

**CABINET
28 JANUARY 2020**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: STATEMENT OF COMMUNITY INVOLVEMENT – DRAFT FOR PUBLIC CONSULTATION

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 To consider the revised draft Statement of Community Involvement and agree that it is published for public consultation.

2. RECOMMENDATIONS

- 2.1. That the Council's current Statement of Community Involvement should be revised and replaced having regard to the factors outlined in this report.
- 2.2. That, subject to recommendation 2.1, the revised draft Statement of Community Involvement (SCI), attached as Appendix A to this report, be noted and approved for a six-week public consultation.

3. REASONS FOR RECOMMENDATIONS

- 3.1. Officers consider that the SCI should be updated to reflect changes in legislation, technology and Regulations.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. To determine, following a review, 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.

- 4.2. To produce a revised draft SCI with different content or requirements to those set out in Appendix A. This option is not recommended. Officers consider the attached draft contains an appropriate framework of measures to ensure effective engagement with the community on planning matters. This is a consultation document and any comments or suggestions received in response to the proposed consultation can be taken into account prior to finalising the document.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Members and Deputy Executive Members for Community Engagement and Planning and Transport have been given the opportunity to comment on the draft revised SCI. No comments have been received.

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 15 November 2019.

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 the 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. A Statement of Community Involvement was first published by the Council in 2006 and last reviewed in 2015. The changes made in the 2015 review were made to reflect how the Council would deal with the increasing use of social media and on-line petitions.
- 8.2. Having reviewed the 2015 version of the SCI, officers recommend that it is revised and updated. As well as generally updating the text, revising the SCI will ensure it remains relevant and effective by:
- reflecting further changes in technology and the use of social media;
 - ensuring consistency with relevant legislation and regulations;
 - providing further guidance on neighbourhood planning matters; and

- outlining particular matters that should be taken into account by developers when bringing forward relevant planning applications.
- 8.3. The most significant amendments in the 2020 draft proposed SCI include:
- 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.
- 8.4. The Localism Act 2011 introduced neighbourhood planning into the planning system. Whilst consultation during the early stages of neighbourhood planning is undertaken by the neighbourhood planning qualifying body, the SCI should set out how the District Council will undertake consultation during the later stages of the neighbourhood plan. Officers consider that it is also appropriate to include some guidelines which set out how the District Council will support neighbourhood planning groups given the Council does not have a dedicated neighbourhood planning officer.
- 8.5. Recently, local residents and members in the consideration of planning applications have expressed concerns regarding construction management traffic and in particular, construction vehicle access routes to development sites. It is proposed to include a paragraph in the SCI which will encourage developers of large scale sites or those sites with large traffic numbers or traffic movements or sensitive sites to consider construction management issues at the earliest stage of the planning process and to consult the local community before an application is submitted. These consultations would include the routes proposed as well as any temporary restrictions proposed to facilitate access to the site.
- 8.6. With the Local Plan at a more advanced stage of preparation, there are a number of strategic sites which might come forward for development in the future. The SCI has also been amended to encourage developers of strategic sites or sites which are of a significant scale and local interest to consider undertaking presentations to the relevant Area Committee.
- 8.7. It is proposed that local community groups, Parish Councils, developers and their agents and should be directly consulted on the proposed changes to the SCI. The consultation document will also be available for six weeks on the Council website and will be undertaken in parallel with consultation on the Developer Contributions SPD and the Baldock, Bygrave and Clothall Neighbourhood Plan which are subject to separate reports to this meeting. It is proposed that consultation on all three documents will take place from Wednesday 12 February to Wednesday 25 March 2020. Details of how the consultation will be advertised will be discussed and agreed with the Executive Member.

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 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. The Planning and Compulsory Purchase Act 2004 as amended requires that, should a local planning authority decide not to revise the SCI, they must publish their reasons for considering that no revisions are necessary.

10. FINANCIAL IMPLICATIONS

- 10.1. The costs of running the consultation for this draft Statement of Community Involvement will be covered in existing budgets.
- 10.2. 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 has been undertaken and is attached as Appendix B. 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.

13. SOCIAL VALUE IMPLICATIONS

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

14. HUMAN RESOURCE IMPLICATIONS

- 14.1. Consultation for the draft SCI will be undertaken by existing staff. Future consultations which are undertaken will also be undertaken within existing resources.

15. APPENDICES

- 15.1. Appendix A – Revised draft Statement of Community Involvement for public consultation – January 2020
- 15.2. Appendix B – Equalities Impact Assessment for the revised draft Statement of Community Involvement – January 2020

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17. BACKGROUND PAPERS

- 17.1. North Hertfordshire Local Plan: Revised Statement of Community Involvement - Cabinet report – 28 July 2015 (Minute 33)
- 17.2. Full Council - North Hertfordshire Local Plan: Revised Statement of Community Involvement – Item referred from Cabinet – 3 September 2015 (Minute 46)
- 17.3. The Town and Country Planning (Local Planning) (England) Regulations 2012
- 17.4. The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017