

To: Cabinet
Date: 16 June 2021
Report of: Head of Planning Services
Title of Report: Adoption of the Statement of Community Involvement (SCI) 2021

Summary and recommendations	
Purpose of report:	To ask Cabinet to formally adopt an updated version of the Statement of Community Involvement (SCI) in Planning following public consultation.
Key decision:	Yes
Cabinet Member:	Alex Hollingsworth, Cabinet Member for Planning & Housing Delivery
Corporate Priority:	Support thriving communities
Policy Framework:	Council Strategy 2020-24
Recommendations: That Cabinet resolves to:	
<ol style="list-style-type: none"> 1. Adopt this updated version of the Statement of Community Involvement (SCI) as the formal document that sets out how the City Council will engage people in the planning process; and 2. Authorise the Head of Planning Services, after consultation with the Cabinet Lead Member, to make any necessary editorial corrections to the Statement of Community Involvement (SCI) prior to final publication 	

Appendices	
Appendix 1	Revised Statement of Community Involvement (SCI)
Appendix 2	Summary of consultation responses
Appendix 3	Risk Assessment

Summary

1. The Statement of Community Involvement (SCI) explains how the Council will engage local people and organisations in the planning process in Oxford, both in planning policy and development management. This SCI will replace the current SCI, which was adopted in 2015. The proposed SCI seeks to encourage greater and earlier public engagement, and to bring it up to date with current consultation methods and regulations.
2. 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 SCI continues to reflect these changes.
3. 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 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.

Background to the Statement of Community Involvement

4. A key objective of the Town and Country Planning system, and of 'localism', is 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.
5. 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.
6. The City Council has a legal duty to produce a 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.
7. The current SCI was adopted in 2015. 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.
8. 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 City Council are very concerned that amongst these proposals

the opportunities for the public to actively engage in the planning process would be significantly reduced. 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.

9. 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.
10. 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, which will shortly be re-organised into one Planning Committee covering the city as a whole.
11. 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.

The approach taken in relation to the update of the SCI

12. This section of the report summarises the details of the draft updated SCI, which is attached as Appendix 1 to this report.
13. 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.
14. 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.
15. 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, the Council will consider providing additional detail through supporting guidance and help sheets on our website.

Main changes to the Draft SCI for development management (planning applications)

16. The 2021 SCI sets out the level and approach to community consultation on planning applications in a 'menu' approach.
17. 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.
18. In relation to consultation on planning applications the current procedure is that case officers put up prominent yellow site notices outside application 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. 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.
20. 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 2015, which is now incorporated into the updated SCI 2021 (Appendix 1).
21. 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. At this stage however no development order has been made. 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.
22. 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

23. 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:
24. 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 appendix setting out acceptable measures and possible adaptations needed in any time of restriction;
25. 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.
26. 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.
27. 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 undertaken

28. Although the process of preparing a SCI is not set by regulation, in accordance with good practice a period of public consultation was held for six weeks from 25th March to 6th May 2021.
29. The following consultation methods were used in seeking comments on the draft SCI:
 - A press release;
 - A press advert

- Notification by email (or letter where no email available) to all those listed on the existing planning policy database;
- Publicity and documents made available on the planning policy pages of the Council's website;
- Publicity through social media; and
- A notice displayed 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.

Results of consultation and response to the key issues raised

30. Consultation responses were received from 42 respondents. The responses received are summarised in Appendix 2. Most comments did not require changes to the SCI, but this appendix also sets out where minor changes have been made to the consultation version of the SCI.
31. Overall the comments received have been supportive of the SCI and its key principles. The following key changes will however be actively taken forward in the future in response to particular points that have been raised by the public and key stakeholders as follows:
- To continue to promote early engagement with the public on both planning applications and planning policy documents. A public consultation statement will be agreed with councillors prior to undertaking consultation on key planning policy documents;
 - Digital-technology has been used successfully during the course of the Covid-19 Pandemic for both the operation and determination of planning applications together with the need to undertake public consultation on planning policy documents. The SCI considers that this is very important in terms of helping to modernise the planning engagement and ensure that as many people as possible are able to take part in the planning process. The use of digital-technology will therefore be explored further to build on the positive benefits;
 - Greater use of social media as a means of reaching out to the public and key partners will be actively explored. This could potentially help the public to be made more aware of planning applications and the material that can be viewed and commented upon. However this will require further detailed assessments to be carried out including the resource implications and any possible risks, given the legal framework of the planning process. The consultation and engagement of people on planning policy documents will continue and greater use made of social media and the latest tools available;
 - Regularly reviewing and improving the layout and usability of the website, to help people find and access planning documents more easily;
 - Making the public and partners more aware of the Citizens Panel and its wider role in public engagement;
 - a commitment to continue to publicise applications through site notices, and to explore how this could be carried out more effectively through digital means.

Climate change / environmental impact

32. No specific impacts identified.

Financial implications

33. The revision of the SCI and consultation on the draft document can be delivered within the existing planning policy budget.
34. 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.
35. 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.
36. 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 issues

37. 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 a SCI to set out how the Council intends to achieve community involvement in the preparation of plans and decision making for planning applications.

Level of risk

38. 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.
39. 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 planning applications. The risk register is attached as Appendix 3.

Equalities impact

40. 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.

Conclusion

41. Following adoption by Cabinet the SCI will be applied as City Council policy for all planning processes. There is no independent examination for SCI documents. The Council will also continue to work to address and improve other processes which will help to support effective and meaningful engagement. The SCI will be used by Development Management to inform the public, partners, developers and landowners how to engage in the planning application process. It will provide Planning Policy advice and guidance on how the public, partners and developers on forthcoming public consultations on planning policy documents, including the Oxford Local Plan 2040.
42. The SCI will need to be subject to a further review in the context of the proposed changes by the Government to the planning system that will take place through the White Paper and to the National Planning Policy Framework (NPPF).

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Background Papers: None