



APPENDIX 2

Birmingham City Council Local Plan

Temporary Amendments to the Statement of Community Involvement due to Covid 19 Restrictions

Consultation Statement

August 2020

1. Introduction

- 1.1 This Consultation Statement has been prepared as a supporting document to the preparation of the temporary amendments to the Statement of Community Involvement (SCI) as a result of Covid 19 restrictions. It details how the City Council has dealt with consultations, how comments (representations) have been sought, and how the representations that have been received have been addressed in the preparation and evolution of the SCI.
- 1.2 The purpose of the SCI is to provide up-to-date information about how Birmingham City Council seeks to consult with its citizens and consultees when determining planning applications or drafting local planning policies whilst taking into consideration changes to relevant government legislation and the revised National Planning Policy Framework (NPPF). The information contained within the SCI provides further details about methods of consultation, planning policy consultations, development management consultations, pre-applications and the legal and policy requirements to be met when consulting with statutory and non-statutory consultees.
- 1.3 The existing SCI was adopted by the Council at the Cabinet meeting on 21st January 2020 and it is a legal requirement for an up-to-date SCI to be adopted and published by local planning authorities under the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and Neighbourhood Planning Act 2017).
- 1.4 However, since adoption, the outbreak of the Covid-19 pandemic and ensuing restrictions on social distancing and access to public buildings has meant that some of the methods of consultation outlined in the SCI are currently not possible. This has been recognised by Government which has revised guidelines for local planning authorities concerning Local Plans to enable them to adapt to new planning practices and means of consulting with the public on a temporary basis whilst current restrictions are in place <https://www.gov.uk/guidance/plan-making# covid19>
- 1.5 The revised guidance therefore states that *“local planning authorities will need to assess their Statements of Community Involvement to identify which policies are inconsistent with current guidance on Covid-19 and make any temporary amendments that are necessary to allow plan-making to progress, and that continue to promote effective community engagement by means which are reasonably practicable.”*

- 1.6 The temporary amendments provide the flexibility to adapt Government restrictions in place at the time. Once Government requirements for social distancing have been lifted and it is safe to return to the consultation methods and practices set out in the existing SCI published in January 2020, the January 2020 SCI will once again be brought back into effect.

2. Consultation Process Overview

- 2.1 A public consultation on the proposed amendments was held for four weeks during July 2020 (3rd – 31st July). This period was shorter than usual for such documents but was deemed sufficient, given the urgency to approve the changes; the fact that the changes are only temporary and the fact that the document has only recently been approved by the City Council following consultation in 2019.
- 2.2 The City Council communicated the document in a number of ways that was suitable to meet the requirements of all audiences. These methods are summarised in the Table below.

| Method | Action Taken |
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| Direct consultation | <p>Letters were sent out to all contacts on the Planning Policy Consultation Database informing them of the consultation, how to access it and how to make representations.</p> <p>This included:</p> <ul style="list-style-type: none">- Prescribed Specific Consultation Organisations- Other local authorities and County Councils- Primary Care Trusts/ Clinical Commissioning Groups- Utility and telecommunication companies/ undertakers- Voluntary, ethnic, religious and disability groups- Business groups and Local Enterprise Partnerships- Prescribed Duty to Cooperate organisations- Councillors/ MPs |

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| | <ul style="list-style-type: none"> - Housing associations - Environmental groups and Local Nature Partnership - Parish/ town councils - Members of the public - Local businesses including planning consultants, surveyors and architects |
| Hard copies for inspection | Unfortunately, due to Government guidelines with regard to the Covid 19 pandemic, all public buildings and libraries were closed at the beginning of the consultation period and many remain closed. Hard copies of the consultation document could not therefore be displayed for inspection. Instead, hard copies could be requested to be sent by post. |
| Online | <p>A full copy of the SCI temporary amendments Consultation Document and method of submitting representations was published on the City Council's website on Friday 3rd July 2020 and maintained for the duration of the consultation until Friday 31st July 2020.</p> <p>The facility to make comments online was also provided, at https://www.birminghambeheard.org.uk/economy/sci-covid-19-review on the same day, in line with the City Council's consultation policies and practice.</p> |
| Alternative formats (available on a case by case basis) | <p>Large print, typetalk and various languages were available on request if resources permitted.</p> <p>An accessible version of the document was requested by the Guide Dogs Association for people with sight loss or impairment. An accessible version was therefore provided and simultaneously published on the Be Heard page referenced above.</p> |

2.3 The City Council maintains a database of organisations and individuals who have expressed a wish to be consulted on planning policies or whom the City Council considers should be consulted as well as statutory consultees. Currently this list contains approximately 870 entries.

2.4 The database includes:

- All of the bodies prescribed for the purposes of the Duty to Co-operate in regulation 4 of the Regulations, apart from those which are not relevant to Birmingham.
- The 'specific consultation bodies' listed in regulation 2 of the Regulations apart from those which are not relevant to Birmingham.
- A range of bodies falling within the description of 'general consultation bodies' of the Regulations.
- All adjoining and nearby County, District and Unitary Councils and all Parish Councils within or adjoining Birmingham.
- All local elected members and MPs.
- Private individuals and businesses who have previously commented on a planning policy consultation or who have expressed a wish to be included.

2.5 The database is a 'living' document which is updated on an ongoing basis, and organisations or individuals can be added to it on request at any time. The City Council does its best to ensure that the information contained in the database is accurate, but it is inevitable that the names of organisations or contact details will sometimes change, and the City Council will usually only be aware of this if notification is received. A copy of the database, excluding the details of private individuals, can be made available on request

Summary of key issues raised

2.6 During the four week consultation period, a total of 11 individuals/organisations responded generating 13 separate comments.

2.7 The consultation responses were generally supportive and did not raise any significant issues in relation to the proposed amendments. The two main issues raised were as follows:

- Clarification was sought to ensure the amendments were flexible enough to change in line with continuing changes to national restrictions made by the Government

- A review date for the temporary amendments needs to be set to ensure that the arrangements do not continue for longer than is required.

2.8 A summary of the issues raised, including the City Council's response to each point raised and any consequent changes arising as a result, is appended below as Table 1.

Table 1: Draft Temporary Amendments to the Statement of Community Involvement due to Covid-19 Restrictions - Consultation Summary of comments and BCC Response

| Response from: | Support Policy Approach | Summary of Comments and Main Issues Raised | City Council Response | Action | Ref |
|--------------------------------|-------------------------|---|---|---|-----------------|
| Severn Trent Water | Yes | <ul style="list-style-type: none"> In order to provide comments on the effect of any flood risk / impact, Severn Trent Water normally require GIS based data to model the impacts of any additional development. This process takes 6-8 weeks to complete. | <ul style="list-style-type: none"> As a statutory consultee, Severn Trent Water has agreed separate protocols in place with the City Council as the local planning authority with regard to consultation. | <ul style="list-style-type: none"> No further action | SCI-COVID/001/1 |
| Cannock Chase District Council | Yes | <ul style="list-style-type: none"> Cannock Chase DC recognise the difficulties in undertaking consultation to support the development plan at this time and support the continuing delivery of plan-making. | <ul style="list-style-type: none"> Support welcomed | <ul style="list-style-type: none"> No further action | SCI-COVID/002/1 |
| Individual comment on Beheard | Don't know | <ul style="list-style-type: none"> Queries the granting of Planning Permission for HMO's during this unprecedented period. | <ul style="list-style-type: none"> Comments do not specifically relate to the amendments in relation to the Covid-19 restrictions. The City Council has a duty to attempt to determine all planning applications within a set timeframe. The Covid 19 restrictions are not solely deemed to be a fair and reasonable reason to refuse or delay applications relating to HMOs. | <ul style="list-style-type: none"> No further action | SCI-COVID/003/1 |
| That's All Media | Yes | <ul style="list-style-type: none"> Support the idea of using live video content to enhance social media consultations and conversations. | <ul style="list-style-type: none"> The comments are welcomed. The City Council is adopting a flexible approach to consultation in utilising social media and live video platforms within the temporary amendments whilst Government restrictions on social | <ul style="list-style-type: none"> No further action | SCI-COVID/004/1 |

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| | | | distancing remain in place | | |
| Individual comment on Beheard | Yes | <ul style="list-style-type: none"> None | <ul style="list-style-type: none"> Support welcomed | <ul style="list-style-type: none"> No further action | SCI-COVID/005/1 |
| Individual comment on Beheard | Yes | <ul style="list-style-type: none"> None | <ul style="list-style-type: none"> Support welcomed | <ul style="list-style-type: none"> No further action | SCI-COVID/006/1 |
| Birmingham Conservative Group (Councillor Robert Alden) | No | <ul style="list-style-type: none"> Regard the document as being too open-ended in the application of the temporary amendments. Suggest that a clear endpoint to the temporary amendments should be set e.g. 31st December 2020, after which time there should be a new consultation if an extension was required. | <ul style="list-style-type: none"> The comments are welcomed. The amendments were drafted to be flexible to enable them to be relaxed alongside Government guidelines. However it is recognised that additional clarification is required to remove any ambiguity and provide maximum flexibility when restrictions are relaxed or lifted altogether. In providing this further clarification, the need to provide a review date is negated because it has been made clear that the temporary amendments will only continue to apply whilst any relevant Government restrictions solely relating to social distancing remain in place. | <ul style="list-style-type: none"> Document will be amended throughout to provide maximum flexibility to adapt to when restrictions are relaxed or lifted altogether and solely relate to relevant restrictions on social distancing measures. | SCI-COVID/007/1 |
| Birmingham Conservative Group (Councillor Robert Alden) | No | <ul style="list-style-type: none"> Regard the document to be outdated as regulations relating to Covid-19 are changing by the day. Suggest that the document needs to make clear that any restrictions are based on the national guidance at the time of the application / consultation period. | <ul style="list-style-type: none"> The comments are welcomed. The wording for the amendments is intended to be flexible. However it is recognised that additional clarification is required to remove any ambiguity and make clear that any restrictions are based on the Government requirements in existence at the time of the application / consultation period. | <ul style="list-style-type: none"> Document will be amended throughout to state that only those restrictions in existence at the time relating to social distancing measures will apply. | SCI-COVID/007/2 |
| Birmingham Conservative Group (Councillor Robert Alden) | No | <ul style="list-style-type: none"> Covid-19 outbreak and the consequent restrictions in place should not allow for consultation | <ul style="list-style-type: none"> The comments are welcomed. The City Council recognises that flexibility is paramount to make allowance for | <ul style="list-style-type: none"> No further action | SCI-COVID/007/3 |

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| Alden) | | periods to be shortened or reduce the need to write to residents concerning planning applications. Consultation periods, if anything should increase in such circumstances. | <p>current restrictions and Government guidelines concerning Covid-19. The proposed amendments already allow for consultation timescales to be maintained, or even extended, for policy documents and planning applications when deemed appropriate in order to take this into account.</p> <ul style="list-style-type: none"> The proposed amendments do not alter any of the existing established procedures in place in writing to residents with regard to planning applications. | | |
| The Guide Dogs for the Blind Association (Alexandra Jones) | Yes | <ul style="list-style-type: none"> Request for an accessible version of the document to be provided for people with sight loss / impairments. Screen reader technology and people with certain visual impairments cannot pick out different coloured text. | <ul style="list-style-type: none"> Comments are welcomed. A version of the temporary amendments to the SCI which is accessible to people with sight loss or impairment has since been approved by the Guide Dogs Association and subsequently published on the City Council's website. | <ul style="list-style-type: none"> No further Action | SCI-COVID/008/1 |
| Natural England (Sharon Jenkins) | Yes | <ul style="list-style-type: none"> No likely risk or opportunity in relation to Natural England's statutory purpose – therefore no further comment. | <ul style="list-style-type: none"> Response welcomed | <ul style="list-style-type: none"> No further action | SCI-COVID/009/1 |
| Canal and River Trust (Ben Richards) | Yes | <ul style="list-style-type: none"> No Comments | <ul style="list-style-type: none"> Response welcomed | <ul style="list-style-type: none"> No further Action | SCI-COVID/010/1 |
| Birmingham City Council Planning Committee (16 th July 2020) | Yes | <ul style="list-style-type: none"> General support received at the Committee meeting. Suggestion from one Committee member that a clear endpoint to the temporary amendments should be set. | <ul style="list-style-type: none"> Support welcomed. It is recognised from comments elsewhere that additional clarification is required to remove any ambiguity and provide maximum flexibility in order to adapt to when restrictions are relaxed or lifted | <ul style="list-style-type: none"> Document will be amended throughout to provide maximum flexibility to adapt to when restrictions are relaxed or lifted | SCI-COVID 11/1 |

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| | | | altogether. In providing this further clarification, the need to provide a review date is negated because it has been made clear that the temporary amendments will only continue to apply whilst any relevant Government restrictions solely relating to social distancing remain in place. | altogether and solely relate to relevant restrictions on social distancing measures. | |
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