

To: Cabinet
Date: 20 January 2020
Report of: Head of Planning Services
Title of Report: Statement of Community Involvement (SCI)

Summary and recommendations	
Purpose of report:	Cabinet is requested to agree the draft updated Statement of Community Involvement (SCI) to be published for public consultation.
Key decision:	Yes
Cabinet Member:	Councillor Alex Hollingsworth, Cabinet Member for Planning & Housing Delivery
Corporate Priority:	All
Policy Framework:	Council Strategy 2020-2024.
Recommendations: That Cabinet resolves to:	
1. Agree to publish the draft updated Statement of Community Involvement (SCI) for public consultation.	

Appendices	
Appendix 1	Draft Statement of Community Involvement
Appendix 2	Risk Register

Summary

- 1.1 This report summarises the main changes made to the Statement of Community Involvement (SCI) in the updated 2020 version.
- 1.2 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 then updated again in 2009 and 2014.

1.3 Recently in response to the Covid-19 pandemic an Addendum to the adopted SCI was published, which set out the necessary changes that had to be introduced to the methods of consultation that could be undertaken. This included the need to use digital technology more extensively in planning, for publicising local plan stages, for committee meetings, for meetings with developers and agents on planning applications and policy projects, and for planning application consultations. This update to the Statement of Community Involvement (SCI) continues to reflect these changes. This is in part in recognition of the current situation and as a contingency in the event of further outbreaks in the near future. However, it is also a reflection of a sea-change towards greater use of digital, online and virtual ways of working and consulting. The changes necessary to respond to the Covid-19 pandemic have built on the changes that were already occurring and the increasing opportunities offered by technology. The measures have shown to be workable and also in some ways beneficial. Whilst in future, where possible a combination of methods, including use of hard copies and face-to-face contact are likely to be appropriate, imaginative use of technology is encouraged, and in times of restricted social contact will be acceptable as the only means of consultation.

1.4 It is recommended that Cabinet agree the draft updated SCI to be published for public consultation.

Background to the Statement of Community Involvement

2.1 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 fully understand the process and that it is clear, transparent and easy to access to allow everyone the opportunity to get involved.

2.2 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.

2.3 The City Council has a legal duty to produce an SCI under the Planning and Compulsory Purchase Act 2004 (as amended). The SCI 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 planning document.

2.4 The SCI however will continue to adopt a flexible approach that combines the effective use of supplementary guidance and help sheets and information sources 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.

2.5 The current SCI was adopted in 2014. There have been a number of changes to the planning system since then, together with the recent measures introduced to respond to the Covid-19 pandemic included within the Addendum to the adopted SCI.

2.6 The Government has recently consulted on the White Paper – Planning for the Future, which proposes some radical changes to the planning system both plan-making and the development management process of dealing with planning applications. The changes being proposed are likely to require a subsequent review to the SCI, so that the public and stakeholders are clear when and how they can engage with the planning process.

2.7 The ways in which the Council engages with the community have also developed and improved, including through the implementation of the Community Engagement Policy Statement 2014-2017. This Statement, 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 an increased use of information technology, especially in communications between local residents and the City Council; and procedural changes, such as the format of the planning committees.

2.8 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 update to the Statement of Community Involvement

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

3.2 In preparing an update to the SCI, officers have generally 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. The proposed revisions exceed the minimum requirements for consultation¹ and strive for best practice consistent with the efficient use of Council resources.

¹ 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) (England) Order 2015 (DMPO).

3.3 Nevertheless in response to the Covid-19 pandemic it has been necessary to introduce greater use of digital-technology, which has been seen as a positive successful measure in the Government's White Paper and an approach it is proposed that all local planning authorities should embrace in the future. The Government consider that digital-technology will make it easier for the public and stakeholders to engage in the planning system and potentially offer the opportunity to a wider number of people. Appendix 2 of the SCI adapts the previous addendum to show the consultation measures that may need to be taken in similar times of emergency, where usual avenues for making hard copies of documents publicly available and for engaging through face-to-face contact are not available. In addition, greater mention is made throughout the SCI of the opportunities presented by use of digital-technology. Where helpful, as new methods become known and available, we will consider providing additional detail through supporting guidance and help sheets on our website.

The main changes to the Draft SCI – relating to planning applications

3.4 The 2020 Draft SCI sets out the level and approach to community consultation on planning applications in a 'menu' approach.

3.5 The main Development Management provisions of the updated draft SCI are as follows:

- **Early engagement:** a strong emphasis on the continued value of early engagement through pre-application consultation and discussions with the community, neighbours or third parties;
- **Digital-technology:** commitment to continue to make application material available online and to make greater use of digital-technology both at present, given current circumstances, and in the future; and
- **Site notices:** a commitment to continue to publicise applications through site notices, and to explore how this could be carried out more effectively through digital means.

3.6 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.

3.7 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. In accordance with the Covid-19 measures introduced in the Addendum to the adopted SCI it has not been possible to view paper plans at the main St Aldates Reception or to use public computers to access the web here and at public libraries at the present time.

3.8 The current adopted SCI reflects 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 Draft SCI encourages applicants to organise local meetings or engage through other forms at earlier stages, and seeks to formalise this through Planning Performance Agreements. Recently however this has had to be undertaken relying solely on digital-technology in accordance with the measures set out in the Addendum to the adopted SCI 2014, which is now incorporated into the updated Draft SCI 2020 (Appendix 1).

3.9 Section 122 of the Localism Act 2011 inserted a provision, section 61W, into the Town and Country Planning Act 1990 which requires applicants to carry out pre-application consultations where a proposed development meets criteria set out in a development order. The updated Draft SCI makes reference to a possible future 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 continue encouragement of this engagement.

3.10 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.

The main changes to the Draft SCI – relating to plan-making

3.11 There has been a commitment in the adopted 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. This successful approach will be continued as part of this new SCI, subject to the prevailing circumstances.

3.12 The White Paper does propose some significant changes to the plan-making process and its scope. This will have an impact on when the public will be able to comment and on what policies. The SCI is however concerned principally with setting out clearly the consultation process. At this moment in time the main changes to the SCI for plan-making are as follows:

- **Addendum Covid-19 Response:** The Addendum to the adopted SCI sets out the consultation changes that are currently in operation to respond to the Covid-19 pandemic and the necessary changes that have had to be made. The new Draft SCI includes an addendum setting out acceptable measures and possible adaptations needed in any time of restriction;
- **Early engagement:** in the context of the legal framework for the present plan-making system early engagement with the public and stakeholders has been

important in identifying the key issues and exploring the potential alternative options. The proposals in the White Paper make it clear that early engagement will continue to be important. Consultation will need to be meaningful in making sure that the public and stakeholders are given every opportunity to engage in these early stages of the plan-making process.

- **Digital-technology:** the Covid-19 pandemic has by necessity required greater use of digital-technology for meetings, Committees, workshops and consultations to ensure that the planning system can continue to operate properly and that the public, stakeholders and members can fully engage in the process of plan-making. This has been successfully carried out in these unprecedented circumstances, which has been recognised by the Government in the White Paper. The overall approach is seen as an important means of modernising the consultation process and making it easier for the public to both access, understand and engage in planning. The Draft SCI proposes to explore how digital-technology can continue to be used more widely and to build on the positive benefits it can bring to consultation.

3.13 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 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

4.1 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 Cabinet.

4.2 It is proposed to consult widely on the draft SCI and to report back to Cabinet on the findings, alongside bringing an updated document for adoption. 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;
- Display a notice at St. Aldates Chambers and libraries throughout the city to inform the public and stakeholders where the SCI can be viewed electronically, with a web link and a person who can be contacted by telephone at the City Council if someone wishes assistance; and
- Publish a press release

4.3 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

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

Public consultation	January/February 2021
Revisions to final document	March/April 2021
Final document agreed by Cabinet to adopt	April 2021
Updated SCI adopted	May 2021

Conclusion

6.1 At this present time the measures currently operating in response to the Covid-19 pandemic will need to remain in place. The overall proposals in the updated SCI will aim to facilitate greater use of digital-technology and continue the approach for earlier effective public engagement in planning decisions. This will improve the overall 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 digital-technology will enable greater access to relevant information on plans and planning applications, and consultation will be more resource-efficient and effective in terms of outcomes.

Level of risk

7.1 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.

7.2 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 2.

Climate change / environmental impact

8.1 No specific impacts identified

Equalities impact

9.1 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. Planning Services 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

10.1 The revision of the SCI and consultation on the draft document can be delivered within the existing planning policy budget.

10.2 The package of measures in the updated SCI aim to put in place changes to service delivery to enable greater resource efficiency, and to deliver greater outcomes and leaner delivery.

10.3 The cost of implementing the SCI commitments as proposed can be met within the Planning budget. If members are minded to pursue consultation approaches over and above those proposed then there may be additional financial and resource implications.

10.4 The introduction of more extensive use of digital-technology, as proposed in the White Paper, could if approved, have more significant financial resource implications. For example proposals for a new map-based approach, which would be consistent amongst all authorities, informed by data-driven infrastructure needs, would require some funding from central government to help to cover these costs.

Legal Implications

11.1 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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Background Papers: None