> <li>• Statutory consultation for a minimum of four weeks to comment on the draft SPD and any supporting evidence</li> <li>• Comments considered and SPD amended where necessary</li> <li>• Prepare Consultation Statement</li> </ul>	<ul style="list-style-type: none"> <li>• Write to specific, general and all other consultees who the Council consider may have an interest, including everyone on the planning policy consultation database.</li> <li>• Make consultation documents available for inspection including on the Council's website, planning offices and other locations as considered appropriate</li> <li>• Discuss the document with relevant stakeholders including statutory consultees</li> <li>• Use social media and/ or local media to raise awareness</li> <li>• Depending on the content, consultation may also be supported by workshops/meetings.</li> </ul>
<b>3: Adoption (Regulation 14)</b>	<ul style="list-style-type: none"> <li>• Council adopts Plan</li> <li>• Publish adoption documents including Consultation Statement</li> <li>• Six week period for legal challenge to the High Court</li> </ul>	<ul style="list-style-type: none"> <li>• Send Adoption Statement to consultees on the Planning Policy Consultation Database and others who have asked to be notified</li> <li>• Use social media and/ or local media to advertise adoption of the Plan.</li> </ul>
<b>4: Monitoring &amp; Review</b>	<ul style="list-style-type: none"> <li>• Plan is monitored to make sure it is achieving its aims</li> <li>• SPD may be reviewed, where necessary</li> </ul>	

### 3. Neighbourhood Planning

- 3.1 Neighbourhood planning was introduced by the Localism Act (2011). It is a way for communities to decide the future of the places where they live and work by having more of a say in where new homes, businesses, shops and community facilities should be placed in their local area, along with being able to allocate sites for development. Neighbourhood Plans, once adopted, are statutory plans which carry equal weight to any Local Plan.
- 3.2 Unlike DPDs, Neighbourhood Plans are produced by local communities themselves with the support of the Council. These plans must be in general conformity with the strategic policies in the Birmingham Development Plan and have regard to national planning policy.
- 3.3 Where they choose to, local people can draw up a plan or a development order:
- Neighbourhood Plans allow communities to establish general planning policies for the development of land in the area. A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum. This means that the council and planning inspectors will need to take the plan into consideration when making planning decisions.
- Neighbourhood Development Orders (including community right to build orders) grant planning permission for a specific type of development in a particular area. This could be either a particular development or a particular class of development such as housing or retail.
- 3.4 Like DPDs, there are regulations which cover the preparation of neighbourhood plans/orders including consultation requirements. Regulations also cover the referendum stages. The Council's role is to provide advice and support to groups developing a plan. Up to submission of the final draft ('proposed submission') plan, it is the town or parish council (or forum) that is responsible for public consultation and engagement in its preparation.
- 3.5 It is only at submission stage that the Council takes a lead on finalising the plan. This includes consultation and a referendum, which will be publicised on the website and in local press adverts.
- 3.6 The Council will expect the consultation principles in this document to be followed and a clear engagement strategy in place. **Table 3** sets out the key stages in the process and the Council's role and the qualifying body's role in relation to consultation and engagement.
- 3.7 The Council supports and promotes neighbourhood planning and is committed to providing advice and support to groups who wish to prepare neighbourhood plans and orders. As part of this commitment, the Council will:

- Designate a planning officer to act as the first point of contact between neighbourhood planning groups and the Council. The officer will provide appropriate help and advice on planning policy matters and facilitate access to other teams within the Council where specialist advice is needed;
- Provide appropriate technical advice and assistance, for example, advice on the planning policies applying to the area, the steps involved in the preparing a plan or order, the formulation of a qualifying body;
- Share evidence and information on planning matters;
- Advise on consultation and engagement; and
- Provide a formal consultation response at the draft plan consultation stage

**Table 3: Neighbourhood Planning Key Stages**

Key Stage	Opportunities for Engagement	
	Parish/ Neighbourhood Forum role	Birmingham City Council's role
<b>1: Designation of Neighbourhood Area and Neighbourhood Forum</b> (where appropriate):	<ul style="list-style-type: none"> <li>• Before submitting an application to designate the neighbourhood area the Parish Council/ Neighbourhood Forum may decide to consult with the local community about preparing a neighbourhood plan/ order.</li> </ul>	<ul style="list-style-type: none"> <li>• With the exception of applications which are for an entire parish area, the Council will formally publicise and consult on applications to designate a neighbourhood area (minimum consultation period is 4 weeks) and publish details in relation to the designation or refusal of a neighbourhood area.</li> <li>• Where appropriate, consultations on the designation of a Neighbourhood Area and a Neighbourhood Forum will be combined.</li> <li>• Write to specific, general and all other consultees who the Council consider may have an interest.</li> <li>• Make documents available on the Council's website, planning offices and other locations as considered appropriate.</li> <li>• Use social media and local media/ press to raise awareness</li> </ul>
<b>2: Preparing the Draft Neighbourhood Plan/Order:</b>	<ul style="list-style-type: none"> <li>• Undertake ongoing consultation and engagement with the community and relevant consultees</li> </ul>	<ul style="list-style-type: none"> <li>• Initial screening (5 weeks) consulting the statutory consultees to determine if an SEA is required.</li> <li>• Provide advice on relevant national</li> </ul>



<ul style="list-style-type: none"> <li>• Develop vision, aims and objectives</li> <li>• Gathering baseline information and evidence</li> <li>• Identify and assess options</li> <li>• Determine need for SEA</li> </ul>		<p>and local planning policies and guidance</p> <ul style="list-style-type: none"> <li>• Share evidence and information on planning issues and on funding and skills for neighbourhood planning</li> <li>• Provide relevant contact information to assist consultation, publicity and engagement</li> </ul>
<b>3: Pre-submission publicity and consultation:</b>	<ul style="list-style-type: none"> <li>• Publicise the draft neighbourhood plan or order and invite representations (minimum of six weeks consultation)</li> <li>• Consider the comments and amends plan/ order if appropriate</li> <li>• Prepare Consultation Statement</li> <li>• Consult the consultation bodies as appropriate</li> </ul>	<ul style="list-style-type: none"> <li>• The Council will continue to provide informal advice and support and a formal response to consultation</li> </ul>
<b>4: Submission of Neighbourhood Plan/Order to the Local Planning Authority</b>	<ul style="list-style-type: none"> <li>• Submit plan or order and supporting documents to the Council including basic conditions statement, SEA and Consultation Statement.</li> </ul>	<p>If the Council finds that the plan or order meets the legal requirements it will formally publicise and consult (for a minimum of 6 weeks) as follows:</p> <ul style="list-style-type: none"> <li>• Write to specific, general and all other consultees referred to in the Consultation Statement.</li> <li>• Make documents available on the Council's website, planning offices and other locations as considered appropriate</li> <li>• Use social media and/ or local media to raise awareness</li> <li>• Collate the representations made to send to the examiner.</li> </ul>
<b>5: Independent examination</b>	<ul style="list-style-type: none"> <li>• The Examiner issues a report to the local planning authority and qualifying body</li> </ul>	<ul style="list-style-type: none"> <li>• Make arrangements for the independent examination of the neighbourhood plan</li> <li>• Submit the plan or order, relevant documentation and representations to independent examiner.</li> <li>• Publish the Examiner's report on the website</li> </ul>

		<ul style="list-style-type: none"> <li>• If the Council is satisfied that the plan/ order meets the basic conditions the neighbourhood plan proceeds to referendum, working with the qualifying body in light of any changes</li> <li>• If the Council doesn't think the basic conditions have been met, they will work with the qualifying body to determine the way forward.</li> <li>• If a decision is taken to differ from any recommendation then arrange for a further six week consultation as required.</li> </ul>
<b>6: Referendum plan/ order</b>	<ul style="list-style-type: none"> <li>• Raise awareness of referendum through publication of neutral promotional material.</li> </ul>	<ul style="list-style-type: none"> <li>• Make arrangements and publish information statement and notice of the referendum</li> <li>• Publish referendum results on the website and issue news release</li> </ul>
<b>7: Making the neighbourhood plan/ order</b>		<ul style="list-style-type: none"> <li>• If more than 50% vote in favour, the Council 'makes' the plan via Council resolution.</li> <li>• Publish the Neighbourhood Plan, adoption statement and SEA adoption statement (where relevant) on the Council's website, at the council offices and other locations as considered appropriate</li> </ul>
<b>8: Monitoring and Review</b>		<ul style="list-style-type: none"> <li>• Advise on the options, process and timing for reviewing neighbourhood plans.</li> </ul>

## 4. Community Infrastructure Levy

4.1 The Community Infrastructure Levy (CIL) is a charge that allows local authorities to raise funds from development in their area to fund essential infrastructure. CIL is a set charge that is applied to planning approvals for certain types of development in certain parts of the city. The Council's CIL Charging Schedule is subject to periodic review and can be found at [www.birmingham.gov.uk/CIL](http://www.birmingham.gov.uk/CIL)

4.2 CIL Regulations set out the procedure that charging authorities must follow prior to adopting or changing a Charging Schedule. These are summarised in **Table 4** along with the key opportunities for engagement.

**Table 4: Setting or changing the Community Infrastructure Levy**

Key Stage	Process and requirements	Opportunities for Engagement
<b>1: Preliminary Draft Charging Schedule</b>	<ul style="list-style-type: none"> <li>• Prepare evidence base to inform the Preliminary Draft Charging Schedule (PDCS)</li> <li>• Publish the PDCS</li> <li>• Consult on the PDCS with consultees Consider representations when preparing the PDCS</li> </ul>	<ul style="list-style-type: none"> <li>• Informal consultation and engagement with key stakeholders and interested parties</li> <li>• Make consultation documents available for inspection including on the Council's website, planning offices and other locations as considered appropriate</li> <li>• Use social media and/ or local media to raise awareness</li> </ul>
<b>2: Draft Charging Schedule</b>	<ul style="list-style-type: none"> <li>• Publication of Draft Charging Schedule (DCS) and a statement of representations procedure</li> <li>• Statutory consultation for a minimum of six weeks on the DCS and supporting evidence</li> <li>• Prepare Consultation Statement</li> <li>• An Examiner is appointed</li> </ul>	<ul style="list-style-type: none"> <li>• Write to specific, general and all other consultees who the Council consider may have an interest, including all those who have requested to be notified.</li> <li>• Make consultation documents available for inspection including on the Council's website, planning offices and other locations as considered appropriate</li> <li>• Use social media and local media to raise awareness</li> <li>• Consultation may also be supported by workshops/meetings.</li> <li>• Consultees can request to be heard by the Examiner and notified of further stages</li> </ul>

<b>3: Examination</b>	<ul style="list-style-type: none"> <li>• Submission of Draft Charging Schedule, a summary of main issues raised by the consultation, copies of the representations and relevant evidence</li> <li>• Examiner submits recommendations and the reasons</li> </ul>	<ul style="list-style-type: none"> <li>• Documents made available and persons notified as above</li> <li>• If the DCS had been modified following Regulation 16 all consulted under Regulation 15 must receive a copy of the statement of modifications</li> <li>• Notice of Examination given 4weeks in advance to people who have requested the right to be heard</li> <li>• Local publicity for the Examination</li> <li>• Publish Examiner's recommendations and inform all who requested notification</li> </ul>
<b>4: Adoption, monitoring and review</b>	<ul style="list-style-type: none"> <li>• Council approves Charging Schedule and date of effect</li> <li>• Six week period for legal challenge to the High Court</li> <li>• Details of CIL income received and spent will be published in the AMR.</li> <li>• Review in line with BDP progress and changes in costs and values of development</li> </ul>	<ul style="list-style-type: none"> <li>• Adoption Statement, Charging Schedule and associated maps published on website</li> <li>• Use social media and/ or local media to advertise adoption</li> </ul>

## 4. Consultation on Planning Applications

### Introduction

- 4.1 The SCI must set out standards of consultation to be achieved by the Council in making decisions on planning applications. Planning applications can range from modest extensions to existing dwellings to major development schemes for urban expansion or regeneration.
- 4.2 The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out a minimum standard of publicity and notification of applications to the local community, depending on the nature of the application.
- 4.3 There are a number of different types of application depending on the specific type of consent sought. For most types of application, the process and approach to engagement is set out in **Table 5** below. This explains the process for determining a planning application and when, how and who will be consulted.

### Pre-application consultation

- 4.3 The aim of pre-application consultation is to encourage engagement before a formal application is made, enabling communities and stakeholders to have an influence on a planning proposal before it is finalised. The process can help to identify improvements and overcome objections at a later stage.
- 4.4 The Council welcomes and encourages pre-application consultation where it is appropriate and beneficial. It is recognised that the parties involved at the pre-application stage will vary on each proposal, and the level of engagement needs to be proportionate to the nature and scale of a proposed development. Any pre-application consultation should follow the general consultation principles set out in section 1 of this document. The Council has no formal role in pre-application consultations, but will encourage other parties to take maximum advantage of the pre-application stage.
- 4.5 The details of pre-application consultations with the Council, local community and statutory consultees, should form the basis of a Statement of Community Involvement at Pre-Application, which is submitted with the planning application. (See the Planning Local Validation List)  
[www.birmingham.gov.uk/downloads/file/7362/local\\_validation\\_criteria\\_2018](http://www.birmingham.gov.uk/downloads/file/7362/local_validation_criteria_2018)

### What happens to your views and comments?

- 4.7 Anyone can comment on a planning application either in support or to object. Any comments can only be made on the basis of material planning considerations. Material planning considerations are only those matters that can be considered within planning law in assessing and determining a planning application. For example, issues regarding traffic, wildlife, historic interests are all material considerations.

- 4.8 Comments which relate to “non-material” considerations cannot be taken into account. Non-material considerations include issues such as the loss of property value, boundary and other legal disputes between neighbours, potential problems associated with construction work, competition between businesses and structural and fire precaution issues
- 4.9 All relevant comments received within the defined consultation period will be fully considered and, where appropriate, the Council will make their decision as a result. However, it is important to note that it may not always be possible or appropriate to decide the matter in accordance with the comments(s) received. Sometimes there may be other material considerations to which the Council must adhere such as requirements of legislation or national / local policies.
- 4.10 Any comments can be made available upon written request. We will remove any personal details such as signatures, phone numbers and email addresses. Any support, objections and comments will be noted in the planning case officer’s report, along with how they have been considered in the decision. The Council also reserve the right to withhold any comment(s) considered defamatory or harmful to an applicant, a consultee or the wider community.

**Table 5: Process and Consultation on Planning Applications**

Key Stage	Process and Requirements	Opportunities for Engagement
<b>1. Receipt and registration</b>	<ul style="list-style-type: none"> <li>• Check compliance with relevant national and local validation requirements</li> <li>• Check all relevant information and appropriate fee has been provided</li> </ul>	<ul style="list-style-type: none"> <li>• The application will be available to view on the Council’s website.</li> </ul>
<b>2. Consultation and publicity</b>	<ul style="list-style-type: none"> <li>• Consult in line with current regulations currently for a minimum of 23 days (to cover postal delays). <ul style="list-style-type: none"> <li>• If the scheme is amended, and we consider that those amendments raise new issues which could lead to further comment, we will seek to re-consult for a further 10 days.</li> </ul> </li> </ul>	<p>The Council notifies stakeholders and the community in accordance with the regulations by:</p> <ul style="list-style-type: none"> <li>• Publishing the application details on the Council’s website and how to comment;</li> <li>• Letter to the owners/occupiers of properties adjoining the application site advising of application and the period in which to submit comments; and/ or</li> <li>• Site notice placed on or near sites subject to applications for</li> </ul>

		<p>development; and or</p> <ul style="list-style-type: none"> <li>• Publishing a notice in the local press for certain types of development<sup>3</sup></li> <li>• A weekly list of all new applications received by the Council is posted on the Council's website</li> </ul> <p>Depending on the proposal, we will also consult with:</p> <ul style="list-style-type: none"> <li>• Various statutory and non-statutory consultees (footnote)</li> <li>• Other bodies and interest groups relevant to the proposal</li> <li>• Duty to Cooperate bodies on major strategic applications or neighbouring authorities on applications for development close to the City boundary</li> </ul>
<b>3. Assessment</b>	<ul style="list-style-type: none"> <li>• The planning case officer will normally visit the site.</li> <li>• All material considerations will be taken into account in assessing the application, including comments received, relevant local and national planning policies and guidance.</li> <li>• Any comments received can be made available upon written request. We will remove any personal details such as signatures, phone numbers and email addresses</li> <li>• The Council reserve the right to withhold any comment(s) considered defamatory or harmful to either an applicant, consultee or the wider community.</li> </ul>	
<b>4. Making a decision</b>	<ul style="list-style-type: none"> <li>• The planning case officer will make a recommendation on the application in a report which sets out the reasoning, along with a summary and consideration of comments and consultation responses.</li> </ul>	<ul style="list-style-type: none"> <li>• If you have supported or objected to an application which is to be reported to Planning Committee you will be invited to speak/ address the Committee for a specified time.</li> <li>• The Planning Committee currently</li> </ul>

<sup>3</sup> Major applications; Listed Building Consent; development affecting Conservation Areas; Development subject to an Environmental Impact Assessment; Departures from the Development Plan; Development affecting a Public Right of Way

	<ul style="list-style-type: none"> <li>• The majority of planning applications are determined under delegated powers.</li> <li>• Decisions for such applications will be made in accordance with the Council's "Scheme of Delegation". <a href="https://www.birmingham.gov.uk/downloads/file/9180/directorate_for_economy_-_delegated_authority_to_economy_directorate_officers">https://www.birmingham.gov.uk/downloads/file/9180/directorate_for_economy_-_delegated_authority_to_economy_directorate_officers</a></li> <li>• In certain circumstances, outlined within the "Council's Scheme of Delegation", a planning application will be reported to, and determined by Planning Committee.</li> </ul>	<p>meets regularly in the Council House in Birmingham. The meetings open to the public, however certain items may be discussed in private.</p> <ul style="list-style-type: none"> <li>• The Committee meetings are broadcast live on the Council's website.</li> <li>• Once a decision has been issued, a decision notice will be sent to the applicant and/or agent to inform them of the decision.</li> <li>• If you have commented on an application, you will be notified of the decision.</li> <li>• All planning decisions are published on Planning Online (the public register of applications) available on the Council's website.</li> </ul>
<b>5. Post decision</b>	<ul style="list-style-type: none"> <li>• If the applicants disagree with our decision, they have the opportunity to make an appeal to the Secretary of State</li> <li>• There is no right of appeal for third parties. This means that if planning permission is granted a member of the public cannot take the application to an appeal.</li> </ul>	



## **5. Monitoring and review**

- 5.1 The SCI will be kept under regular review and be updated at least every 5 years. The effectiveness of the SCI will be monitored through the Authority Monitoring Report (AMR). The monitoring framework for the SCI is set out in Appendix X. Changes to the SCI may also be instigated by further revisions of the regulations which govern publicity and involvement in the planning policy preparation and planning application processes.
- 5.2 The monitoring indicators that will be used to measure the effectiveness of the SCI are:
- 100% of decisions in line with statutory consultee advice on major applications
  - 100% policy consultations in line with SCI requirements as demonstrated in the Consultation Statement

# Glossary

**Authority Monitoring Report (AMR)** - The requirement for a local authority to produce an Authority Monitoring Report (AMR) is set out in Section 113 of the Localism Act 2011. This includes reporting on implementation of the Local Development Scheme (LDS), performance against housing targets set out in the Local Plan, neighbourhood planning, Community Infrastructure Levy implementation, and the Duty to Cooperate.

**Birmingham Development Plan (BDP)** – The BDP was adopted in January 2017 and is the key planning document which sets out the vision, objectives, and strategy for the future development of the whole of the City.

**Community Cohesion** – Where there is a common vision and a sense of belonging for all communities across the City

**Community Infrastructure Levy (CIL) and Charging Schedule** - The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force through the Community Infrastructure Levy Regulations 2010 and has been operating in Birmingham since January 2016. The Charging Schedule specifies the specifics of that charge.

**Council Plan** – Plan setting out the vision and priorities for the citizens of Birmingham across all disciplines and service provision within the Council.

**Development Plan Documents (DPD)** - Documents that sets out policies for the strategic and overarching vision and development for the Borough or particular area. Development Plan Documents include the Birmingham Development Plan and Area Action Plans.

**Duty to Cooperate** - This requires cooperation between us and our neighbouring councils/planning authorities and other public bodies to maximise the effectiveness of strategic planning within the borough, particularly to ensure that regional planning issues are properly addressed.

**Equality** – Protection of people from discrimination in the workplace and in wider society legally embedded into the Equality Act 2010. Organisations such as local authorities have a duty to comply with the Act and uphold its principles.

**Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP)** - One of 39 Local Enterprise Partnerships set up by Government to drive economic development in England. It covers the geographical boundaries of the local authorities of Birmingham, Bromsgrove, Cannock Chase, East Staffordshire, Lichfield, Redditch, Solihull, Tamworth and Wyre Forest and is made up of representatives from the public and private sectors, in addition to skills providers.

**Informal Planning Documents** – Documents which are not statutory and do not set policies but provide planning guidance and additional information for a type of development or the future development of a particular area.

**Localism** – Enabling people to have control over what happens in their local area, that local businesses should be supported, and differences between places should be respected.

**Local Planning Authority (LPA)** - An LPA is the local authority or council that is empowered by law to exercise statutory town planning functions for a particular geographical area of the UK.

**Local Development Document** – Any document which makes up the suite of documents within the Council's development plans and policies

**Local Development Scheme (LDS)** - Document setting out timescales and milestones for the production of Development Plan Documents and Supplementary Planning Documents..

**Localism Act (2011)** - An Act of Parliament that changes the powers of local government in England. The aim of the act is to facilitate the devolution of decision making powers from central government control to individuals and communities.

**Local Plan** - In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004.

**Neighbourhood Plans** - a way of helping local communities to influence the planning of the area in which they live and work.

**Non-statutory Consultees** - In addition to Statutory Consultees, there are other consultees for which there are planning policy reasons to consult on planning applications and who are likely to have an interest in a proposal, but who are not required to be consulted by law

**Planning Aid (England)** - Organisation that provides free advice on planning related matters. Planning Aid is staffed by experienced town planners and is a valuable source of support to many individuals and groups.

**Planning and Compulsory Purchase Act 2004** - Government Act which reforms the town planning and compulsory purchase framework in the United Kingdom

**Planning Policy Consultation Database** - Individuals and organisations who have asked to be informed of consultations on any planning policy documents or those who the council view as needing to be informed of various stages in the planning policy formulation.

**Secretary of State** – Refers to the Secretary of State within the national government responsible for planning matters which is currently the Secretary of State for Communities, Housing and Local Government.

**Statutory Consultees** - Individuals or groups that the Council is required to consult. This list of Consultees is provided in the Town and Country Planning (Local Planning)(England) Regulations 2012 (as amended)

**Strategic Environmental Assessment (SEA)** - The process by which environmental considerations are required to be fully integrated into the preparation of plans and programmes prior to their final adoption. The objectives of SEA are to provide for a high level of protection of the environment and to promote sustainable development.

**Supplementary Planning Documents (SPDs)** - Documents intended to provide support or additional guidance to Development Plan Documents. Although they will not have development plan status they will be subject to procedures of community involvement and Sustainability Appraisal and are a material consideration in the determination of planning applications.

**Sustainability Appraisal (SA)** - An assessment of the likely significant social, economic and environmental impacts of policies.

**Transport for the West Midlands (TfWM)** – The public body responsible for co-ordinating transport services in the West Midlands metropolitan county. It is an executive body of the West Midlands Combined Authority (WMCA), with bus franchising and highway management powers similar to Transport for London.

**West Midlands Combined Authority (WMCA)** – This is a strategic authority with powers over transport, economic development and regeneration. The authority formally came into being on 17 June 2016 by statutory instrument under the Local Democracy, Economic Development and Construction Act 2009.