

Report to	-	Cabinet
Date	-	30 July 2018
Report of the	-	Executive Director
Subject	-	Updated Statement of Community Involvement

Recommendation: It be **RESOLVED:** That the draft updated Statement of Community Involvement attached as Appendix 1 be approved for public consultation.

Head of Service: Tim Hickling

Lead Cabinet Member: Councillor G.P. Johnson

Introduction

1. This report presents a draft updated 'Statement of Community Involvement' (SCI), attached as Appendix 1, which sets out how and when the Council will carry out consultations and involve the community in both the preparation of planning policy documents and in the determination of planning applications. The updated SCI is put forward for approval in draft form for the purposes of public consultation at this stage.
2. While the existing SCI, adopted in 2015, continues to meet most statutory requirements in terms of plan-making, recent legislation requires that it also covers policies for giving advice or assistance on proposals for the making, or modification, of neighbourhood plans. There is also a need to indicate the consultation opportunities in relation to the recent introduction of 'permission in principle' and producing and maintaining a Brownfield Land Register.
3. It is considered timely to update the SCI, slightly earlier than programmed (the current Local Development Scheme showed consultation this Autumn), given the number of neighbourhood plans currently being prepared, to inform the forthcoming Development and Site Allocations Local Plan consultation and, looking ahead, the Local Plan Review, as these will be of direct interest to many residents, businesses and other stakeholders in the District. It should be noted that in any event, Regulation 10A (1) (b) of The Town and Country Planning (Local Planning) (England) (Amendments) Regulations 2017 now requires Councils to review SCIs at least every 5 years.
4. The review also provides the opportunity to bring the SCI up-to-date in its coverage of public speaking at meetings of the Planning Committee, which was introduced following the previous SCI consultation.
5. It is pointed out that the SCI deals only with planning processes. It does not deal with planning policy, but sets out how the Council will involve different sectors of the community, from individual members of the public through to representative organisations, in preparing plans that do address such matters, as well as in considering planning applications.

Scope and main amendments

- a) *New requirement to set out policies for giving advice or assistance in relation to Neighbourhood Planning*
6. Section 6 of the Neighbourhood Planning Act 2017¹ requires that a Local Planning Authority's SCI sets out its policies for giving advice or assistance on proposals for the making, or modification, of Neighbourhood Plans (NPs).
 7. It is clearly helpful to affected residents to be aware of the opportunities for different sectors of the community to get involved and influence the content of the Neighbourhood (Development) Plan for their area. These are set out in tabular form in the updated SCI at Appendix 1.
 8. In line with the duty on the Local Planning Authority to actively support the preparation of the NP, it is proposed to identify the following:
 - Identifying a nominated officer as the principal point of contact for neighbourhood planning groups.
 - Providing advice on the procedures involved with the preparation of a Neighbourhood (Development) Plan.
 - Pointing the "qualifying bodies" (normally the parish council) to sources of assistance.
 - Providing available background information, including on environmental (nature conservation, flood risk and AONB, etc.) designations, local services, at the outset.
 - Where appropriate, providing an early Screening Opinion on the need for a Strategic Environmental Assessment and, if necessary, a Habitats Regulations Assessment, following consultation with relevant agencies.
 - Providing feedback in the form of comments at the 'pre-submission' plan stage, if not in advance of that, identifying potential issues around compliance with the Core Strategy and National Policy.
 - Offering to assist with mapping for the Proposals/Policies Map of 'submission' NPs.
 - Arranging the timely appointment of an external examiner.
 9. In addition to these activities, the District Council is responsible for taking NPs through the latter stages from 'submission' by the qualifying body, which also involves:
 - assessing compliance with statutory requirements.
 - arranging consultation (for at least six weeks).
 - organising the examination, including providing a Programme Officer if a hearing is required.
 - reporting, as appropriate, the examiner's recommendations.
 - conducting the local referendum.
 - finally 'making' the neighbourhood plan, by resolution of full Council.
 10. All these activities, with due attention to the consultation stages, are set out in the draft SCI.

¹ <http://www.legislation.gov.uk/ukpga/2017/20/contents/enacted>

b) Public speaking at Planning Committee

11. In adopting the SCI in 2015, it was recommended that the Cabinet be presented with the option of introducing a petition-based public speaking scheme at meetings of the Planning Committee, this matter having been raised by a number of representations received during the public consultation stage of the SCI. Following a resolution at Cabinet in April 2016 public speaking was introduced. A review of how it is working has been undertaken with the Chairman and Vice-Chairman of the Planning Committee, which shows that it has bedded in well and, moreover, has added value to the decision making process; hence, it should be retained.

c) 'Permission in principle' and Brownfield Land Register

12. The recent introduction of 'permission in principle', and the associated 'technical details consent', provides a new route to gaining planning permission. However, insofar as it is akin to applying for outline planning permission and the approval of reserved matters, it is proposed to clarify that the same consultation arrangements will apply as for those.
13. There is no consultation with third parties required to put a site on Part 1 of the Brownfield Land Register, as this only indicates suitability for residential-led development in broad terms. However, for a site to be included on Part 2 of the Register is another route into gaining permission; hence, consultation is necessary. This is prescribed by Regulations, which is set out in the SCI.

d) Local Plans and Supplementary Planning Guidance

14. The SCI remains unchanged in identifying the various stages of plan-making and the general standards of consultation that will be applied at each stage of preparing local plans, related sustainability appraisals and supplementary planning guidance. Of course, due regard will be given to the nature and geographical scope of each document when considering consultation mechanisms to ensure effective community and stakeholder engagement.

Next steps

15. It is proposed that the draft SCI attached as Appendix 1 is published for public consultation for a six-week period.
16. Following the consultation, any comments received will be considered in finalising the document and re-presented to Cabinet.
17. The updated SCI will provide a clear, transparent basis for carrying out consultations on future plans – to which the Council may be held to account – and will provide a useful reference to all interested parties on what involvement they can expect to have in planning decisions.

Conclusion

18. It is recommended that the draft updated SCI be published for public consultation, as set out above.

Dr Anthony Leonard
Executive Director

Risk Assessment Statement

The risk of not updating the SCI is that future consultations may be deemed to not comply with recent updates to planning legislation in relation to neighbourhood planning in particular, but also the introduction of Permission in Principle and Brownfield Land Registers. There is a risk of creating unrealistic expectations of community engagement via a new SCI, especially given resource constraints, but the proposed SCI maintains flexibility on approaches to take such factors into account.

It is noted that the 2015 SCI was subject to an equalities impact assessment, which is still relevant and it applies to the 2018 updated SCI.

Appendices

Appendix One – Proposed Updated Statement of Community Involvement

Background Paper

Rother District Council Statement of Community Involvement, Adopted December 2015