

**TITLE OF REPORT: ITEM REFERRED FROM CABINET: 28 JULY 2015 – NORTH HERTFORDSHIRE LOCAL PLAN – REVISED STATEMENT OF COMMUNITY INVOLVEMENT**

*The following is an extract from the Draft Minutes of the Cabinet meeting held on 28 July 2015.*

**33. NORTH HERTFORDSHIRE LOCAL PLAN: REVISED STATEMENT OF COMMUNITY INVOLVEMENT**

The Executive Member for Planning and Enterprise presented a report of the Strategic Director of Planning, Housing and Enterprise in respect of the proposed revised Statement of Community Involvement (SCI). The following appendices were submitted with the report:

Appendix A – Amended Statement of Community Involvement - 2015; and  
Appendix B – Schedule of representations and responses to the consultation.

The Executive Member for Planning and Enterprise advised that the draft revised SCI had been published for consultation alongside the Local Plan Preferred Options in December 2014. It was considered that the SCI should be revised to set out how the Council would deal with electronic petitions in light of the increasing use of social media and to update some minor factual details.

The Executive Member for Planning and Enterprise reported that representations to the draft SCI were received from 11 individuals and organisations. A full response to each of the representations was set out in the schedule of representations and responses set out at Appendix B to the report, and summarised in Paragraph 8.4.

The Principal Strategic Planning Officer advised of a minor amendment to the SCI document at Paragraph 6.1, with the addition of the words “and any adopted Neighbourhood Plans that exist in the District,...” after the words “...Saved Local Plan 2007,...”.

**RECOMMENDED TO COUNCIL:**

- (1) That the revised Statement of Community Involvement, as attached at Appendix A to the report, and as amended, be adopted; and
- (2) That delegated authority be given to the Head of Development and Building Control, in conjunction with the Executive Member for Planning and Enterprise, to approve minor amendments or typographical corrections to the documents as may be necessary.

**REASON FOR DECISION:** To set out how the Council consults with the local community in preparing the Local Plan and in determining planning applications.

***The following is the report considered by the Cabinet at its meeting held on 28 July 2015 (including an amendment made to Appendix A).***

**TITLE OF REPORT: NORTH HERTFORDSHIRE LOCAL PLAN: REVISED STATEMENT OF COMMUNITY INVOLVEMENT**

REPORT OF THE STRATEGIC DIRECTOR OF PLANNING, HOUSING AND ENTERPRISE  
PORTFOLIO HOLDER: COUNCILLOR DAVID LEVETT

**1. SUMMARY**

1.1 This report seeks approval for a positive recommendation from Cabinet to Full Council for the adoption of the revised draft Statement of Community Involvement, following public consultation.

**2. RECOMMENDATIONS**

2.1 That Cabinet recommend to Full Council that the revised Statement of Community Involvement, attached as Appendix A, be adopted.

2.2 That Cabinet recommends to Full Council that delegated authority is given to the Head of Development and Building Control to approve minor amendments in conjunction with the Executive Member for Planning and Enterprise or typographical corrections to the documents as may be necessary.

**3. REASONS FOR RECOMMENDATIONS**

3.1 The Statement of Community Involvement will set out how the Council consults with the local community in preparing the Local Plan and in determining planning applications.

**4. ALTERNATIVE OPTIONS CONSIDERED**

4.1 None.

**5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS**

5.1 The Portfolio Holder for Planning and Enterprise was consulted on the revised draft Statement of Community Involvement prior to public consultation taking place.

5.2 The revised draft of the SCI was approved for public consultation by Cabinet on 24 November 2014. Public consultation took place between 18 December 2014 and 6 February 2015.

**6. FORWARD PLAN**

6.1 The report contains recommendations on key decisions that were first notified to the public in the Forward Plan on 12 May 2015.

**7. BACKGROUND**

7.1 The Statement of Community Involvement (SCI) sets out how North Hertfordshire District Council will involve the community in the preparation, alteration or review of local planning policies and in determining planning applications. The local planning authority is required to prepare an SCI in accordance with Section 18 of the Planning and Compulsory Purchase Act 2004.

7.2 The Council first adopted an SCI in 2006 which was subsequently amended in 2012 to reflect changes in legislation and regulations which affect the way in which local planning policy documents are prepared.

7.3 A draft revised SCI was published for consultation alongside the Local Plan Preferred Options in December 2014. It was considered that the SCI should be revised to set out how the Council would deal with electronic petitions in light of the increasing use of social media and to update some minor factual details.

## **8. ISSUES**

8.1 The draft revised SCI sets out how the Council will consult the community in preparing the local plan and when determining planning applications. Public consultation on the draft revised SCI took place over a seven week period from 18 December 2014 to 6 February 2015, in parallel with consultation on the Local Plan 2011 – 2031, Preferred Options consultation paper. Letters and emails were sent to statutory consultees, key stakeholders and local organisations on the local plan consultation list. The document was placed on the Council’s website and was available to view in the local libraries and at the Council Offices.

8.2 Representations to the draft SCI were received from 11 individuals and organisations. Of these, six representations are identical and have been submitted from residents in Pirton with a particular interest in neighbourhood planning.

8.3 A number of issues were raised in the representations, including:

- a. the relationship between neighbourhood planning and the SCI;
- b. the list of consultees set out in the SCI for local planning consultations;
- c. the groups named in the SCI as “hard to reach” groups;
- d. the use of social media websites to raise comments; and
- e. when the council may hold exhibitions for consultation on the local plan.

8.4 A full response to each of the representations is set out in the attached schedule of representations and responses (Appendix B), but summary responses to the main issues are set out below:

- a. the relationship between neighbourhood planning and the SCI; The SCI is a statement of how the council will consult for local planning consultations and when determining planning applications. The SCI is not a statement of how the council will support communities in neighbourhood planning. No changes proposed to the SCI.
- b. the list of consultees set out in the SCI for local planning consultations; The representations suggest that neighbourhood planning steering groups should be added to the list of consultees. The list of consultees set out in the SCI was drawn up before neighbourhood plans were being progressed in the district. It is suggested that the SCI is amended to recognise that neighbourhood plan steering groups should be added to the list set out in paragraph 3.1.
- c. the groups named in the SCI as “hard to reach” groups; One of the representations has highlighted that the list of “hard to reach groups” in the SCI omits specific reference to the elderly or OAPs. This is intentional. The “hard to reach groups” identified in the SCI are those which have been difficult to engage in local planning consultations. It has been less difficult to engage older members of the community, and as can be evidenced by the cross section of ages engaged in consultations to date. No changes proposed to the SCI.

- d. the use of social media websites to make comments on local planning consultation documents:

The proposed changes to the SCI were intended to clarify that comments and representations made on external social media accounts will not be monitored or registered as formal representations, whilst those made via the council's own social media accounts will be monitored they will also not be registered as formal comments as part of planning policy consultations. One of the representations received challenges this assumption stating that comments made via the council's own social media accounts should be taken into account. In order to formally register comments for a local plan consultation, the council needs to record names and either postal or email addresses and this is not possible when comments are made through the social media accounts. The proposed changes to the SCI remain unaltered; and

- e. when the council may hold exhibitions for consultation on the local plan one of the proposed changes to the SCI was to state that exhibitions would only be held in exceptional circumstances rather than in some circumstances when consulting on the local plan. The proposed change of wording has been questioned:

It was proposed to amend the wording to make it clear that it would only be in exceptional circumstances that exhibitions would be staged as part of local planning consultations. In the past, decisions to hold exhibitions have been made to reflect the content of a particular consultation document and it is considered that this flexibility needs to be retained. Therefore it is considered that the original wording in the 2012 SCI should be retained, i.e "In some circumstances the council may decide to hold exhibitions to help explain the content of a consultation document".

8.5 The Statement of Community Involvement as amended is attached as Appendix A.

## **9. LEGAL IMPLICATIONS**

9.1 Under the Terms of Reference for Cabinet Paragraph 5.6.18 of the Constitution states that the Cabinet should exercise the Council's functions as Local Planning Authority except where functions are reserved by law to the responsibility of the Council or delegated to the Strategic Director of Planning, Housing and Enterprise.

9.2 The revised SCI is placed before Cabinet for recommendation to Council. Under the Cabinet's terms of reference Paragraph 5.6.33 of the Constitution states, by recommendation to Council "To advise the Council in the formulation of those policies within the Council's terms of reference." Under the Council's terms of reference include Paragraph 4.4.1(a) of the Constitution functions includes "Approving or adopting the policy framework". The policy framework includes "Development Plan documents " which is stated at Paragraph 4.2.1(d) of the Constitution.

## **10. FINANCIAL IMPLICATIONS**

10.1 The revised SCI has been prepared in house. The costs of the consultation work for the preparation of the local plan will be drawn from the Local Plan reserve which this work supports.

## **11. RISK IMPLICATIONS**

11.1 No direct risk implications from this report but Sustainable Development of the District and the Local Plan are both Cabinet Top Risks.

## 12. EQUALITIES IMPLICATIONS

- 12.1 The Equality Act 2010 came into force on the 1<sup>st</sup> October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5<sup>th</sup> April 2011. There is a General duty, described in 12.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give **due regard** to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.3 As the SCI proposals affect more than two of the North Hertfordshire wards, a separate “equality analysis” has been prepared previously and submitted to the Head of Policy and Community Services to ensure the authority fulfils its requirement under the Public Sector Equality Duty to complete an equality review of “major decisions” taken by the authority. The “equality analysis” showed that overall, the SCI should have a positive impact on how the community is consulted. The ‘hard to reach groups’ have been identified during previous consultations and the SCI amended accordingly to reflect this. The Council’s compliance will be checked against responses received to ensure that it has engaged with sufficiently diverse communities across the district in the preparation of its plans.

## 13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of ‘social value’ as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraph 12.

## 14. HUMAN RESOURCE IMPLICATIONS

- 14.1 The officer time involved in preparing the revised SCI is identified as part of the Corporate Business Planning process for Strategic Planning and Enterprise.

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## 16. APPENDICES

Appendix A: Amended Statement of Community Involvement – 2015.

Appendix B: Schedule of representations and responses to the consultation.