

**To:** City Executive Board

**Date:** 19 November 2014

**Report of:** Head of City Development

**Title of Report:** Statement of Community Involvement

### **Summary and Recommendations**

**Purpose of report:** CEB is requested to agree the draft updated Statement of Community Involvement to publish for public consultation.

**Key decision:** Yes – affects all wards

**Executive lead member:** Councillor Bob Price, Board Member for Corporate Strategy, Economic Development and Planning

**Policy Framework:** SCIs are part of the legislative framework within which local plan documents are prepared. In addition, the aims and commitments in the SCI are consistent with the Council's recently-updated Public Engagement Policy Statement (formerly the Consultation Strategy).

**Recommendations:** That the City Executive Board:

1. Agree to publish the draft Statement of Community Involvement for public consultation.
2. Authorise the Head of City Development, in consultation with the Executive Board Member, to make any necessary editorial corrections to the document and to agree the designed version before publication for consultation.

### **Appendices to report**

Appendix 1 – draft Statement of Community Involvement

Appendix 2 – examples of draft supplementary guidance and help sheets to be added to City Council website

Appendix 3 - Risk register

## **Summary**

1. This report summarises the main changes made to the Statement of Community Involvement (SCI) in the new revised 2014 version.
2. The SCI details how we propose to engage local people and organisations in the development planning process, both in planning policy and development management. An SCI was first adopted by the Council in 2006 and this version refreshes that document, to encourage greater and earlier public engagement, and to bring it up to date with current consultation methods and regulations.
3. It is recommended that CEB agree the draft revised SCI to be published for public consultation.

## **Background to the Statement of Community Involvement**

4. It is a key objective of the Town and Country Planning system, and of 'localism', to strengthen community involvement in the planning and development process. Planning affects all communities, so it is important that local people understand the process and have the opportunity to get involved.
5. The City Council has a legal duty to produce an SCI under the Planning and Compulsory Purchase Act 2004 (as amended).
6. The SCI is a legal planning document that sets out how the Council will consult the public and other stakeholders when preparing statutory development plan documents and how it will consult on planning applications. It is essentially a procedural document.
7. The current SCI was adopted in 2006. There have been a great number of changes to the planning system since then. These changes have produced new requirements and processes for producing local plans, and for dealing with planning applications, and it is now appropriate to update and revise the SCI to reflect legal and administrative changes.
8. The SCI has been updated to reflect:
  - The City Council ambitions for greater and earlier public engagement in the planning process
  - Legal and policy changes: the Town and Country Planning (Local Planning) (England) Regulations 2012; the Localism Act 2011; the National Planning Policy Framework (NPPF) 2012; and Neighbourhood Planning (General) Regulations 2012.
  - Changes to the government's planning terminology, including the re-introduction of the concept of Local Plans, and a move from development 'control' to 'management' in the planning application process.

9. The new SCI is also designed to reflect four key principles for effective engagement in planning set out in the Planning Service Improvement Action Plan:
- **Timely and sustained** – events and activities should start before any planning decisions are made and engagement should last throughout the planning process and beyond;
  - **Inclusive for all local people** – those living and working in an area have a right to be involved, all parties are welcome, and process must take account of peoples' varied needs;
  - **Two way, open and responsive** – communication should be discursive not prescriptive, so that information can be debated and ideas exchanged; and
  - **A matter of public record** – the processes must be documented and published.
10. Since the last SCI was adopted, the ways in which the Council engages with the community have also developed and improved, including the Community Engagement Policy Statement 2014-2017. The Statement, which was approved for adoption in September 2014, sets out the ways in which the Council engages with the community, and specifically uses the principles of community to define how this can be further developed and improved. There has also been increased use of information technology, especially in communications between local residents and the City Council; and procedural changes, such as the format of planning committee.
11. The proposed revisions exceed the minimum requirements for consultation<sup>1</sup> and strive for best practice consistent with the efficient use of Council resources.
12. There are two main areas of planning in which the community can participate:
- Development management (planning applications) – most types of development require a planning application to be submitted and approved, and anyone can comment on planning applications; and
  - Planning policy (local plans) – setting the policy framework against which planning applications will be judged.

## **Overview of the revised Statement of Community Involvement**

13. This section of the report summarises the details of the revised draft SCI, which is attached as Appendix 1 to this report.

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<sup>1</sup> The minimum requirements for consultation on Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) are set out in The Town and Country Planning (Local Planning) (England) Regulations 2012. The minimum requirements for consultation on Planning Applications are set out in the Town and Country Planning (Development Management Procedure) Order 2010 (DMPO).

14. In preparing a revised SCI, officers have sought to avoid re-providing content that will date the document in forthcoming years, and to shift the emphasis of the SCI away from prescribing appropriate techniques to establishing broad consultation principles that will continue to apply even if there are shifts in the regulatory framework or operational procedures. Additional detail will be provided through supporting guidance and help sheets on our website. Examples of the supporting guidance are set out in Appendix 2.

#### Main changes to the SCI – relating to planning applications

15. The 2006 SCI sets out the level and approach to community consultation on planning applications in a 'menu' approach.
16. The general shift to a more proactive approach to land use planning, together with the increased use of online systems and websites (in particular the PlanningFinder website) since 2006, means that a number of changes have occurred to the way the planning service engages with local residents and other stakeholders in the application process.
17. The main Development Management provisions of the draft revised SCI are as follows:
- a strong emphasis on the value of early engagement through pre-application consultation and discussions with the community, neighbours or third parties;
  - a commitment to continue to make application material available online; and
  - a commitment to continue to publicise applications through site notices.
18. The City Council no longer sends out notification letters about planning applications, or to inform respondents about the outcome of planning applications. Instead, case officers put up prominent yellow sites notices outside applications sites, and residents are encouraged to self-service if they are interested in a certain street or area through means such as PlanningFinder or the weekly list on the Council website.
19. Officers have given consideration to whether the City Council should go back and consider re-introducing sending neighbour notification letters inviting comments on new planning applications. Such an option is likely to be welcomed by many residents. However it is not without its costs and some risks. The cost of re-introducing such letters is estimated in the region of £45,000 per year. Even when the Council formerly operated this procedure it attracted complaints because some neighbours expected the extent of notification to have been wider and because they thought they could only comment if they received a letter.
20. It is suggested that the City Council should be looking forward in considering the most appropriate mechanisms to consult neighbours and residents in close proximity to a proposed development. The planning service already makes extensive use of site notices, the web, and internet

alerts. The new Council 'App' will extend the options further and enable a more personal service to be accessed by local residents, landlords, and others. The draft SCI confirms that the opportunity remains to view paper plans at the main St Aldates Reception and to use public computers to access the web here and at public libraries.

21. The former SCI encourages but does not require applicants to carry out involvement at the pre-application stage. This is now formalised in the revised SCI, reflecting the conclusion in the Planning Service Improvement Review about the benefits of consultation on applications at the earliest possible stages. The City Council recognises that local meetings or events, where held by developers, are often organised after pre-application discussions between the Council and developers have been held and plans have been finalised. Therefore on larger developments with a significant impact on the community, the revised SCI encourages applicants to organise local meetings or engage through other forms at earlier stages, and seeks to formalise this through Planning Performance Agreements.
22. It is also noted that Section 122 of the Localism Act 2011 requires applicants to carry out pre-application consultations where a proposed development meets criteria set out in a development order. The revised SCI makes reference to the regulation change and highlights that the Council's requirements may change if/when additional development orders are published in future. The Council is keen to encourage this engagement.
23. The SCI also sets out the process for planning appeals, although most of that process is statutory and determined by the Planning Inspectorate so there is little scope or flexibility about how the City Council carries out those duties or how communities can be involved in that process.

#### Main changes to the SCI – relating to plan making

24. The current SCI sets out consultation requirements based on the process and stages of plan making as it existed in 2005/6 at the start of the 'local development framework' process. Since then the level of government guidance about the process has been radically revised and reduced in scope.
25. The current rules for plan making are set out in the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), and in the Town and Country Planning (Local Planning) (England) Regulations 2012. These documents reduce the requirements placed on local councils when preparing their local plans, and local authorities are given more discretion about how to prepare local plans. Combined with this wider scope, the City Council is also keen to ensure the SCI is flexible enough to cope with changes that may occur in terms of national policy and regulations about plan making. These factors culminate in a much less prescriptive approach in the SCI, combined with more effective use of supplementary guidance

and help sheets and information sources (see Appendix 2 for examples,) on topics such as best practice for pre-application consultation, which can be more easily kept up to date for communities and developers to use in guiding how consultation occurs in relation to preparing planning policy.

26. Alongside this there is a new commitment in the SCI to agree with members a specific consultation programme for each new statutory policy document, which will set out the detail of which consultation methods are most appropriate for that document and topic, so that members and the public are clear on the consultation proposed.
27. The other main change to this section of the SCI relates to neighbourhood planning. The introduction of neighbourhood planning powers was a provision of the Localism Act (2011), so whilst the majority of consultation related to neighbourhood planning is the remit of the neighbourhood forum, the revised SCI sets out how the City Council will support the process at the applicable stages where the Council has a statutory function.

### **Consultation on the draft SCI**

28. Whilst the process for producing an SCI is no longer set out by regulation, it is considered good practice to hold a period of public consultation on a draft SCI update prior to consideration of representations and subsequent adoption by CEB.
29. It is proposed to consult widely on the draft SCI and to report back to CEB on the findings. The following consultation methods will be used in seeking comments on the draft SCI:
  - Notification by email (or letter where no email available) to all persons/organisations listed on the existing planning policy database;
  - Publicity and documents available on the planning policy pages of the Council's website;
  - Make paper copies of the consultation document available for inspection at the main offices St Aldates Chambers; and
  - Publish a press release
30. An eight-week period of public consultation is proposed because consultation will take place over Christmas.
31. It is proposed that the draft SCI document will be formatted before being published for consultation but the content will remain the same as the version attached in Appendix 1.

## Timetable and next steps

32. The next steps in terms of progressing the SCI to adoption are as follows:

Public consultation	November 2014 – January
Revisions to final document	January/February 2015
Final document agreed by CEB to adopt	Feb/March 2015
Revised SCI adopted	March 2015

## Conclusion

33. The measures proposed in the revised SCI aim to facilitate greater and earlier public engagement in planning decisions. This will improve the effectiveness of the planning service with regard to how statutory local plans are prepared and how planning applications are considered and decisions made. This will have benefits for City residents as greater use of IT systems will enable greater access to relevant information of plans and planning applications, and consultation will be more resource-efficient and effective in terms of outcomes.

## Level of risk

34. The SCI does not propose new planning policy or identify new development sites, but considers how best to involve different sectors of the community in plan preparation and in determining planning applications.

35. The update to the SCI is a key priority for the City Council. Failure to adopt an updated document could present legal risks in the examination of policy documents, and in processing applications. The risk register is attached as Appendix 3.

## Climate change / environmental impact

36. No specific impacts identified

## Equalities impact

37. The SCI seeks to ensure opportunities for participation in the local planning processes, including for equalities groups. The way that the City Council consults on planning applications and the preparation of local plans could have an impact on equalities groups who may have challenges in accessing information, such as those that do not have English as their first language or those who are unable to access the internet. City Development will therefore continue its practice of preparing an Equalities Assessment when preparing local plan documents, and

ensure that equalities issues are addressed when considering planning applications.

### **Financial implications**

38. The revision of the SCI and consultation on the draft document can be delivered within the existing planning policy budget.
39. The package of measures in the revised SCI aim to put in place changes to service delivery to enable greater resource efficiency, and to deliver greater outcomes and leaner delivery.
40. The cost of implementing the SCI commitments as proposed can be met within the City Development budget. If members are minded to pursue consultation approaches over and above those proposed then there may be additional financial and resource implications.

### **Legal Implications**

41. The Council has a legal duty to have an adopted SCI. The Planning and Compulsory Purchase Act 2004 (as amended) requires the City Council to produce an SCI to set out how the Council intends to achieve community involvement in the preparation of plans and decision making for planning applications.

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**List of background papers:** None