

CABINET
21 JULY 2020

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: STATEMENT OF COMMUNITY INVOLVEMENT – ADOPTION

REPORT OF THE SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: PLANNING AND TRANSPORT

CURRENT COUNCIL PRIORITY: PROSPER AND PROTECT

NEW COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL /
SUPPORT THE DELIVERY OF GOOD QUALITY AND AFFORDABLE HOMES

1. EXECUTIVE SUMMARY

- 1.1. This report asks Cabinet to consider the comments made on the draft Statement of Community Involvement during public consultation and approve the subsequent changes made to the Statement of Community Involvement.

2. RECOMMENDATIONS

- 2.1. That the consultation response is noted.
- 2.2. That, subject to recommendation 2.1, the changes to the draft Statement of Community Involvement (SCI) are approved and that the Statement of Community Involvement, attached as Appendix A is adopted.

3. REASONS FOR RECOMMENDATIONS

- 3.1. The Statement of Community Involvement sets out how the Council consults with the local community in preparing the Local Plan, other local planning documents, and in determining planning applications. It also sets out guidelines for those communities involved in neighbourhood planning.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. To determine, following consultation, that there is no requirement to revise and replace the Council's current SCI. This option is not recommended for the reasons set out below.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Members and Deputy Executive Members for Community Engagement and Planning and Transport were given the opportunity to comment on the draft SCI prior to consultation.
- 5.2. The draft SCI was approved for public consultation by Cabinet on 28 January 2020. Public consultation took place between 12 February and 25 March 2020.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a Key Executive decision that was first notified to the public in the Forward Plan on the 5 May 2020.

7. BACKGROUND

- 7.1. The Statement of Community Involvement (SCI) sets out how the Council will consult the local community in preparing local planning documents, in undertaking relevant consultations for neighbourhood plans and in consultations for planning applications.
- 7.2. The SCI was last updated in 2015 and adopted by Full Council on 3 September 2015. The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 introduced a requirement that a review of an SCI must be completed every five years, starting from the date of adoption.
- 7.3. Planning Practice Guidance states that this review should consider whether existing policies remain relevant and effectively address the needs of the local community. Following review, the relevant policies should then be updated as necessary.

8. RELEVANT CONSIDERATIONS

- 8.1. The SCI sets out how the Council will consult the community in preparing the Local Plan, other local planning documents and in determining planning applications. The draft SCI included a number of revisions:
 - how the District Council will undertake statutory consultations for neighbourhood plans;
 - an appendix which sets out some guidelines of the support that the District Council will offer neighbourhood planning groups;
 - encouraging developers to consider the need for seeking to resolve construction management issues at the earliest stage of the planning process; and
 - encouraging developers of strategic development proposals (i.e. over 500 dwellings) or contentious development proposals to undertake presentations to the relevant Area Committee.

8.2. Only one response was received during consultation from Historic England but no amendments to the SCI were suggested. A copy of the representation can be viewed [online](#). All statutory consultees, Parish Councils and local organisations were notified of the consultation and the document was available on the website during the consultation period. Individuals on the local plan database were not notified of the consultation as there was no explicit consent to do so.

8.3. In response to the COVID-19 pandemic, the government has encouraged local planning authorities to review their Statements of Community Involvement and update policies where necessary. There are a number of instances in the SCI where it is stated that consultation documents will be made available for inspection at the Council Offices or local libraries, venues which are currently closed. It should be noted that all consultation documents are made available to view on the Council's website. It is suggested that the following additional sentences are included in the introduction to the SCI which state:

“In light of the ongoing COVID-19 outbreak and in any comparable circumstances in the future, there may be circumstances when the District Council may be unable to fully comply with the policies outlined in this Statement of Community Involvement. This is particularly the case where consultation documents are usually placed in the Council Offices and local libraries for inspection. The Council is committed to effective consultation and communication with its residents, and in order to continue this, some consultation methods may have to change temporarily. This is to protect both our community and staff in line with Government advice and guidance. The Council will continue to monitor the situation and will actively work to find new and innovative ways to consult at this challenging time.

Where we are unable to meet all of the requirements set out in this document, but have made every reasonable effort to do so, we will consider that the conditions have been met”

8.4. Three further minor amendments are suggested:

- Amend the sentence in the section on consultation on supplementary planning documents to state that consultation documents will be placed in local libraries “where appropriate” (page 7 of the SCI). Some consultations are targeted at professional consultees and it is not necessary for these documents to be printed and distributed to local libraries;
- The word “normally” is added into Table 4; and
- An addition has been included in Appendix 1, Guidance for Neighbourhood Planning Groups to make it clear for neighbourhood planning groups which documents should be submitted to the local planning authority.

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 Service Director – Regulatory. The SCI is not a development plan document and therefore does not form part of the Council's Policy Framework as set out in Paragraph 4.2 of the Constitution.
- 9.2. The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, require that a review of a Statement of Community Involvement must be completed every five years.
- 9.3. Local planning authorities have discretion about how they inform communities and other interested parties about planning applications. [Article 15 of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) sets out minimum statutory requirements for applications for planning permission.
- 9.4. Section [18 of the Planning and Compulsory Purchase Act 2004](#) (as amended) provided that local authorities may set out more detail on how they will consult the community on planning applications in their Statement of Community Involvement.
- 9.5. Temporary changes to the publicity requirements for certain planning applications have been introduced through the [Town and Country Planning \(Development Management Procedure, Listed Buildings and Environmental Impact Assessment\) \(England\) \(Coronavirus\) \(Amendment\) Regulations 2020](#) to support timely decision-making, and avoid delays to development as a result of the effects of the coronavirus pandemic, while maintaining public participation in the decision-making process.
- 9.6. These temporary changes give local planning authorities (and in the case of certain applications for EIA development, applicants) greater flexibility in relation to the way they publicise the planning applications if they are not able to comply with a particular requirement because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

10. FINANCIAL IMPLICATIONS

- 10.1. The consultations which will take place using the SCI in the future will be covered by existing budgets.

11. RISK IMPLICATIONS

- 11.1. There are no 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. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their 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.
- 12.2. An Equalities Impact Assessment was undertaken for the draft SCI. The SCI has identified a number of groups within the community which tend not to engage with local planning issues. These groups include working age people, people with disabilities, black and ethnic minority groups, young people and gypsy and traveller communities. Work will continue with the Policy and Community Engagement Team to encourage these groups to participate in planning consultations. The addition as outlined at section 8.3 and 8.4 seeks to protect the vulnerable in our community.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. The report will have indirect environmental implications, setting out how consultees can raise environmental concerns when responding to all types of planning consultations. The SCI also encourages developers to consider construction traffic management, an area of concern for local residents.
- 14.2. The Council’s environmental template has not been completed for this report. The SCI sets out how consultation will be conducted for local plans, local planning documents and planning applications which are all subject to their own statutory assessments.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 Future consultations which are undertaken using the SCI will be undertaken within existing resources.

16. APPENDICES

- 16.1. Appendix A - Statement of Community Involvement – amended June 2020

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18. BACKGROUND PAPERS

- 18.1. [Statement of Community Involvement – Draft for Public Consultation – Cabinet report - 28 January 2020 \(Minute 82\)](#)
- 18.2. [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)
- 18.3. [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017](#)
- 18.4. [Cabinet Office – Guidance – Staying alert and safe \(social distancing\) until 4 July](#)
- 18.5. [Coronavirus \(COVID-19\): Planning update – 13 May 2020](#)
- 18.6. [National Planning Practice Guidance – Paragraphs 076 – 079 – 13 May 2020](#)